

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 and Board of Medical Examiners. (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; authorizing the Board of Medical Examiners to waive certain requirements for licensure to practice medicine if the Governor declares a state of critical need exists for certain medical specialties; authorizing the Board to issue a license by endorsement to practice medicine to certain qualified applicants who have been issued a license to practice medicine by the District of Columbia or any state or territory of the United States; requiring the Board to maintain a website on the Internet; 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.



1 (b) ~~[Be certified, or eligible for certification, by the American~~  
2 ~~Board of Preventive Medicine.~~

3 ~~—(c)]~~ Be licensed, or eligible for licensure, as a ~~[doctor of~~  
4 ~~medicine to practice]~~ *physician or administrative physician* in  
5 Nevada.

6 2. The Administrator must have ~~[had]~~ 2 years' experience, or  
7 the equivalent, in a responsible administrative position in:

- 8 (a) A full-time county or city health facility or department; or
- 9 (b) A major health program at a state or national level.

10 **Sec. 1.5.** NRS 439.100 is hereby amended to read as follows:

11 439.100 1. The Director shall appoint a State Health Officer.

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

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

19 **Sec. 2.** Chapter 630 of NRS is hereby amended by adding  
20 thereto the provisions set forth as sections 3 to 7, inclusive, of this  
21 act.

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

- 24 *1. Officer or employee of a state agency; or*
- 25 *2. Independent contractor pursuant to a contract with the*  
26 *State.*

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

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

- 34 *(a) May not engage in the practice of medicine;*
- 35 *(b) Shall comply with all of the statutory requirements for*  
36 *continued licensure pursuant to this chapter; and*
- 37 *(c) Shall be deemed to hold a license to practice medicine in an*  
38 *administrative capacity only.*

39 **Sec. 5. 1.** *If the Governor determines that there are*  
40 *critically unmet needs with regard to the number of physicians*  
41 *who are practicing a medical specialty within this state, the*  
42 *Governor may declare that a state of critical medical need exists*  
43 *for that medical specialty. The Governor may, but is not required*  
44 *to, limit such a declaration to one or more geographic areas within*  
45 *this state.*



1       2. *In determining whether there are critically unmet needs*  
2 *with regard to the number of physicians who are practicing a*  
3 *medical specialty, the Governor may consider, without limitation:*

4       (a) *Any statistical data analyzing the number of physicians*  
5 *who are practicing the medical specialty in relation to the total*  
6 *population of this state or any geographic area within this state;*

7       (b) *The demand within this state or any geographic area*  
8 *within this state for the types of services provided by the medical*  
9 *specialty; and*

10       (c) *Any other factors relating to the medical specialty that may*  
11 *adversely affect the delivery of health care within this state or any*  
12 *geographic area within this state.*

13       3. *If the Governor makes a declaration pursuant to this*  
14 *section, the Board may waive the requirements of paragraph (d) of*  
15 *subsection 2 of NRS 630.160 for an applicant if the applicant:*

16       (a) *Intends to practice medicine in one or more of the medical*  
17 *specialties designated by the Governor in his declaration and, if*  
18 *the Governor has limited his declaration to one or more*  
19 *geographic areas within this state, in one or more of those*  
20 *geographic areas;*

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

26       (c) *Has a minimum of 5 years of practical medical experience*  
27 *as a licensed allopathic physician or such other equivalent*  
28 *training as the Board deems appropriate; and*

29       (d) *Meets all other conditions and requirements for a license to*  
30 *practice medicine.*

31       4. *Any license issued pursuant to this section is a restricted*  
32 *license, and the person who holds the restricted license may*  
33 *practice medicine in this state only in the medical specialties and*  
34 *geographic areas for which the restricted license is issued.*

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

43       **Sec. 6.** *Except as otherwise provided in NRS 630.161, the*  
44 *Board may issue a license by endorsement to practice medicine to*  
45 *an applicant who has been issued a license to practice medicine by*



1 *the District of Columbia or any state or territory of the United*  
2 *States if:*

3 *1. At the time the applicant files his application with the*  
4 *Board, the license is in effect;*

5 *2. The applicant:*

6 *(a) Submits to the Board proof of passage of an examination*  
7 *approved by the Board;*

8 *(b) Submits to the Board any documentation and other proof*  
9 *of qualifications required by the Board;*

10 *(c) Meets all of the statutory requirements for licensure to*  
11 *practice medicine in effect at the time of application except for the*  
12 *requirements set forth in NRS 630.160; and*

13 *(d) Completes any additional requirements relating to the*  
14 *fitness of the applicant to practice required by the Board; and*

15 *3. Any documentation and other proof of qualifications*  
16 *required by the Board is authenticated in a manner approved by*  
17 *the Board.*

18 **Sec. 7. 1. The Board shall maintain a website on the**  
19 **Internet or its successor.**

20 **2. The Board shall place on the website:**

21 **(a) Each application form for the issuance or renewal of a**  
22 **license issued by the Board pursuant to this chapter; and**

23 **(b) A list of questions that are frequently asked concerning the**  
24 **processes of the Board and the answers to those questions.**

25 **Sec. 8.** NRS 630.005 is hereby amended to read as follows:

26 630.005 As used in this chapter, unless the context otherwise  
27 requires, the words and terms defined in NRS 630.010 to 630.025,  
28 inclusive, **and section 3 of this act** have the meanings ascribed to  
29 them in those sections.

