

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON COMMERCE AND LABOR

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
APRIL 28, 1981

The Senate Committee on Commerce and Labor convened for a work session at 4:00 p.m., Tuesday, April 28, 1981, in Room 213 of the Legislative Building, Carson City, Nevada. The meeting was called to order by Chairman Thomas R. C. Wilson.

COMMITTEE MEMBERS PRESENT:

Senator Thomas R. C. Wilson, Chairman
Senator Richard Blakemore, Vice Chairman
Senator Clifford McCorkle
Senator Don Ashworth
Senator Melvin Close
Senator William Raggio

COMMITTEE MEMBERS ABSENT:

Senator William Hernstadt

STAFF MEMBERS PRESENT:

Will Crockett, Senate Bill Drafting Adviser
Betty Steele, Committee Secretary

SENATE BILL NO. 420--Provides for certification of professional nurses as advanced specialists in nursing.

Chairman Wilson asked the staff to explain their objections to the bill as drafted and amended.

Mr. Will Crockett, Senate bill drafting adviser, had stated at the subcommittee meeting that he understood the instructions were to cull out the significant portions of the regulations and compare them to the statutes. In the process, he encountered a couple of problems: 1) There are no positions on the state board of nursing to judge the competence of performing medical diagnosis and prescription. The subcommittee suggested limiting the vote on those matters to those persons who are competent; 2) An additional problem was with regard to controlled substances; which apparently are under the exclusive jurisdiction of the state board of

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pharmacy. They had to accommodate the regulations to that part. Mr. Crockett commented that, except for those items, it seemed good. The regulations were incorporated into the Nurse Practitioner Act.

Mr. Crockett's understanding was that the regulations had developed out of negotiations with the board of medical examiners; so they had some standing to them as having worked out the problems in that area. He stated he also looked at the physicians' assistant portion of Chapter 630 for some guidance on criminology, etc.

Ms. Georgianne Green, who had attended the subcommittee hearing, stated it was her understanding they were trying to get a definition of "nurse practitioner" into the regulations so the pharmacy bill could then be "kicked out" of the bill drafter's office with "nurse practitioner" in it. The pharmacy bill is being held up for Senate Bill No. 420. Ms. Green stated they have no problems with pages 1 and 2 and the green parts of page 3. She said the rest of page 3 is all in current regulations and falls under administrative law which is currently in effect; and it seemed redundant to have all of it put into the statutes. Ms. Green remarked if something turns up as unworkable or cannot be fixed until next session of the legislature, it could be two or three sessions "down the road" before it would be fixed.

Senator Close stated someone should be able to research the statutes, put them all together and have it make sense; rather than jump from the statutes to the regulations. The committee went through the amendments* to see if they were in order. Senator Close pointed out that "nurse practitioner" comes as the heart of the bill. It was stated that the medical board, the board of examiners and the board of pharmacy had approved and agreed upon this; but placing "nurse practitioner" in the statutes would necessitate putting a complete procedure on how to certify a "nurse practitioner".

Ms. Georgianne Green stated some of the language in yellow was pulled from the regulations. It was studied, page by page, by the committee. Mr. Crockett stated there is nothing in the statutes at this time on "nurse practitioner" but there once was an authorization to charge a fee; and from that these regulations were developed and certificates issued. He believes subsection 1 of Section 13 provides for that certification.

Senator Wilson suggested taking the regulations and codifying them in the statutes; simply because it makes them a lot more permanent that way. Section 13, page 3 was approved. There was

*See amendment attached before Exhibit A

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a question on Section 14, subsection 1, "The agreement must contain a statement of the locations where the applicant proposes to work, his work schedule....." This was taken from the wording on physicians' assistant. Ms. Green stated the last three lines were not agreed to by the other three boards and it was agreed to pull this wording out. The rest of section 14 is already existing. There was a question on "nurses can administer," when by statute nurses cannot administer. It is already in, redundant and very confusing. Ms. Green stated the words "or administer" should be deleted in connection with Chapters 453, 454, specifically NRS 639.1375, which she stated is a "ball and chain" to the nurses. The nurses are qualified to administer and authorized by statute to do so.

Mr. Crockett stated the reason Section 26 is included is that apparently nurse practitioners and physicians' assistants are not parallel. He explained that if nurse practitioners are going to be doing things similar to physicians' assistant's in their own office in a rural community, perhaps they should be given the proper authority. Senator Wilson felt this material should be kept as regulations as agreed upon by the three entities; nurses, doctors and pharmacists. However, he said if it was to be included in the statutes without representatives being on the floor, he would suggest striking it until one of the next sessions.

The committee studied page 4, paragraph 2 where the following are specifically listed: "2. No member of the state board of nursing may vote concerning the applicant's competence in medical diagnosis and prescription or the designated acts of diagnosis or prescription which he may be allowed to perform unless the member is qualified to judge those matters." A member of the board of medical examiners is present when a member is certified but the nursing board members make the judgment on nursing practice

Mr. Crockett explained the regulations do provide for a member of the state board of medical examiners to be present to assist with the evaluation and to advise; but he has no vote on these determinations of competence or of the designated acts to be authorized. In response to the question of who was on the board, the reply was four registered nurses, two licensed practical nurses, and one public member. Allowing LPN's to vote on the competency of a nurse practitioner was discussed. It was determined that all of those voting, as appointed by the governor, might be there without certification in the state of Nevada.

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There was discussion of the manner in which appointments are made to the state board of nursing and criticism of some of the appointments that have or have not been made in the recent past. Since there are some openings coming up and another bill has opened up the field of candidates for appointments, consensus was to leave this bill as is in that respect.

There were some questions on the bill as a whole and also the suggestion that one of the appointments should be a nurse practitioner who also was an R.N. Chairman Wilson asked for action on Senate Bill No. 420, as amended.

SENATE BILL NO. 420

(See Exhibit A.)

Senator Close moved Do Pass Senate Bill No. 420.

Senator Don Ashworth seconded the motion.

The motion carried unanimously.

* * * *

SENATE BILL NO. 543--Regulates franchises granted by manufacturers or distributors to dealers in new motor vehicles.

Chairman Wilson asked for the bill and the amendments. The bill had been heard the previous day. The committee reviewed the amendments very carefully, comparing each change to the appropriate section in NRS. They discussed the meaning and implications of a automobile dealer's franchise, convenient customer service versus consumer car care, transfers of ownership of franchises, changes in the time limits for various actions covered in the bill. The committee concurred with Senator Wilson's suggestion regarding time limits on hearings. After some more detailed discussion, he called for action on the bill.

(See Exhibit B.)

Senator Raggio moved to Amend and Do Pass
Senate Bill No. 543.

Senator Blakemore seconded the motion.

The motion carried unanimously.

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SENATE BILL NO. 135--Changes procedure followed by public service commission in dealing with complaints against public utilities.

There was no action on the bill. The committee agreed to hold it until the PSC reorganization bill passed.

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SENATE BILL NO. 470--Makes various changes in provisions
relating to thrift companies.

Senator Close moved to Amend and Do Pass (See Exhibit C .)
Senate Bill No. 470.

Senator Blakemore seconded the motion.

The motion carried. (Senator Raggio abstained.)

* * * *

SENATE BILL NO. 195--Broadens industrial insurance coverage.

Senator Blakemore moved for Indefinite Postponement
of Senate Bill No. 195.

Senator Close seconded the motion.

The motion carried unanimously.

* * * *

SENATE BILL NO. 203--Provides for industrial insurance
coverage by private insurance..

Chairman Wilson advised the committee this was the three-way
bill on insurance and asked for a decision.

Senator Raggio moved to Amend Senate Bill No. 203
and Adopt a resolution for interim study.

Senator Don Ashworth seconded the motion.

There was no further action at that moment as the committee pro-
ceeded into a discussion. Senator Blakemore pointed out the
reorganization bill for NIC makes S.B. No. 203 obsolete. If any
thing further is to be done, it should be as an amendment to the
reorganization bill. Senator Wilson proceeded to outline the
various alternatives and options open to an interim committee to
study the proposal.

Senator Raggio moved for Adoption of a Resolution
for an Interim Study.

Senator Don Ashworth seconded the motion.

The motion carried.

