

SENATE BILL NO. 332—SENATOR AMODEI

MARCH 17, 2003

Referred to Committee on Human Resources and Facilities

SUMMARY—Revises qualifications of State Health Officer, provides for licensure of administrative physicians and clarifies restrictions on use of “M.D.” title. (BDR 40-1036)

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

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

AN ACT relating to public health; revising the provisions governing the qualifications of the State Health Officer; providing for the licensure of administrative physicians; clarifying certain restrictions on the use of the title “M.D.”; 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 439.090 is hereby amended to read as follows:
- 2 439.090 1. The State Health Officer must:
- 3 (a) Be a citizen of the United States.
- 4 (b) ~~Be certified, or eligible for certification, by the American~~
- 5 ~~Board of Preventive Medicine.~~
- 6 ~~—(c)~~ Be licensed, or eligible for licensure, as a ~~doctor of~~
- 7 ~~medicine to practice~~ *physician or administrative physician* in
- 8 Nevada.
- 9 2. The Administrator must have ~~had~~ 2 years’ experience, or
- 10 the equivalent, in a responsible administrative position in:
- 11 (a) A full-time county or city health facility or department; or
- 12 (b) A major health program at a state or national level.



1 **Sec. 2.** Chapter 630 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 3 and 4 of this act.

3 **Sec. 3.** *“Administrative physician” means a physician who is*
4 *licensed to act in an administrative capacity only.*

5 **Sec. 4. 1.** *A person may apply to the Board to be licensed as*
6 *an administrative physician if the person meets all of the statutory*
7 *requirements for licensure in effect at the time of application*
8 *except the requirements of paragraph (d) of subsection 2 of*
9 *NRS 630.160.*

10 **2.** *A person who is licensed as an administrative physician*
11 *pursuant to this section:*

12 *(a) May not engage in the practice of medicine;*

13 *(b) Shall comply with all of the statutory requirements for*
14 *continued licensure pursuant to this chapter; and*

15 *(c) Shall be deemed to hold a license to practice medicine in an*
16 *administrative capacity only.*

17 **Sec. 5.** NRS 630.005 is hereby amended to read as follows:

18 630.005 As used in this chapter, unless the context otherwise
19 requires, the words and terms defined in NRS 630.010 to 630.025,
20 inclusive, *and section 3 of this act* have the meanings ascribed to
21 them in those sections.

22 **Sec. 6.** NRS 630.020 is hereby amended to read as follows:

23 630.020 “Practice of medicine” means:

24 1. To diagnose, treat, correct, prevent or prescribe for any
25 human disease, ailment, injury, infirmity, deformity or other
26 condition, physical or mental, by any means or instrumentality.

27 2. To apply principles or techniques of medical science in the
28 diagnosis or the prevention of any such conditions.

29 3. To perform any of the acts described in subsections 1 and 2
30 by using equipment that transfers information concerning the
31 medical condition of the patient electronically, telephonically or by
32 fiber optics.

33 4. To offer, undertake, attempt to do or hold oneself out as able
34 to do any of the acts described in subsections 1 and 2.

35 ~~5. To use in connection with a person's name the words or~~
36 ~~letters “M.D.” or any other title, word, letter or other designation~~
37 ~~intended to imply or designate him as a practitioner of medicine in~~
38 ~~any of its branches, except in the manner authorized by~~
39 ~~NRS 630A.220.]~~

40 **Sec. 7.** NRS 630.160 is hereby amended to read as follows:

41 630.160 1. Every person desiring to practice medicine must,
42 before beginning to practice, procure from the Board a license
43 authorizing him to practice.



- 1 2. Except as otherwise provided in NRS 630.161 or 630.164,
2 *and section 4 of this act*, a license may be issued to any person
3 who:
- 4 (a) Is a citizen of the United States or is lawfully entitled to
5 remain and work in the United States;
 - 6 (b) Has received the degree of doctor of medicine from a
7 medical school:
 - 8 (1) Approved by the Liaison Committee on Medical
9 Education of the American Medical Association and Association of
10 American Medical Colleges; or
 - 11 (2) Which provides a course of professional instruction
12 equivalent to that provided in medical schools in the United States
13 approved by the Liaison Committee on Medical Education;
 - 14 (c) Has passed:
 - 15 (1) All parts of the examination given by the National Board
16 of Medical Examiners;
 - 17 (2) All parts of the Federation Licensing Examination;
 - 18 (3) All parts of the United States Medical Licensing
19 Examination;
 - 20 (4) All parts of a licensing examination given by any state or
21 territory of the United States, if the applicant is certified by a
22 specialty board of the American Board of Medical Specialties;
 - 23 (5) All parts of the examination to become a licentiate of the
24 Medical Council of Canada; or
 - 25 (6) Any combination of the examinations specified in
26 subparagraphs (1), (2) and (3) that the Board ~~[determined]~~
27 *determines* to be sufficient;
 - 28 (d) *Is certified by a specialty board of the American Board of*
29 *Medical Specialties or:*
 - 30 (1) Has completed 36 months of progressive postgraduate:
31 ~~[(1)]~~ *(I)* Education as a resident in the United States or
32 Canada in a program approved by the Board, the Accreditation
33 Council for Graduate Medical Education ~~[of the American Medical~~
34 ~~Association]~~ or the Coordinating Council of Medical Education of
35 the Canadian Medical Association; or
 - 36 ~~[(2)]~~ *(II)* Fellowship training in the United States or Canada
37 approved by the Board or the Accreditation Council for Graduate
38 Medical Education; ~~[and]~~ *or*
 - 39 (2) *Has completed at least 36 months of postgraduate*
40 *education, not less than 24 months of such postgraduate education*
41 *must be as a resident after receiving a medical degree from a*
42 *combined dental and medical degree program approved by the*
43 *Board or the Commission on Dental Accreditation of the*
44 *American Dental Association; and*



1 (e) Passes a written or oral examination, or both, as to his
2 qualifications to practice medicine and provides the Board with a
3 description of the clinical program completed demonstrating that the
4 applicant's clinical training met the requirements of paragraph (b).