30 **Sec. 9.** NRS 630.020 is hereby amended to read as follows:

31 630.020 "Practice of medicine" means:

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

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

37 3. To perform any of the acts described in subsections 1 and 2  
38 by using equipment that transfers information concerning the  
39 medical condition of the patient electronically, telephonically or by  
40 fiber optics.

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

43 ~~5. To use in connection with a person's name the words or~~  
44 ~~letters "M.D.," or any other title, word, letter or other designation~~  
45 ~~intended to imply or designate him as a practitioner of medicine in~~



1 ~~any of its branches, except in the manner authorized by~~  
2 ~~NRS 630A.220.]~~

3 **Sec. 10.** NRS 630.160 is hereby amended to read as follows:

4 630.160 1. Every person desiring to practice medicine must,  
5 before beginning to practice, procure from the Board a license  
6 authorizing him to practice.

7 2. Except as otherwise provided in NRS 630.161 ~~for 630.164,]~~  
8 *, 630.164 and sections 4, 5 and 6 of this act,* a license may be  
9 issued to any person who:

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

12 (b) Has received the degree of doctor of medicine from a  
13 medical school:

14 (1) Approved by the Liaison Committee on Medical  
15 Education of the American Medical Association and Association of  
16 American Medical Colleges; or

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

20 (c) ~~Has]~~ *Is currently certified by a specialty board of the*  
21 *American Board of Medical Specialties and who agrees to*  
22 *maintain such certification for the duration of his licensure, or*  
23 *has* passed:

24 (1) All parts of the examination given by the National Board  
25 of Medical Examiners;

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

27 (3) All parts of the United States Medical Licensing  
28 Examination;

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

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

34 (6) Any combination of the examinations specified in  
35 subparagraphs (1), (2) and (3) that the Board ~~determined]~~  
36 *determines* to be sufficient;

37 (d) *Is currently certified by a specialty board of the American*  
38 *Board of Medical Specialties in the specialty of emergency*  
39 *medicine, preventive medicine or family practice and who agrees*  
40 *to maintain certification in at least one of these specialties for the*  
41 *duration of his licensure, 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~~



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; and*

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

15 **Sec. 11.** NRS 630.164 is hereby amended to read as follows:

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

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

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

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

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

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



1 statutory requirements for licensure in effect at the time of  
2 application except the ~~requirement~~ *requirements* of paragraph (d)  
3 of subsection 2 of NRS 630.160.

4 **Sec. 12.** NRS 630.165 is hereby amended to read as follows:

5 630.165 1. ~~An~~ *Except as otherwise provided in subsection*  
6 *2, an* applicant for a license to practice medicine must submit to the  
7 Board, on a form provided by the Board, an application in writing,  
8 accompanied by an affidavit stating that:

9 (a) The applicant is the person named in the proof of graduation  
10 and that it was obtained without fraud or misrepresentation or any  
11 mistake of which the applicant is aware; and

12 (b) The information contained in the application and any  
13 accompanying material is complete and correct.

14 2. *An applicant for a license by endorsement to practice*  
15 *medicine pursuant to section 6 of this act must submit to the*  
16 *Board, on a form provided by the Board, an application in writing,*  
17 *accompanied by an affidavit stating that:*

18 (a) *The applicant is the person named in the license to practice*  
19 *medicine issued by the District of Columbia or any state or*  
20 *territory of the United States and that the license was obtained*  
21 *without fraud or misrepresentation or any mistake of which the*  
22 *applicant is aware; and*

23 (b) *The information contained in the application and any*  
24 *accompanying material is complete and correct.*

25 3. An application submitted pursuant to subsection 1 *or 2* must  
26 include the social security number of the applicant.

27 ~~3.~~ 4. In addition to the other requirements for licensure, the  
28 Board may require such further evidence of the mental, physical,  
29 medical or other qualifications of the applicant as it considers  
30 necessary.

31 ~~4.~~ 5. The applicant bears the burden of proving and  
32 documenting his qualifications for licensure.

33 **Sec. 13.** NRS 630.258 is hereby amended to read as follows:

34 630.258 1. A physician who is retired from active practice  
35 and who wishes to donate his expertise for the medical care and  
36 treatment of indigent persons in this state may obtain a special  
37 volunteer medical license by submitting an application to the Board  
38 pursuant to this section.