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(Senate Bill No. 203, action continued)

Senator Blakemore moved for Indefinite Postponement of Senate Bill No. 203.

There was no second, so he changed his motion.

Senator Blakemore moved to Hold Senate Bill No. 203.

Senator Close seconded the motion.

The motion carried unanimously.

* * * *

ASSEMBLY BILL NO. 110--Changes certain provisions of law regulating audiology and speech pathology.

Chairman Wilson advised the committee they had passed Assembly Bill No. 110, it went to the floor, and then they were advised the University System may not have included it in their budget. He stated they could move the bill out and assume it would not be processed; or leave it on the desk and find out about the University budget and then make a decision. Senator Don Ashworth commented it should be left on the desk. No action was taken on the bill, contingent on funding information.

SENATE BILL NO. 462--Increases various fees pertaining to collection agencies, banks and related organizations.

Chairman Wilson asked for an amendment from Mr. Sevigny, commissioner of banking and the bill was held for an amendment to be drafted and presented to the committee.

SENATE BILL NO. 242--Permits employees to include tips in wages for purposes of unemployment compensation.

SENATE BILL NO. 243--Allows employees to report tips as wages and increase coverage of industrial insurance.

These two bills are discussed together under the designation of the "tips" bills. Chairman Wilson stated he had received the estimated premium package on each bill from Mr. Larry McCracken, Employment Security department director, and Mr. Joe Nusbaum, NIC chairman. Now he needs a memo from Mr. Nusbaum on estimated fiscal impact and Mr. McCracken has already submitted his. There are three drafts of the amendments. (See Exhibits D-1, and D-2.)

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Senator Wilson, Senator Close and Mr. Crockett, acting Senate Bill Drafter, all advanced their ideas on reporting of tips and the ways in which it could be enforced.

There was committee consensus on Senator Close's suggested amendment to both bills. Senator Wilson asked for a redraft and stated they would bring it back before going to the floor with it. Mr. Crockett was requested to conform and track through the amendments.

SENATE BILL NO. 500--Provides for appointment of additional physician and homeopathic physician to board of medical examiners.

Chairman Wilson mentioned he spoke with Senator Gibson, who did not think it a good idea to add an additional physician and homeopathic physician to the board of medical examiners. He suggested a three part provision to require the homeopathic physician to also be a medical doctor; create a two or three-man advisory board of medical examiners to advise the board with respect to licensees; and require the advisory board to sit as a specialty board to determine standards for licensure as there is no school in Nevada, the U.S. or Europe teaching homeopathic medicine; only practicing homeopathic physicians teaching others. Discussion ensued and Senator Close suggested this board be made a separate board just like the board of Oriental medicine. He said he could not really see a justification for such a bill. Senator McCorkle stated the justification is that medical doctors are so prejudiced against homeopaths they are even opposing the admission of some legitimate medical doctors into the state who want to practice homeopathic medicine here, because they come from out of the country. Senator Wilson stated testimony given by a member of this group required that they be a qualified doctor of medicine.

Senator McCorkle moved to create an advisory board composed of medical doctors who are homeopathic physicians to advise the board of medical examiners upon request from the medical examiners' board.

Senator Blakemore seconded the motion.

The motion carried. (Senator Raggio voted "No".)

* * * *

SENATE BILL NO. 472--Changes certain provisions relating to obligations of Nevada insurance guaranty association.

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Senator Don Ashworth moved Do Pass (See Exhibit E.)
Senate Bill No. 472, as written.

Senator Blakemore seconded the motion.

The motion carried unanimously.

* * * *

SENATE BILL NO. 491--Allows public utilities to advance costs of
insulation to certain customers.

There was a certain amount of discussion before action was taken.

Senator McCorkle moved for Indefinite
Postponement of Senate Bill No. 491.

Senator Don Ashworth seconded the motion.

The motion carried. (Senator Blakemore and Senator
Raggio voted "No".)

* * * *

SENATE BILL NO. 495--Permits collection agency and debt adjusting
company to pledge certain assets in lieu of
purchasing a bond.

Testimony was previously given on this bill, so no discussion ensued.

Senator Don Ashworth moved Do Pass Senate Bill No. 495.

Senator Blakemore seconded the motion.

The motion carried unanimously.

The meeting adjourned at 7:00 p.m.

Respectfully submitted,


Betty Steele, Committee Secretary

APPROVED:


Senator Thomas R. C. Wilson, Chairman

DATE: June 15, 1981

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION	SENATE ACTION	Senate	AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	AMENDMENTS to Senate	
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Bill No. 420	Senate
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>	Resolution No.	
Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>	BDR 54-1127	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Proposed by Committee on Commerce and Labor	
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>		
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>		
Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>		

Amendment N^o 692



Amend the bill as a whole by deleting sections 1 and 2 and adding 23 new sections to be designated as sections 1 through 23, to read as follows:

"Section 1. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~6~~ inclusive, of this act.

Sec. 2. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this ^{act} have the meanings ascribed to them in those sections.

Sec. 3. "Accredited school of nursing" means a school of nursing which is accredited by the board or other body or agency authorized by law to accredit or approve schools of nursing in the state in which the school is located.

Sec. 4. "Board" means the state board of nursing.

Sec. 5. "Certified registered nurse anesthetist" means a person who has completed a nationally accredited program in the science of anesthesia, who, when licensed as a registered nurse under the provisions of this chapter, administers anesthetic agents to a person under the care of those persons licensed by the State of Nevada to practice dentistry, surgery or obstetrics.

Sec. 6. "Emergency" means an unforeseen combination of circumstances calling for immediate action.

Sec. 7. "Licensed practical nurse" means a person who is licensed to practice practical nursing.

To: E & E
 LCB File
 Journal
 Engrossment
 Bill

Drafted by WC:ab:smc Date 4-26-81

Sec. 8. "Nurse practitioner" means a professional nurse who, because of specialized education, skill and experience, is authorized to perform designated acts of medical diagnosis and the prescription of therapeutics or corrective measures under the supervision of a supervising physician.

Sec. 9. "Practice of practical nursing" means the performance for compensation of selected acts in the care of the ill, injured or infirm under the direction of a registered professional nurse, a licensed physician, a licensed dentist or a licensed podiatrist, not requiring the substantial specialized skill, judgment and knowledge required in professional nursing.

Sec. 10. "Practice of professional nursing" means the performance for compensation of any act in the observation, care and counsel of the ill, injured or infirm, in the maintenance of health or prevention of illness of others, in the supervision and teaching of other personnel, or in the administration of medications and treatments as prescribed by a licensed physician, a licensed dentist or licensed podiatrist, requiring substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical and social science, but does not include acts of medical diagnosis or prescription of therapeutic or corrective measures. A professional nurse may also perform such additional acts, under emergency or other special conditions prescribed by regulations adopted by the board, which include special training, as are recognized by the medical and nursing professions as proper to be performed by a professional nurse under those conditions, even though the acts might otherwise be considered diagnosis and prescription, but nothing in this chapter authorizes professional nurses to perform those functions and duties specifically delegated by law to persons licensed as dentists, podiatrists, optometrists or chiropractors.

Sec. 11. "Registered nurse" means a person who is licensed to practice professional nursing.

Sec. 12. "Supervising physician" means a physician who is:

1. Licensed to practice medicine, including osteopathy, in Nevada; and

2. Directly responsible for the designated acts of medical diagnosis or prescription of therapeutics or corrective measures performed by a nurse practitioner.

Sec. 13. 1. The board may issue a certificate as a nurse practitioner to qualified applicants to perform designated acts of medical diagnosis and the prescription of therapeutics or corrective measures under the supervision of a supervising physician. Such a certificate is valid only as long as the supervising physician supervises the nurse practitioner.

2. An applicant for such a certificate must be licensed by the board to practice professional nursing and have obtained an advanced degree in nursing or completed a specialized postgraduate course of study in medical diagnosis and the prescription of therapeutics and corrective measures.

3. The certificate of a nurse practitioner expires at the same time as his license to practice professional nursing, and is renewable.

4. The board shall adopt regulations regarding the certification of nurse practitioners, including:

(a) The approval of colleges or schools of nursing and their academic programs.

(b) The forms and procedures for applications.

(c) The testing or examining of applicants.