5 **Sec. 8.** NRS 630.164 is hereby amended to read as follows:

6 630.164 1. A board of county commissioners may petition
7 the Board of Medical Examiners to waive the requirement of
8 *subparagraph (1) of* paragraph (d) of subsection 2 of NRS 630.160
9 for any applicant intending to practice medicine in a medically
10 underserved area of that county as that term is defined by regulation
11 by the Board of Medical Examiners. The Board of Medical
12 Examiners may waive that requirement and issue a license if the
13 applicant:

14 (a) Has completed at least 1 year of training as a resident in the
15 United States or Canada in a program approved by the Board,
16 the Accreditation Council for Graduate Medical Education [~~of the~~
17 ~~American Medical Association~~] or the Coordinating Council of
18 Medical Education of the Canadian Medical Association,
19 respectively;

20 (b) Has a minimum of 5 years of practical medical experience as
21 a licensed allopathic physician or such other equivalent training as
22 the Board deems appropriate; and

23 (c) Meets all other conditions and requirements for a license to
24 practice medicine.

25 2. Any person licensed pursuant to subsection 1 must be issued
26 a license to practice medicine in this state restricted to practice in
27 the medically underserved area of the county which petitioned for
28 the waiver only. He may apply to the Board of Medical Examiners
29 for renewal of that restricted license every 2 years after he is
30 licensed.

31 3. Any person holding a restricted license pursuant to
32 subsection 1 who completes 3 years of full-time practice under the
33 restricted license may apply to the Board for an unrestricted license.
34 In considering an application for an unrestricted license pursuant to
35 this subsection, the Board shall require the applicant to meet all
36 statutory requirements for licensure in effect at the time of
37 application except the requirement of *subparagraph (1) of*
38 paragraph (d) of subsection 2 of NRS 630.160.

39 **Sec. 9.** NRS 630.261 is hereby amended to read as follows:

40 630.261 1. Except as otherwise provided in NRS 630.161,
41 the Board may issue:

42 (a) A locum tenens license, to be effective not more than 3
43 months after issuance, to any physician who is licensed and in good
44 standing in another state, who meets the requirements for licensure
45 in this state and who is of good moral character and reputation. The



1 purpose of this license is to enable an eligible physician to serve as a
2 substitute for another physician who is licensed to practice medicine
3 in this state and who is absent from his practice for reasons deemed
4 sufficient by the Board. A license issued pursuant to the provisions
5 of this paragraph is not renewable.

6 (b) A special license to a licensed physician of another state to
7 come into this state to care for or assist in the treatment of his own
8 patient in association with a physician licensed in this state. A
9 special license issued pursuant to the provisions of this paragraph is
10 limited to the care of a specific patient. The physician licensed in
11 this state has the primary responsibility for the care of that patient.

12 (c) A restricted license for a specified period if the Board
13 determines the applicant needs supervision or restriction.

14 (d) A temporary license for a specified period if the physician is
15 licensed and in good standing in another state and meets the
16 requirements for licensure in this state, and if the Board determines
17 that it is necessary in order to provide medical services for a
18 community without adequate medical care. A temporary license
19 issued pursuant to the provisions of this paragraph is not renewable.

20 (e) A special purpose license to a physician who is licensed in
21 another state to permit the use of equipment that transfers
22 information concerning the medical condition of a patient in this
23 state across state lines electronically, telephonically or by fiber
24 optics if the physician:

25 (1) Holds a full and unrestricted license to practice medicine
26 in that state;

27 (2) Has not had any disciplinary or other action taken against
28 him by any state or other jurisdiction; and

29 (3) Meets the requirement set forth in *subparagraph (1) of*
30 paragraph (d) of subsection 2 of NRS 630.160.

31 2. Except as otherwise provided in this section, the Board may
32 renew or modify any license issued pursuant to subsection 1.

33 3. Every physician who is licensed pursuant to subsection 1
34 and who accepts the privilege of practicing medicine in this state
35 pursuant to the provisions of the license shall be deemed to have
36 given his consent to the revocation of the license at any time by the
37 Board for any of the grounds provided in NRS 630.161 or 630.301
38 to 630.3065, inclusive.

39 **Sec. 10.** NRS 630.400 is hereby amended to read as follows:
40 630.400 A person who:

41 1. Presents to the Board as his own the diploma, license or
42 credentials of another;

43 2. Gives either false or forged evidence of any kind to the
44 Board;



- 1 3. Practices medicine or respiratory care under a false or
2 assumed name or falsely personates another licensee;
3 4. Except as otherwise provided by specific statute, practices
4 medicine or respiratory care without being licensed under this
5 chapter;
6 5. Holds himself out as a physician assistant or uses any other
7 term indicating or implying that he is a physician assistant without
8 being licensed by the Board;
9 6. Holds himself out as a practitioner of respiratory care or uses
10 any other term indicating or implying that he is a practitioner of
11 respiratory care without being licensed by the Board; or
12 7. Uses the title [~~“M.D.,” when not licensed by the Board~~
13 ~~pursuant to this chapter, unless otherwise~~] **“M.D.”**:
14 **(a) Without having been awarded such a degree; or**
15 **(b) When not** authorized by a specific statute,
16 is guilty of a category D felony and shall be punished as provided in
17 NRS 193.130.
18 **Sec. 11.** This act becomes effective on July 1, 2003.