39 2. An application for a special volunteer medical license must  
40 be on a form provided by the Board and must include:

41 (a) Documentation of the history of medical practice of the  
42 physician;

43 (b) Proof that the physician previously has been issued an  
44 unrestricted license to practice medicine in any state of the United



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1 States and that he has never been the subject of disciplinary action  
2 by a medical board in any jurisdiction;

3 (c) Proof that the physician satisfies the requirements for  
4 licensure set forth in NRS 630.160 ~~§~~ *or the requirements for*  
5 *licensure by endorsement set forth in section 6 of this act;*

6 (d) Acknowledgment that the practice of the physician under the  
7 special volunteer medical license will be exclusively devoted to  
8 providing medical care to indigent persons in this state; and

9 (e) Acknowledgment that the physician will not receive any  
10 payment or compensation, either direct or indirect, or have the  
11 expectation of any payment or compensation, for providing medical  
12 care under the special volunteer medical license, except for payment  
13 by a medical facility at which the physician provides volunteer  
14 medical services of the expenses of the physician for necessary  
15 travel, continuing education, malpractice insurance or fees of the  
16 State Board of Pharmacy.

17 3. If the Board finds that the application of a physician satisfies  
18 the requirements of subsection 2 and that the retired physician is  
19 competent to practice medicine, the Board shall issue a special  
20 volunteer medical license to the physician.

21 4. The initial special volunteer medical license issued pursuant  
22 to this section expires 1 year after the date of issuance. The license  
23 may be renewed pursuant to this section, and any license that is  
24 renewed expires 2 years after the date of issuance.

25 5. The Board shall not charge a fee for:

26 (a) The review of an application for a special volunteer medical  
27 license; or

28 (b) The issuance or renewal of a special volunteer medical  
29 license pursuant to this section.

30 6. A physician who is issued a special volunteer medical  
31 license pursuant to this section and who accepts the privilege of  
32 practicing medicine in this state pursuant to the provisions of the  
33 special volunteer medical license is subject to all the provisions  
34 governing disciplinary action set forth in this chapter.

35 7. A physician who is issued a special volunteer medical  
36 license pursuant to this section shall comply with the requirements  
37 for continuing education adopted by the Board.

38 **Sec. 14.** NRS 630.261 is hereby amended to read as follows:

39 630.261 1. Except as otherwise provided in NRS 630.161,  
40 the Board may issue:

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





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

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

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

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

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

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

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

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

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

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

38 **Sec. 15.** NRS 630.268 is hereby amended to read as follows:

39 630.268 1. The Board shall charge and collect not more than  
40 the following fees:

41  
42 For application for and issuance of a license to practice as  
43 a physician, *including a license by endorsement* ..... \$600



1 For application for and issuance of a temporary, locum  
2 tenens, limited, restricted, special or special purpose  
3 license ..... \$400  
4 For renewal of a limited, restricted or special license ..... 400  
5 For application for and issuance of a license as a physician  
6 assistant..... 400  
7 For biennial registration of a physician assistant ..... 800  
8 For biennial registration of a physician ..... 800  
9 For application for and issuance of a license as a  
10 practitioner of respiratory care ..... 400  
11 For biennial registration of a practitioner of respiratory  
12 care ..... 600  
13 For biennial registration for a physician who is on inactive  
14 status ..... 400  
15 For written verification of licensure ..... 50  
16 For a duplicate identification card ..... 25  
17 For a duplicate license ..... 50  
18 For computer printouts or labels ..... 500  
19 For verification of a listing of physicians, per hour ..... 20  
20 For furnishing a list of new physicians ..... 100

21  
22 2. In addition to the fees prescribed in subsection 1, the Board  
23 shall charge and collect necessary and reasonable fees for its other  
24 services.

25 3. The cost of any special meeting called at the request of a  
26 licensee, an institution, an organization, a state agency or an  
27 applicant for licensure must be paid for by the person or entity  
28 requesting the special meeting. Such a special meeting must not be  
29 called until the person or entity requesting it has paid a cash deposit  
30 with the Board sufficient to defray all expenses of the meeting.

31 **Sec. 16.** NRS 630.400 is hereby amended to read as follows:

32 630.400 A person who:

- 33 1. Presents to the Board as his own the diploma, license or  
34 credentials of another;
- 35 2. Gives either false or forged evidence of any kind to the  
36 Board;
- 37 3. Practices medicine or respiratory care under a false or  
38 assumed name or falsely personates another licensee;
- 39 4. Except as otherwise provided by specific statute, practices  
40 medicine or respiratory care without being licensed under this  
41 chapter;
- 42 5. Holds himself out as a physician assistant or uses any other  
43 term indicating or implying that he is a physician assistant without  
44 being licensed by the Board;



- 1     6. Holds himself out as a practitioner of respiratory care or uses  
2 any other term indicating or implying that he is a practitioner of  
3 respiratory care without being licensed by the Board; or  
4     7. Uses the title [~~“M.D.,” when not licensed by the Board~~  
5 ~~pursuant to this chapter, unless otherwise~~ **“M.D.”**;  
6     ***(a) Without having been awarded such a degree; or***  
7     ***(b) When not*** authorized by a specific statute,  
8 is guilty of a category D felony and shall be punished as provided in  
9 NRS 193.130.  
10    **Sec. 17.** This act becomes effective upon passage and  
11 approval.