(d) The duration, renewal and termination of certificates.

Sec. 14. An application for certification as a nurse practitioner must contain:

1. An agreement for the supervision of the applicant by a physician which is signed by the applicant, the proposed supervising physician and an officer or manager of any organization which proposes to employ the applicant as a nurse practitioner. The agreement must contain a statement of the locations where the applicant proposes to work, his work schedule and whether he will be directly supervised in that work by a supervising physician.

2. A specific statement of the designated acts of medical diagnosis and the prescription of therapeutics or corrective measures which the applicant proposes to perform under the

supervision of the supervising physician, and the locations where these acts will be performed, including a physician's office, a hospital or elsewhere.

3. A list of any controlled substances, drugs or poisons which the applicant proposes to possess and dispense or administer as a nurse practitioner and the quantities of those controlled substances the applicant proposes to possess.

4. A plan for the identification of persons and groups to be served by the applicant, goals for care, management plans to achieve those goals, emergency conditions in which the management plan need not be followed and conditions under which the supervising physician must be consulted or the person must be referred to a physician.

5. A plan for regular meetings and daily conferences between the supervising physician and nurse practitioner to review cases, keep the nurse practitioner informed of current medical developments and authenticate records prepared by the nurse practitioner. If the nurse practitioner works in a location other than the office of the supervising physician, a meeting must be held at least once each week and a conference by telephone must be held at least once each day.

Sec. 15. 1. A supervising physician and the applicant he will supervise must appear at a meeting of the board at which a member of the board of medical examiners of the State of Nevada is present to advise the board of the applicant's competence in medical diagnosis and ^{prescription} with respect to the medical services to be performed.

~~2. No member of the state board of nursing may vote concerning the applicant's competence in medical diagnosis and prescription or the designated acts of diagnosis or prescription which he may be allowed to perform unless the member is qualified to judge those matters.~~

delete
3. No applicant may be granted authority to possess, dispense or administer) any controlled substance, dangerous drug or poison unless specifically and expressly authorized, as may be deemed necessary in the interest of the public health and safety, by the member of the board of medical examiners of the State of Nevada

present at the meeting and as authorized in a certificate issued by the state board of pharmacy.

Sec. 16. The certificate which is issued to a nurse practitioner by the board must incorporate the matters set forth in subsections 1 and 2 of section 14 of this act which have been approved by the board. The supervising physician and the designated acts of medical diagnosis and prescription which the nurse practitioner is authorized to perform on a regular basis may not be changed without the prior approval of the board in the same manner as those matters are approved for applicants.

Sec. 17. A supervising physician:

1. May not supervise more than two nurse practitioners unless the nurse practitioners he supervises are employed in a rural health program of a governmental agency.
2. May not employ in his office more than two nurse practitioners or supervise the work of more than one of them at a time, except a physician employed in a program of public health.
3. Shall immediately notify the board in writing when his agreement to supervise a nurse practitioner is terminated.

Sec. 18. 1. A nurse practitioner may, in addition to his duties as a professional nurse and to the extent permitted in his certificate issued by the board:

- (a) Obtain, record and interpret the history of a person's health.
- (b) Perform or initiate designated diagnostic procedures.
- (c) Inform a person or his parent or guardian of the condition of the person's health and the types of health care which are available.
- (d) Prescribe designated therapeutics or corrective measures.
- (e) Refer a person to an appropriate provider of health care as defined in NRS 629.031.
- (f) Provide emergency treatment, including the treatment of a minor laceration which does not involve damage to a nerve, tendon or major blood vessel.

(5) Manage the health care of selected persons or families with common, acute, recurrent or long-term health problems.

2. Nothing in sections 13 to 18, inclusive, of this act or regulations adopted pursuant thereto authorizes a nurse practitioner to perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatrists and optometrists under chapter 631, 634, 635 and 636, respectively, of NRS, or as hearing aid specialists.

Sec. 19. The board may deny, revoke, suspend or refuse to renew any license or certificate applied for or issued under this chapter, or otherwise discipline a licensee or holder of a certificate, upon proof that he:

1. Is guilty of fraud or deceit in procuring or attempting to procure the license or certificate.

2. Is guilty of a felony or any offense involving moral turpitude, in which case the judgment of conviction is conclusive evidence thereof.

3. Is unfit or incompetent by reason of negligence in carrying out diagnostic procedures, therapeutics or corrective measures, or repeated or gross negligence in carrying out routine nursing functions.

4. Is habitually intemperate or is addicted to the use of any controlled substance as defined in chapter 453 of NRS.

5. Is mentally incompetent.

6. Is guilty of unprofessional conduct, which includes but is not limited to:

(a) Conviction of practicing medicine without a license in violation of chapter 630 or 633 of NRS, in which case the judgment of conviction is conclusive evidence thereof.

(b) Procuring, or aiding, abetting, attempting, agreeing or offering to procure or assist at, a criminal abortion.

(c) Impersonating any applicant or acting as proxy for an applicant in any examination required under this chapter for the issuance of a license or certificate.

(d) Impersonating a physician or other practitioner of a healing art.

(e) Permitting or allowing another person to use his license or certificate for the purpose of nursing the sick or afflicted.

7. Has violated the provisions of this chapter or the regulations of the board, or the limitations imposed in a nurse practitioner's certificate.

8. Is guilty of aiding or abetting anyone in a violation of this chapter or the regulations of the board.

Sec. 20. NRS 632.125 is hereby amended to read as follows:

632.125 Each hospital or agency in the state employing nurse practitioners or professional or practical nurses shall submit a list of such nursing personnel to the board at least three times annually as directed by the board.

Sec. 21. NRS 632.240 is hereby amended to read as follows:

632.240 The provision of nursing services, other than the services of nurse practitioners, in any health care delivery system [shall] must be under the supervision of a registered nurse.

Sec. 22. NRS 632.250 is hereby amended to read as follows:

632.250 None of the provisions of NRS 632.130 to 632.240, inclusive, shall be construed as prohibiting:

1. The practice of nursing in this state by any legally qualified nurse of another state whose engagement requires him to accompany or care for a patient temporarily residing in this state during the period of one such engagement not to exceed 6 months in length, provided such person does not represent or hold himself out as a nurse licensed to practice in this state.

2. The practice of any legally qualified nurse of another state who is employed by the United States Government or any bureau, division or agency thereof, while in the discharge of his official duties in this state.

3. Gratuitous nursing by friends or by members of the family of the patient.

4. Nursing assistance in the case of an emergency.

5. The practice of nursing by students enrolled in accredited schools of professional nursing, or by graduates of such schools or courses pending the results of the first licensing examination scheduled by the board following such graduation.

6. The incidental care of the sick by domestic servants or persons primarily employed as housekeepers if they do not practice nursing within the meaning of this chapter.

7. Nonmedical nursing for the care of the sick, with or without compensation, when done by the adherents of, or in connection with the practice of the religious tenets of any well-recognized church or religious denomination, so long as such nursing does not amount to the practice of professional nursing as defined in [NRS 632.010.] this chapter.

Sec. 23. NRS 632.340 is hereby amended to read as follows:

632.340 None of the provisions of NRS 632.260 to 632.330,

inclusive, shall be construed as prohibiting:

1. Gratuitous nursing by friends or by members of the family.
2. The incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.
3. Nursing assistance in the case of an emergency.
4. The practice of nursing by students enrolled in accredited schools of practical nursing, or by graduates of such schools or courses pending the results of the first licensing examination scheduled by the board following such graduation.
5. The practice of nursing in this state by any legally qualified nurse of another state whose engagement requires him to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed 6 months in length, provided such person does not represent or hold himself out as a nurse licensed to practice in this state.
6. The practice of any legally qualified nurse of another state who is employed by the United States Government or any bureau, division, or agency thereof, while in the discharge of his official duties in this state.
7. Nonmedical nursing for the care of the sick, with or without compensation, when done by the adherents of, or in connection with, the practice of the religious tenets of any well-recognized church or religious denomination, so long as such nursing does not amount to the practice of practical nursing as defined in [NRS 632.010.] this chapter."

Amend the bill as a whole by renumbering section ~~3~~ as ~~section 3~~ section 23.

Amend sec. 3, page 3, line 18, by deleting "an advanced spe-".

