

SENATE BILL NO. 332—SENATOR AMODEI

MARCH 17, 2003

Referred to Committee on Human Resources and Facilities

SUMMARY—Revises qualifications of State Health Officer, clarifies restrictions on use of “M.D.” title and makes various changes relating to licensure of physicians. (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; revising certain requirements for the issuance of a license to practice medicine; 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.



* S B 3 3 2 R 1 *

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 only to act in an administrative capacity as an:*

- 5 1. *Officer or employee of a state agency; or*
6 2. *Independent contractor pursuant to a contract with the*
7 *State.*

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

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

- 15 (a) *May not engage in the practice of medicine;*
16 (b) *Shall comply with all of the statutory requirements for*
17 *continued licensure pursuant to this chapter; and*
18 (c) *Shall be deemed to hold a license to practice medicine in an*
19 *administrative capacity only.*

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

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

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

26 630.020 “Practice of medicine” means:

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

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

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

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

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



1 **Sec. 7.** NRS 630.160 is hereby amended to read as follows:
2 630.160 1. Every person desiring to practice medicine must,
3 before beginning to practice, procure from the Board a license
4 authorizing him to practice.
5 2. Except as otherwise provided in NRS 630.161 ~~for 630.164,~~
6 **, 630.164 and section 4 of this act,** a license may be issued to any
7 person who:
8 (a) Is a citizen of the United States or is lawfully entitled to
9 remain and work in the United States;
10 (b) Has received the degree of doctor of medicine from a
11 medical school:
12 (1) Approved by the Liaison Committee on Medical
13 Education of the American Medical Association and Association of
14 American Medical Colleges; or
15 (2) Which provides a course of professional instruction
16 equivalent to that provided in medical schools in the United States
17 approved by the Liaison Committee on Medical Education;
18 (c) ~~Has~~ **Is certified by a specialty board of the American**
19 **Board of Medical Specialties or has** passed:
20 (1) All parts of the examination given by the National Board
21 of Medical Examiners;
22 (2) All parts of the Federation Licensing Examination;
23 (3) All parts of the United States Medical Licensing
24 Examination;
25 (4) All parts of a licensing examination given by any state or
26 territory of the United States, if the applicant is certified by a
27 specialty board of the American Board of Medical Specialties;
28 (5) All parts of the examination to become a licentiate of the
29 Medical Council of Canada; or
30 (6) Any combination of the examinations specified in
31 subparagraphs (1), (2) and (3) that the Board ~~determined~~
32 **determines** to be sufficient;
33 (d) **Is certified by a specialty board of the American Board of**
34 **Medical Specialties or:**
35 **(I)** Has completed 36 months of progressive postgraduate:
36 ~~(I)~~ **(I)** Education as a resident in the United States or
37 Canada in a program approved by the Board, the Accreditation
38 Council for Graduate Medical Education ~~of the American Medical~~
39 ~~Association~~ or the Coordinating Council of Medical Education of
40 the Canadian Medical Association; or
41 ~~(II)~~ **(II)** Fellowship training in the United States or Canada
42 approved by the Board or the Accreditation Council for Graduate
43 Medical Education; ~~and~~ **or**
44 **(2) Has completed at least 36 months of postgraduate**
45 **education, not less than 24 months of such postgraduate education**



1 *must be as a resident after receiving a medical degree from a*
2 *combined dental and medical degree program approved by the*
3 *Board or the Commission on Dental Accreditation of the*
4 *American Dental Association; and*

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

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

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

18 (a) Has completed at least 1 year of training as a resident in the
19 United States or Canada in a program approved by the Board,
20 the Accreditation Council for Graduate Medical Education ~~of the~~
21 ~~American Medical Association~~ or the Coordinating Council of
22 Medical Education of the Canadian Medical Association,
23 respectively;

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

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

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

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

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

44 630.261 1. Except as otherwise provided in NRS 630.161,
45 the Board may issue:



1 (a) A locum tenens license, to be effective not more than 3
2 months after issuance, to any physician who is licensed and in good
3 standing in another state, who meets the requirements for licensure
4 in this state and who is of good moral character and reputation. The
5 purpose of this license is to enable an eligible physician to serve as a
6 substitute for another physician who is licensed to practice medicine
7 in this state and who is absent from his practice for reasons deemed
8 sufficient by the Board. A license issued pursuant to the provisions
9 of this paragraph is not renewable.

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

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

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

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

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

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

33 (3) Meets the ~~requirement~~ *requirements* set forth in
34 paragraph (d) of subsection 2 of NRS 630.160.

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

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

43 **Sec. 10.** NRS 630.400 is hereby amended to read as follows:

44 630.400 A person who:



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

