

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 and appointment 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.



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1     **Sec. 1.5.** NRS 439.100 is hereby amended to read as follows:  
2     439.100 1. The Director shall appoint a State Health Officer.

3     2. The position of State Health Officer must be filled by the  
4 Director within 6 months after it becomes vacant, except that if a  
5 qualified applicant does not accept the position within that period,  
6 the Director shall continue his efforts to fill the position until a  
7 qualified person accepts the appointment.

8     **3. *The State Health Officer is in the unclassified service of***  
9 ***the State and serves at the pleasure of the Director.***

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

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

14     **1. *Officer or employee of a state agency; or***  
15     **2. *Independent contractor pursuant to a contract with the***  
16 ***State.***

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

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

24     **(a) *May not engage in the practice of medicine;***  
25     **(b) *Shall comply with all of the statutory requirements for***  
26 ***continued licensure pursuant to this chapter; and***  
27     **(c) *Shall be deemed to hold a license to practice medicine in an***  
28 ***administrative capacity only.***

29    **Sec. 5.** NRS 630.005 is hereby amended to read as follows:  
30     630.005 As used in this chapter, unless the context otherwise  
31 requires, the words and terms defined in NRS 630.010 to 630.025,  
32 inclusive, ***and section 3 of this act*** have the meanings ascribed to  
33 them in those sections.

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

35     630.020 “Practice of medicine” means:

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

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

41     3. To perform any of the acts described in subsections 1 and 2  
42 by using equipment that transfers information concerning the  
43 medical condition of the patient electronically, telephonically or by  
44 fiber optics.



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

3 ~~[5. To use in connection with a person's name the words or~~  
4 ~~letters "M.D.," or any other title, word, letter or other designation~~  
5 ~~intended to imply or designate him as a practitioner of medicine in~~  
6 ~~any of its branches, except in the manner authorized by~~  
7 ~~NRS 630A.220.]~~

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

9 630.160 1. Every person desiring to practice medicine must,  
10 before beginning to practice, procure from the Board a license  
11 authorizing him to practice.

12 2. Except as otherwise provided in NRS 630.161 ~~[or 630.164,]~~  
13 *, 630.164 and section 4 of this act,* a license may be issued to any  
14 person who:

15 (a) Is a citizen of the United States or is lawfully entitled to  
16 remain and work in the United States;

17 (b) Has received the degree of doctor of medicine from a  
18 medical school:

19 (1) Approved by the Liaison Committee on Medical  
20 Education of the American Medical Association and Association of  
21 American Medical Colleges; or

22 (2) Which provides a course of professional instruction  
23 equivalent to that provided in medical schools in the United States  
24 approved by the Liaison Committee on Medical Education;

25 (c) ~~[Has]~~ *Is certified by a specialty board of the American*  
26 *Board of Medical Specialties or has* passed:

27 (1) All parts of the examination given by the National Board  
28 of Medical Examiners;

29 (2) All parts of the Federation Licensing Examination;

30 (3) All parts of the United States Medical Licensing  
31 Examination;

32 (4) All parts of a licensing examination given by any state or  
33 territory of the United States, if the applicant is certified by a  
34 specialty board of the American Board of Medical Specialties;

35 (5) All parts of the examination to become a licentiate of the  
36 Medical Council of Canada; or

37 (6) Any combination of the examinations specified in  
38 subparagraphs (1), (2) and (3) that the Board ~~[determined]~~  
39 *determines* to be sufficient;

40 (d) *Is certified by a specialty board of the American Board of*  
41 *Medical Specialties or:*

42 (1) Has completed 36 months of progressive postgraduate:

43 ~~[(1)]~~ (1) Education as a resident in the United States or  
44 Canada in a program approved by the Board, the Accreditation  
45 Council for Graduate Medical Education ~~[of the American Medical~~



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1 ~~Association~~ or the Coordinating Council of Medical Education of  
2 the Canadian Medical Association; or

3 ~~(2) (II)~~ Fellowship training in the United States or Canada  
4 approved by the Board or the Accreditation Council for Graduate  
5 Medical Education; ~~and~~ or

6 *(2) Has completed at least 36 months of postgraduate*  
7 *education, not less than 24 months of such postgraduate*  
8 *must be as a resident after receiving a medical degree from a*  
9 *combined dental and medical degree program approved by the*  
10 *Board or the Commission on Dental Accreditation of the*  
11 *American Dental Association; and*

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

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

17 630.164 1. A board of county commissioners may petition  
18 the Board of Medical Examiners to waive the ~~requirement~~  
19 *requirements* of paragraph (d) of subsection 2 of NRS 630.160 for  
20 any applicant intending to practice medicine in a medically  
21 underserved area of that county as that term is defined by regulation  
22 by the Board of Medical Examiners. The Board of Medical  
23 Examiners may waive that requirement and issue a license if the  
24 applicant:

25 (a) Has completed at least 1 year of training as a resident in the  
26 United States or Canada in a program approved by the Board,  
27 the Accreditation Council for Graduate Medical Education ~~of the~~  
28 ~~American Medical Association~~ or the Coordinating Council of  
29 Medical Education of the Canadian Medical Association,  
30 respectively;

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

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

36 2. Any person licensed pursuant to subsection 1 must be issued  
37 a license to practice medicine in this state restricted to practice in  
38 the medically underserved area of the county which petitioned for  
39 the waiver only. He may apply to the Board of Medical Examiners  
40 for renewal of that restricted license every 2 years after he is  
41 licensed.

42 3. Any person holding a restricted license pursuant to  
43 subsection 1 who completes 3 years of full-time practice under the  
44 restricted license may apply to the Board for an unrestricted license.  
45 In considering an application for an unrestricted license pursuant to



1 this subsection, the Board shall require the applicant to meet all  
2 statutory requirements for licensure in effect at the time of  
3 application except the ~~requirement~~ requirements of paragraph (d)  
4 of subsection 2 of NRS 630.160.

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

6 630.261 1. Except as otherwise provided in NRS 630.161,  
7 the Board may issue:

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

17 (b) A special license to a licensed physician of another state to  
18 come into this state to care for or assist in the treatment of his own  
19 patient in association with a physician licensed in this state. A  
20 special license issued pursuant to the provisions of this paragraph is  
21 limited to the care of a specific patient. The physician licensed in  
22 this state has the primary responsibility for the care of that patient.

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

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

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

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

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

40 (3) Meets the ~~requirement~~ requirements set forth in  
41 paragraph (d) of subsection 2 of NRS 630.160.

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

44 3. Every physician who is licensed pursuant to subsection 1  
45 and who accepts the privilege of practicing medicine in this state



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1 pursuant to the provisions of the license shall be deemed to have  
2 given his consent to the revocation of the license at any time by the  
3 Board for any of the grounds provided in NRS 630.161 or 630.301  
4 to 630.3065, inclusive.

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

6 630.400 A person who:

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

28 **Sec. 11.** This act becomes effective upon passage and  
29 approval.