Amend sec. 3, page 3, line 19, by deleting "cialist in nursing" and inserting "a nurse practitioner".

Amend the bill as a whole by adding ~~new~~ new sections, to be designated as sections ~~25 through 32~~, following section 3, to read as follows:

"Sec. 25. NRS 632.350 is hereby amended to read as follows:

632.350 1. Before suspending or revoking any license or certificate issued pursuant to this chapter the board shall notify the licensee in writing of the charges against him, accompanying the notice with a copy of the complaint, if any is filed.

2. Written notice may be served by delivery of it personally to the licensee, or by mailing it by registered or certified mail to the last-known residence address of the licensee.

3. If the licensee desires, the board shall:

(a) Grant a hearing upon the charges, which hearing must be held not less than 10 days after prior notice in writing to the licensee nor more than 30 days after the filing of any complaint; and

(b) Furnish the licensee, at the time of giving the notice, copies of any communications, reports and affidavits in possession of the board, touching upon or relating to the matter in question.

4. The hearing on the charges may be held by the board, or a majority thereof, at such time and place as the board prescribes. The hearing must be held, if the licensee desires, within the county where he resides.

Sec. 26. NRS 639.1373 is hereby amended to read as follows:

~~639.1373 1. A physician's assistant or 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 physician's assistant's or nurse practitioner's certificate as issued by the board.~~

~~2. Each physician's assistant who is authorized by his physician's assistant's certificate issued by the state board of medical examiners or the state board of osteopathic medicine to possess, or administer or dispense controlled substances, or poisons, or dangerous drugs or devices, and each nurse practitioner so authorized by his certificate issued by the state board of nursing,~~

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.

3. The board shall consider each application separately and may, even though the physician's assistant's certificate issued by the state board of medical examiners or the state board of osteopathic medicine or the nurse practitioner's certificate issued by the state board of nursing authorizes the physician's assistant or 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 physician's assistant's or nurse practitioner's authority to possess, administer or dispense controlled substances, poisons, dangerous drugs or devices, the area in which the physician's assistant or 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.

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

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 physicians' assistants [.] and 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 physician's assistant or nurse practitioner is to operate;

(b) The population of that area;

~~(c) The experience and training of the physician's assistant (:) or 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. 27. NRS 453.375 is hereby amended to read as follows:

453.375 A controlled substance may be administered by:

1. A practitioner.

2. A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, or pursuant to a chart order of individual doses:

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

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

(c) Furnished by a practitioner.

3. A physician's assistant at the direction of a physician.

4. An advanced emergency medical technician-ambulance, at the direction of a physician or registered nurse as provided in NRS 450B.197.

5. A respiratory therapist, at the direction of a physician.

6. A medical student or student nurse in the course of his studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician or nurse.

flush

A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

7. An intern in the course of his internship.

8. A ~~nurse practitioner or registered nurse~~ who holds a certificate from the state board of nursing and a certificate from the state board of pharmacy permitting him to administer controlled substances.

9. Any other person or class of persons approved by the board pursuant to regulation.

Sec. 28. NRS 453.377 is hereby amended to read as follows:

453.377 A controlled substance may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner.

2. A practitioner [or a] nurse practitioner or physician's assistant, if authorized by the board.

3. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the board.

4. An intern in the course of his internship.

5. [An] A nurse practitioner ~~A registered nurse~~ who holds a certificate from the state board of nursing and a certificate from the state board of pharmacy permitting him to dispense controlled substances.

Sec. 29. NRS 454.213 is hereby amended to read as follows:

454.213 A drug or medicine referred to in NRS 454.181 to 454.-371, inclusive, may be administered by:

1. A practitioner.

2. A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, or pursuant to a chart order of individual doses:

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

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

(c) Furnished by a practitioner.

3. A physician's assistant at the direction of a physician.

4. An advanced emergency medical technician-ambulance, at the direction of a physician or registered nurse as provided in NRS 450B.197.

5. A respiratory therapist, at the direction of a physician.

6. A medical student or student nurse in the course of his duties at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse;

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

flask

A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

7. An intern in the course of internship.

8. A nurse practitioner (~~or registered nurse~~) who holds a certificate from the state board of nursing and a certificate from the state board of pharmacy permitting him to administer dangerous drugs.

9. Any other person or class of persons approved by the board pursuant to regulation.

Sec. 30. NRS 454.215 is hereby amended to read as follows:

454.215 A dangerous drug may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner.

2. A practitioner [or a] nurse practitioner or physician's assistant, if authorized by the board.

3. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the board.

4. An intern in the course of his internship.

5. A (~~registered~~) ^{practitioner} nurse who holds a certificate from the state board of nursing and a certificate from the state board of pharmacy permitting him to dispense dangerous drugs.

Sec. 31. NRS 454.221 is hereby amended to read as follows:

454.221 1. Any person who furnishes any dangerous drug except upon the prescription of a practitioner 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 practitioner (or a nurse practitioner or physician's assistant if authorized by the board 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 a ~~registered~~ ^{practitioner} nurse who holds a certificate from the state board of nursing and a certificate from the state board of pharmacy permitting him to possess and administer or dispense dangerous drugs; or

(c) A manufacturer or wholesaler or pharmacy to each other or to a practitioner 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.

Sec. 32. NRS 632.010, 632.220 and 632.320 are hereby repealed.

Amend the bill as a whole by renumbering ~~Section 4 as section 3~~.

Amend sec. 4, page 3, line 39, by deleting "Section 3" and inserting:

"Sections 24 and 25".

Amend the title of the bill by deleting line 2 and inserting:

"sional nurses as nurse practitioners; permitting nurse practitioners to perform certain acts of medical diagnosis and prescription and to possess, administer and dispense certain controlled substances and drugs; and providing other matters".

EXHIBIT A

SENATE BILL NO. 420

S. B. 420

SENATE BILL NO. 420—SENATOR GETTO

MARCH 17, 1981

Referred to Committee on Commerce and Labor

SUMMARY—Provides for certification of professional nurses as advanced specialists in nursing. (BDR 54-1127)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to nursing; providing a procedure for the certification of professional nurses as advanced specialists in nursing; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 632 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *A professional nurse may, when certified by the board as an*
4 *advanced specialist in nursing, perform such additional acts, under*
5 *emergency or other special conditions prescribed by regulations adopted*
6 *by the board, which include special training, as are recognized by the*
7 *medical and nursing professions as proper to be performed by a pro-*
8 *fessional nurse under those conditions, even though the acts might*
9 *otherwise be considered diagnosis and prescription, but nothing in this*
10 *chapter authorizes professional nurses to perform those functions and*
11 *duties specifically delegated by law to persons licensed as dentists, podi-*
12 *atrists, optometrists or chiropractors.*
13 2. *Every applicant for certification as an advanced specialist in*
14 *nursing must submit written evidence that he:*
15 (a) *Is a professional nurse licensed in this state;*
16 (b) *Has completed an appropriate course of study acceptable to the*
17 *board; and*
18 (c) *Meets such other qualifications as the board may prescribe by regu-*
19 *lation.*
20 3. *Each applicant must remit with his application the fee established*
21 *by the board pursuant to this chapter.*
22 SEC. 2. NRS 632.010 is hereby amended to read as follows:
23 632.010 As used in this chapter:
24 1. "Accredited school of nursing" means a school of nursing which

		Not less than	Not more than
1			
2			
3	Application for temporary license to practice		
4	professional nursing (registered nurse)		
5	which fee must be credited toward the fee		
6	required for a regular license, if the appli-		
7	cant applies for a license.....	\$15	\$30
8	Application for temporary license as a practi-		
9	cal nurse, which fee must be credited		
10	toward the fee required for a regular		
11	license, if the applicant applies for a		
12	license.....	10	20
13	Biennial fee for renewal of a license <i>or</i>		
14	<i>certificate</i>	15	30
15	Fee for reinstatement of a license.....	10	20
16	Application for [recognition as a professional		
17	nurse qualified to perform additional		
18	acts] <i>certification as an advanced spe-</i>		
19	<i>cialist in nursing</i>	30	60
20	[Biennial fee for renewal of recognition.....	15	30]
21	Examination fee for registered nurse's license.....	20	30
22	Examination fee for practical nurse's license.....	10	20
23	Rewriting examination for registered nurse's		
24	license.....	20	30
25	Rewriting examination for practical nurse's		
26	license.....	10	20
27	Duplicate license.....	5	10
28	Proctoring examination for candidate from		
29	another state.....	25	50
30	Fee for approving one continuing education		
31	course.....	10	20
32	Fee for reviewing one continuing education		
33	course which has been changed since		
34	approval.....	5	10
35	Annual fee for approval of all continuing edu-		
36	cation courses offered.....	100	150

2. The board may collect the fees and charges established pursuant to this section, and those fees or charges may not be refunded.

SEC. 4. Section 3 of this act shall become effective at 12:01 a.m. on July 1, 1981.

EXHIBIT B

SENATE BILL NO. 543

S. B. 543

SENATE BILL NO. 543—COMMITTEE ON
COMMERCE AND LABOR

APRIL 14, 1981

Referred to Committee on Commerce and Labor

SUMMARY—Regulates franchises granted by manufacturers or distributors to dealers in new motor vehicles. (BDR 43-1203)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to dealers in motor vehicles; creating a board of dealers in new motor vehicles and setting forth its powers and duties; regulating the modification, termination, discontinuance, replacement and addition of franchises granted by manufacturers and distributors, and certain obligations arising under those franchises; removing certain unconstitutional provisions; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 482 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 17, inclusive, of this act.
3 SEC. 2. "Board" means the board of dealers in new motor vehicles.
4 SEC. 3. "Manufacturer" includes any person who assembles new
5 motor vehicles.
6 SEC. 4. 1. The board of dealers in new motor vehicles, consisting of
7 seven members appointed by the governor, is hereby created in the
8 department.
9 2. The governor shall appoint as members of the board:
10 (a) Three dealers who are holders of franchises and have engaged in
11 business as dealers for at least 5 years immediately preceding appoint-
12 ment;
13 (b) Three persons who are not dealers or employees of dealers at the
14 time of appointment; and
15 (c) One member who is qualified for appointment pursuant to para-
16 graph (b) and who, for at least 10 years immediately preceding his
17 appointment, has been licensed to engage in the practice of law in this
18 state.
19 SEC. 5. 1. The board shall elect a president from among its mem-
20 bers at the first meeting of each year. The person so elected shall assume

1 his duties as president at the end of that meeting. A person may be
2 reelected as president for any number of years.

3 2. The board shall meet at least annually and may meet at other
4 times on the call of the president or any four of the other members.

5 SEC. 6. 1. Each member of the board who is not a dealer holding a
6 franchise is entitled to receive a salary of \$40 per day for each day
7 spent in the discharge of his official duties, and is entitled to receive the
8 subsistence allowances and travel expenses provided by law.

9 2. Members of the board who are dealers holding franchises are not
10 entitled to receive compensation of any kind in return for service as
11 members.

12 SEC. 7. 1. A quorum for the board is:

13 (a) In matters concerning any protest filed pursuant to sections 11 to
14 17, inclusive, of this act, three members who are not dealers holding
15 franchises.

16 (b) In any other matter, four members.

17 2. A member of the board who is a dealer holding a franchise may
18 participate in and comment or advise other members upon, but may not
19 vote upon, any matter relating to a protest filed pursuant to sections 11
20 to 17, inclusive, of this act. The minutes of any meeting at which such a
21 matter is considered must fully describe any participation by such a
22 member.

23 SEC. 8. 1. The board shall:

24 (a) Adopt and use a seal.

25 (b) Consider any matter concerning the activities or practices of a
26 dealer in new motor vehicles or an applicant for a license as such a
27 dealer.

28 (c) Hear and decide matters relating to protest presented by dealers
29 arising out of franchises granted by manufacturers and distributors.

30 (d) Hear and decide appeals presented by applicants for or holders of
31 licenses as dealers in new motor vehicles or by manufacturers, distribu-
32 tors or representatives upon appeals from decisions of the director.

33 2. The board may adopt regulations to carry out the provisions of
34 sections 2 to 17, inclusive, of this act.

35 SEC. 9. 1. The board, any of its members or a hearing officer
36 appointed by it may:

37 (a) Administer oaths;

38 (b) Take depositions;

39 (c) Authorize discovery in the manner provided for proceedings in dis-
40 trict courts by the Nevada Rules of Civil Procedure;

41 (d) Certify official acts; and

42 (e) Issue subpoenas to compel attendance and testimony of witnesses
43 and the production of books, records, papers and other evidence in any
44 part of the state.

45 2. The board or the department may petition a district court for the
46 enforcement of any subpoena issued by the board if the person to whom it
47 was directed has failed or refused to attend and testify or to produce the
48 evidence specified in the subpoena. Upon receiving a petition from the
49 board or department, the court shall direct the person to appear and to
50 show cause why he should not be ordered to attend and testify or produce

1 *the evidence specified in the subpoena. If no cause is shown, the court*
2 *shall order the person to respond to the subpoena, and punish a failure or*
3 *refusal to do so as contempt.*

4 3. *A witness, other than an officer or employee of the state or any of*
5 *its political subdivisions, who appears pursuant to a subpoena is entitled*
6 *to receive the same fees for his attendance as are allowed to witnesses in*
7 *civil cases. The fees must be paid by the party who requests the subpoena*
8 *or, if the witness appears at the order of the board, by the board.*

9 SEC. 10. *In carrying out its functions relating to the activities of*
10 *manufacturers, distributors and dealers, the board may:*

11 1. *Direct the department to conduct an investigation into a particular*
12 *matter and make a written report of the results of the investigation to the*
13 *board within a time specified by the board;*

14 2. *Arbitrate any difference of opinion or dispute existing between any*
15 *manufacturer, distributor or dealer in new motor vehicles and any other*
16 *person; or*

17 3. *Direct the department to exercise any of its powers relating to the*
18 *licensing of dealers.*

19 SEC. 11. 1. *The board may reverse or amend any decision of the*
20 *director relating to the licensing of dealers or manufacturers if the board*
21 *determines that:*

22 (a) *The director acted without jurisdiction, in excess of jurisdiction or*
23 *in any manner contrary to law.*

24 (b) *The director's decision is not supported by the findings.*

25 (c) *The findings upon which the director based his decision are not sup-*
26 *ported by the weight of evidence in the light of the whole record as*
27 *reviewed by the board and any additional evidence which is adduced at*
28 *the board's hearing.*

29 (d) *There is relevant evidence which could not have been produced by*
30 *the exercise of reasonable diligence or which was improperly excluded at*
31 *the director's hearing.*

32 (e) *The determination made or penalty imposed in the director's deci-*
33 *sion is not commensurate with the findings.*

34 2. *The board may amend, modify or reverse any penalty imposed by*
35 *the director in a matter relating to the licensing of dealers or manufac-*
36 *turers.*

37 3. *In its order amending or reversing a decision of the director, the*
38 *board may require the director to reconsider his decision in light of the*
39 *board's order and take further action in accordance with law.*

40 4. *An order of the board in a matter relating to the licensing of deal-*
41 *ers or manufacturers is a final decision in a contested case.*

42 SEC. 12. 1. *A manufacturer or distributor shall not terminate or*
43 *refuse to continue any franchise unless it has received the written consent*
44 *of the dealer or:*

45 (a) *It has given written notice of its intention to the dealer; and*

46 (b) *Either of the following conditions occurs:*

47 (1) *The dealer does not file a protest with the board within the time*
48 *allowed by this section; or*

49 (2) *After the dealer has filed a protest and the board has conducted*

1 a hearing on the matter, the board issues an order authorizing the manu-
2 facturer or distributor to terminate the franchise or permit it to lapse.

3 2. The notice required by this section must be given to the dealer and
4 the board:

5 (a) At least 15 days before the effective date of the intended termina-
6 tion or the date on which the existing franchise is to expire if the grounds
7 for the termination or refusal include any of the following:

8 (1) Transfer of any ownership or interest in the franchised dealer-
9 ship without the consent of the manufacturer or distributor unless that
10 consent has been withheld without good cause;

11 (2) Material misrepresentation by the dealer in applying for the
12 franchise;

13 (3) Insolvency of the dealer or the filing of any petition by or against
14 the dealer under any bankruptcy or receivership law; or

15 (4) Unfair business practice by the dealer after the manufacturer or
16 distributor has issued a written warning to the dealer to desist from that
17 practice.

18 (b) At least 60 days before the effective date of the intended termina-
19 tion or the date on which the existing franchise is to expire if the
20 grounds for the termination or refusal do not include one or more of
21 those set forth in paragraph (a).

22 The notice required by this section must include a statement of the
23 particular grounds for the intended termination or refusal to continue a
24 franchise.

25 3. A dealer who has received a notice pursuant to this section may
26 file a protest with the board:

27 (a) Within 10 days after receiving the notice if it states one or more
28 of the grounds specified in paragraph (a) of subsection 2; or

29 (b) Within 30 days after receiving the notice if it does not state one
30 of the grounds specified in that paragraph.

31 SEC. 13. 1. A manufacturer or distributor shall not modify the
32 franchise of a dealer or replace the franchise with another franchise if
33 the modification or replacement would have a substantially adverse
34 effect upon the dealer's investment or his obligations to provide sales
35 and service, or have such an effect upon any other dealer, unless:

36 (a) The manufacturer or distributor has given written notice of its
37 intention to the board and to each dealer who may be affected by the
38 intended modification or replacement; and

39 (b) Either of the following conditions occurs:

40 (1) None of the dealers affected files a protest with the board within
41 30 days after receiving the notice; or

42 (2) After a protest has been filed with the board and the board has
43 conducted a hearing, the board issues an order authorizing the manu-
44 facturer or distributor to modify or replace the franchise.

45 2. The notice required by this section must be given to the dealers
46 and to the board at least 60 days before the date on which the intended
47 action is to take place.

48 3. The requirements of this section do not apply to:

49 (a) Relocation of a dealership if the new location is within 1 mile of

1 the former location and is convenient to the market served by the dealer-
2 ship.

3 (b) The establishment of a branch office of the manufacturer or dis-
4 tributor for the purpose of selling vehicles at a fair, exhibition or similar
5 event if the branch office is not intended to operate for more than 30
6 days.

7 (c) Reopening of a dealership which has been out of operation for less
8 than 1 year.

9 SEC. 14. In considering whether to permit a manufacturer or distrib-
10 utor to terminate, refuse to continue, modify or replace a franchise, or to
11 enter into or relocate an additional franchise in any area, the board shall
12 consider:

13 1. The permanency of the investment of each affected dealer.

14 2. The effect of the intended action on the business of selling new
15 motor vehicles at retail in the area.

16 3. Whether the establishment of an additional dealership for the
17 motor vehicles manufactured or distributed under the particular line
18 would be injurious to the welfare of the public.

19 4. Whether the dealers franchised to sell the particular line of motor
20 vehicles in the area are providing adequate competition and convenient
21 facilities for sales of the vehicles to persons in the area, as well as ade-
22 quate equipment, spare parts and qualified mechanics and other service
23 personnel for repair and maintenance of the vehicles.

24 5. Whether the termination, refusal to continue, replacement or
25 modification of a franchise or the establishment of an additional franchise
26 would increase constructive competition and therefore be in the public
27 interest.

28 6. Any other fact which the board regards as relevant to the decision
29 required of them.

30 SEC. 15. 1. Each manufacturer or distributor who grants a franchise
31 shall specify the dealer's obligations for preparation and delivery of new
32 motor vehicles. A dealer who properly prepares and delivers a new motor
33 vehicle to a purchaser is not liable to the manufacturer or distributor for
34 any claim arising out of the express or implied warranties given to the
35 purchaser of the vehicle.

36 2. Each manufacturer or distributor shall file with the board a sched-
37 ule of compensation which is payable to dealers for the services required
38 of them in preparing and delivering new motor vehicles.

39 3. Any dealer to whom the schedule applies may protest the schedule
40 to the board. Upon receipt of such a protest, the board shall conduct a
41 hearing to determine whether the compensation allowed to the dealer is
42 reasonable. If the board finds that the compensation is reasonable, it
43 shall approve the schedule. If it finds that the compensation is not reason-
44 able, it shall require the manufacturer or distributor to file a revised
45 schedule with the board within a reasonable time. If there is no pro-
46 test to the revised schedule, or the board finds, based on the evidence
47 adduced at the previous hearing, that the revised schedule is reasonable,
48 it shall order the revised schedule to be made effective and direct that the
49 manufacturer or distributor compensate the dealer according to the

1 revised schedule for all work performed under the dealer's obligations
2 beginning with the date on which the former schedule was filed.

3 4. Each dealer shall provide a statement of its obligations for prepara-
4 tion and delivery of new motor vehicles to each purchaser of a new
5 motor vehicle, together with a certificate showing that the dealer has ful-
6 filled those obligations with respect to the vehicle sold to the purchaser.

7 SEC. 16. 1. Each manufacturer or distributor shall properly fulfill
8 each agreement made by him concerning warranties and shall adequately
9 and fairly compensate the dealers for labor and materials used to fulfill
10 the agreements.

11 2. A manufacturer or distributor shall, within 30 days after receiving
12 a claim for reimbursement from a dealer:

13 (a) Approve the claim and pay it within 30 days after approving it,
14 unless payment of the claim cannot be made within that time because of
15 circumstances beyond the reasonable control of the manufacturer or dis-
16 tributor; or

17 (b) Disapprove the claim and:

18 (1) Notify the dealer in writing of the disapproval, setting forth the
19 specific grounds on which the disapproval is based; and

20 (2) If the disapproval is of a claim for a defective part which the
21 manufacturer or distributor alleges is not defective, return the part to
22 the dealer at the manufacturer's or distributor's expense or reimburse the
23 dealer for the cost of the part.

24 3. A dealer whose claim for reimbursement has been denied or who
25 believes that he has not been adequately and fairly compensated for ful-
26 filling the agreement may protest to the board within 30 days after
27 receiving notice that his claim has been disapproved or receiving a reim-
28 bursement which he believes to be inadequate.

29 SEC. 17. 1. If the board receives a written protest from a franchised
30 dealer pursuant to section 12, 13, 15 or 16 of this act, the board shall
31 schedule a hearing on the protest within 60 days after the board receives
32 it. The board shall give notice as follows:

33 (a) To the manufacturer or distributor, that the protest has been filed,
34 the date, time, and place of the hearing on the protest, and that he may
35 not take the intended action which has given rise to the protest until the
36 board has made its findings and issued an order permitting him to do so;

37 (b) To the dealer who has protested, the date, time, and place of the
38 hearing on his protest; and

39 (c) To any other dealer who has requested such a notice or who may be
40 adversely affected by the intended action, the date, time and place of the
41 hearing.

42 2. A manufacturer or distributor who receives a notice pursuant to
43 this section shall not proceed with the action which has given rise to the
44 protest until the board notifies him that it has made a decision authorizing
45 him to proceed with that action.

46 SEC. 18. NRS 482.36311 is hereby amended to read as follows:

47 482.36311 As used in NRS 482.36311 to 482.36425, inclusive, and
48 sections 2 to 17, inclusive, of this act, unless the context otherwise
49 requires, the words and terms defined in NRS 482.36317 to 482.36345,

1 inclusive, *and sections 2 and 3 of this act*, have the meanings ascribed to
2 them in those sections.

3 SEC. 19. NRS 482.36411 is hereby amended to read as follows:

4 482.36411 1. Whenever it appears that a person has violated or is
5 violating or is threatening to violate any provision of NRS 482.36311 to
6 482.36425, inclusive, *and sections 2 to 17, inclusive, of this act*, any per-
7 son aggrieved thereby may apply to the district court in the county where
8 the defendant resides, or in the county where the violation or threat of
9 violation occurs, for injunctive relief to restrain the person from con-
10 tinuing the violation or threat of violation.

11 2. In addition to any other judicial relief, any dealer who is injured
12 in his business or property by reason of a violation of NRS 482.36311
13 to 482.36425, inclusive, *and sections 2 to 17, inclusive, of this act*, may
14 bring an action in the district court in which the dealership is located,
15 and may recover actual damages sustained by him, and the cost of suit,
16 including a reasonable attorney's fee. In an action for money dam-
17 ages, the court or jury may award punitive damages if the defendant
18 acted maliciously. The amount of damages sustained by any dealer, pur-
19 suant to subsection 4 of NRS 482.3638, is the fair market value of the
20 franchised dealership at the time of notification of termination, refusal
21 to continue or unilateral modification of a franchise.

22 3. Any company, firm, partnership, corporation or association cre-
23 ated and existing under the laws of any other state, territory, foreign
24 government or the government of the United States, or any person resid-
25 ing outside the state, who grants a franchise to any dealer in this state
26 may be lawfully served with any legal process in any action for injunctive
27 relief or civil damages in the following manner:

28 (a) By delivering a copy of the process to the director; and

29 (b) By mailing to the last-known address of the manufacturer or dis-
30 tributor, by certified mail, return receipt requested, a copy of the sum-
31 mons, a copy of the complaint, together with copies of any petition or
32 order for injunctive relief.

33 4. The defendant has 30 days, exclusive of the day of service, within
34 which to answer or plead.

35 5. The method of service provided in this section is cumulative and
36 may be utilized with, after or independently of all other methods of serv-
37 ice.

38 SEC. 20. NRS 482.36425 is hereby amended to read as follows:

39 482.36425 1. Any manufacturer or distributor who willfully violates
40 any provision of NRS 482.36311 to 482.36425, inclusive, *and sections*
41 *2 to 17, inclusive, of this act*, is subject to a civil penalty of not less than
42 \$50 nor more than \$1,000 for each day of violation and for each act of
43 violation. All civil penalties recovered shall be paid to the State of
44 Nevada.

45 2. Whenever it appears that a manufacturer or distributor has vio-
46 lated or is violating or is threatening to violate any provision of NRS
47 482.36311 to 482.36425, inclusive, [then] *and sections 2 to 17, inclu-*
48 *sive, of this act*, the attorney general may institute a civil suit in any dis-
49 trict court of this state for injunctive relief to restrain the violation or

1 threat of violation, or if [such] the violation or threat is willful, for the
2 assessment and recovery of the civil penalty, or both.

3 SEC. 21. NRS 482.3636, 482.36365, 482.36415 and 482.3642 are
4 hereby repealed.

5 SEC. 22. The governor shall appoint the members of the board of
6 dealers in new motor vehicles to terms as follows:

7 1. One member who is a dealer and one member who is not a dealer
8 to terms ending June 30, 1982.

9 2. One member who is a dealer and two members who are not dealers
10 to terms ending June 30, 1983.

11 3. The remaining members to terms ending June 30, 1984.

EXHIBIT C

SENATE BILL NO. 470

S. B. 470

SENATE BILL NO. 470—COMMITTEE ON
COMMERCE AND LABOR

MARCH 26, 1981

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes in provisions relating to thrift companies. (BDR 56-635)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to thrift companies; increasing the amount of capital required; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 677.190 is hereby amended to read as follows:
2 677.190 The director shall not approve the application unless he
3 ascertains to his satisfaction [:
4 1. That the] *that:*
5 1. *The public convenience and advantage will be promoted by the*
6 *establishment of the proposed corporation.*
7 2. [That the] *The probable volume of business and reasonable*
8 *public demand in the community is sufficient to ensure and maintain the*
9 *solvency of the proposed corporation and of the existing licensees in the*
10 *community.*
11 3. *The corporation is being formed for no other purpose than the*
12 *legitimate objectives contemplated by this chapter.*
13 [3. That the] 4. *The proposed capital structure is adequate.*
14 [4. That the] 5. *The financial responsibility, character and gen-*
15 *eral fitness of the proposed officers, directors, shareholders and other*
16 *investors (except thrift certificate holders) are such as to command the*
17 *confidence of the community and to warrant belief that the business will*
18 *be operated honestly and fairly within the purpose of this chapter, and*
19 *that the proposed officers and directors have sufficient banking, industrial*
20 *loan or other experience, ability and standing to afford reasonable*
21 *promise of successful operation.*
22 [5. That the] 6. *The applicant has complied with all the appli-*
23 *cable provisions of this chapter.*
24 Sec. 2. NRS 677.210 is hereby amended to read as follows:

1 677.210 The paid-in capital of any corporation formed to do busi-
2 ness under this chapter [shall] *must* not be less than [“\$250,000.”]
3 \$1,000,000. In addition, [such corporation shall] *the corporation must*
4 have as its capital surplus, 20 percent of its paid-in capital and [shall]
5 *must* have as its undivided profit 10 percent of its paid-in capital, plus
6 additional capital of \$25,000 for each branch office.

7 SEC. 3. NRS 677.590 is hereby amended to read as follows:

8 677.590 This chapter does not permit a licensee to [receive deposits
9 or] issue certificates of deposit. Every thrift certificate issued pursuant
10 to this chapter [shall] *must* bear the endorsement on the face of the
11 instrument “This is not a certificate of deposit.”

12 SEC. 4. NRS 677.600 is hereby amended to read as follows:

13 677.600 A licensee shall not deposit any of its funds with any other
14 moneyed corporation, unless [such] *that* corporation has been designated
15 as a depository by a majority vote of the directors or the executive com-
16 mittee, exclusive of any director who is an officer, director or trustee of
17 the depository so designated. [Such a depository shall] *The depository*
18 *must* be a bank, *thrift company* or savings and loan association licensed
19 to do business in this state. *Deposits may be accepted and evidenced*
20 *in the form of passbooks, certificates, or both.*

21 SEC. 5. NRS 677.620 is hereby amended to read as follows:

22 677.620 1. A licensee shall not have outstanding at any time its
23 thrift certificates, exclusive of those hypothecated with the licensee issu-
24 ing them, in an aggregate sum in excess of 10 times the aggregate amount
25 of its paid-up and unimpaired capital and unimpaired surplus.

26 2. If a licensee has operated under this chapter for 1 year or more
27 and during its most recent fiscal year has been profitable, the director
28 may increase the ratio of thrift certificates to paid-up and unimpaired
29 capital and unimpaired surplus prescribed in subsection 1 to not more
30 than the greatest net worth to savings ratio permitted for any savings and
31 loan association operating in this state. The director shall give his
32 approval or denial of the application for an increased ratio to the licensee
33 in writing with supporting reasons within 30 days from the date of appli-
34 cation by the licensee unless the director gives notice within the original
35 30-day period that he is extending the period for decision for a term not
36 to exceed an additional 30 days. The director may, for reasonable cause,
37 decrease the ratio permitted under this subsection at any time, but not
38 below the ratio prescribed in subsection 1.

39 3. No licensee may have total borrowings, exclusive of thrift certifi-
40 cates, which exceed the larger of:

41 (a) Five times its capital and surplus; or

42 (b) The face amount of its total thrift certificates outstanding at the
43 time a borrowing is made.

44 4. Each licensee shall establish a thrift insurance guarantee fund
45 immediately upon beginning business, as a special account with an initial
46 balance of \$15,000. Money cannot be withdrawn from the fund or the
47 account put to any other use without the permission of the director.
48 Money in the fund may be invested only in obligations of the United
49 States, this or any other state, or a bank or savings and loan association
50 whose principal office is in this state and whose deposits are insured by

1 the Federal Deposit Insurance Corporation or the Federal Savings and
2 Loan Insurance Corporation. At the end of each fiscal year of the
3 licensee an amount equal to three-tenths of 1 percent of the licensee's
4 outstanding thrift certificates **[shall]** *must* be added to the fund, until the
5 fund balance reaches **[\$350,000.]** *\$1,000,000*. Interest earned on the
6 principal of the fund shall not be withdrawn except as permitted for
7 other money of the fund, but may be credited against the required addi-
8 tion.



REVISION TO NRS LAW 639.1375

639.1375 (Registered nurses) Nurse practitioner: Authority to possess, administer, dispense substances and devices; registration; regulations.

1. A (registered nurse) Nurse practitioner may possess, administer and dispense controlled substances, poisons, dangerous drugs and devices if he:

(a) Is authorized to do so by the state board of nursing in a certificate issued by that board; and

(b) Applies for and obtains a certificate of registration from the state board of pharmacy and pays the fee set by a regulation adopted by the board.

2. The state board of pharmacy shall consider each application from a (registered nurse) Nurse practitioner separately, and may:

(a) Issue a certificate of registration limiting:

(1) The authority of the (registered nurse) Nurse practitioner to possess administer or dispense controlled substances, poisons, dangerous drugs and devices;

(2) The area in which the (registered nurse) Nurse practitioner may perform the acts authorized by the certificate;

(3) The kind and amount of controlled substances, poisons, dangerous drugs and devices which the certificate permits the (registered nurse) Nurse practitioner to possess and use; and

(4) The practice of the (registered nurse) Nurse practitioner which involves controlled substances, poisons, dangerous drugs and devices in any manner which the board finds necessary to protect the health, safety and welfare of the public;

(b) Issue a certificate of registration without any limitation not contained in the certificate issued by the state board of nursing; or

(c) Refuse to issue a certificate of registration, regardless of the pro-

visions of the certificate issued by the state board of nursing.

3. If a certificate of registration issued pursuant to this section is suspended or revoked, the board may also suspend or revoke the registration of the physician for and with whom the (registered nurse) Nurse practitioner is in practice to dispense controlled substances.

4. The board shall adopt regulations setting forth the maximum amounts of any controlled substance, poison, dangerous drug and devices which a (registered nurse) Nurse practitioner who holds a certificate from the board may possess, the conditions under which they must be stored, transported and safeguarded, and the records which each such nurse must keep. In adopting its regulations, the board shall consider:

- (a) The areas in which a nurse who holds a certificate from the board can be expected to practice and the populations of those areas;
- (b) The experience and training of the nurse;
- (c) Distances between areas of practice and the nearest hospitals and physicians;
- (d) Effects on the health, safety and welfare of the public; and
- (e) Other factors which the board considers important to the regulation of the practice of nurses who hold certificates from the board.

June 4/28 - Work Session
11:00 a.m.

NEVADA STATE BOARD OF NURSING

1135 Terminal Way, Rm. 209, Reno, Nevada 89502

EXHIBIT D-2



In an effort to simplify the process of reviewing Amendment 692 to SB420, the entire document has been color-coded.

- Green:** New language, recommend that it remain in the amendment.
- Pink:** Current statute or revision language, recommend no change except renumbering.
- Yellow:** In current regulations, recommend they be dropped from statutory consideration and left as regulation.
- Red brackets:** Delete or change completely. Explanation as follows:

- Page 1, Sec.1.- Requires renumbering.
- Page 4, Sec. 15.2.- This item shows no understanding of the process by which a nurse practitioner is certified. The members of the Board of Nursing assess the competence of nursing practice. A member of the Board of Medical Examiners is present to judge the competence of medical acts to be performed. Delete.
- Page 8, Amend- requires renumbering
- Pages 9,10,& 11, Sec, 26. NRS 639.1373. Delete, as this section relates to the physicians' assistants. The nurse practitioner section is NRS 639.1375. Proposed changes to NRS 639.1375 are attached.
- Page 12- Delete reference to registered nurse on #8, Substitute nurse practitioner for registered nurse in Sec.28 .5.
- Page 13- Delete reference to registered nurse in #8, mid-page. Substitute nurse practitioner for registered nurse in Sec.30.5.
- Page 14- Substitute nurse practitioner for registered nurse in Sec.31.2.(b). Renumber sections in Sec.32. as appropriate.

EXHIBIT E

SENATE BILL NO. 472

S. B. 472

SENATE BILL NO. 472—COMMITTEE ON
COMMERCE AND LABOR

MARCH 26, 1981

Referred to Committee on Commerce and Labor

SUMMARY—Changes certain provisions relating to obligations of Nevada insurance guaranty association. (BDR 57-1306)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the Nevada insurance guaranty association; extending the time in which a claim may arise; increasing the monetary limit on the obligations of the association; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 687A.060 is hereby amended to read as follows:
2 687A.060 1. The association shall:
3 (a) Be obligated to the extent of the covered claims existing [prior to]
4 before the determination of insolvency and arising within [30] 60 days
5 after the determination of insolvency, or before the policy expiration date
6 if less than [30] 60 days after the determination, or before the insured
7 replaces the policy or on request effects cancellation if he does so within
8 [30] 60 days of the determination. The obligation [shall] *must* include
9 only that amount of each covered claim which is less than [\$300,000. In
10 no event shall the association be] \$500,000 and the association is not
11 obligated to a policyholder or claimant in an amount in excess of the
12 face amount of the policy from which the claim arises.
13 (b) Be deemed the insurer to the extent of its obligations on the
14 covered claims and to [such extent shall have] *that extent has* all rights,
15 duties and obligations of the insolvent insurer as if the insurer had not
16 become insolvent.
17 (c) Assess member insurers amounts necessary to pay the obligations
18 of the association under paragraph (a) of this subsection [subsequent
19 to] *after* an insolvency, the expenses of handling covered claims [sub-
20 sequent to] *after* an insolvency, the cost of examinations under NRS
21 687A.110, and other expenses authorized by this chapter. The assessment
22 of each member insurer [shall] *must* be in the proportion that the net
23 direct written premiums of the member insurer for the calendar year

1 preceding the assessment bear to the net direct written premiums of all
2 member insurers for the same calendar year. Each member insurer
3 **[shall]** *must* be notified of the assessment not later than 30 days before it
4 is due. No member insurer may be assessed in any year an amount greater
5 than 2 percent of that member insurer's net direct written premiums for
6 the calendar year preceding the assessment. If the maximum assessment,
7 together with the other assets of the association, does not provide in
8 any 1 year an amount sufficient to make all necessary payments, the
9 funds available may be prorated and the unpaid portion **[shall]** *must*
10 be paid as soon as funds become available. The association may pay
11 claims in any order including the order in which they are received or in
12 groups or categories. The association may exempt or defer, in whole or
13 in part, the assessment of any member insurer if the assessment would
14 cause the member insurer's financial statement to reflect amounts of
15 capital or surplus less than the minimum amounts required for a certifi-
16 cate of authority by any jurisdiction in which the member insurer is
17 authorized to transact insurance. During the period of deferment, no divi-
18 dends **[shall]** *may* be paid to shareholders or policyholders. Deferred
19 assessments **[shall]** *must* be paid when payment will not reduce capital
20 or surplus below required minimums. Payments **[shall]** *must* be refunded
21 to those companies receiving larger assessments by virtue of deferment,
22 or, in the discretion of any such company, credited against future assess-
23 ments. Each member insurer **[shall]** *must* be allowed a premium tax
24 credit at the rate of 20 percent per year for 5 successive years following
25 the final order in the liquidation period for any amounts paid under this
26 chapter.

27 (d) Investigate claims brought against the fund and adjust, compromise,
28 settle and pay covered claims to the extent of the association's
29 obligation and deny all other claims.

30 (e) Notify such persons as the commissioner directs under paragraph
31 (a) of subsection 2 of NRS 687A.080.

32 (f) Process claims through its employees or through one or more
33 member insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the commissioner, but **[such]** *the* designation may be declined by a member
34 insurer.
35
36

37 (g) Reimburse each servicing facility for obligations of the association
38 paid by the facility and for expenses incurred by the facility while handling
39 claims on behalf of the association, and pay the other expenses of
40 the association authorized by this chapter.

41 2. The association may:

42 (a) Appear in, defend and appeal any action on a claim brought
43 against the association.

44 (b) Employ or retain persons necessary to handle claims and perform
45 other duties of the association.

46 (c) Borrow funds necessary to effect the purposes of this chapter in
47 accord with the plan of operation.

48 (d) Sue or be sued.

49 (e) Negotiate and become a party to contracts necessary to carry out
50 the purposes of this chapter.

1 (f) Perform other acts necessary or proper to effectuate the purposes
2 of this chapter.

3 (g) If, at the end of any calendar year, the board of directors finds
4 that the assets of the association exceed its liabilities as estimated by the
5 board of directors for the coming year, refund to the member insurers in
6 proportion to the contribution of each that amount by which the assets
7 of the association exceed the liabilities.

8 (h) Assess each member insurer equally no more than \$100 per year
9 for administrative expenses not related to the insolvency of any particular
10 insurer.

