

Amendment No. 925

Senate Amendment to Assembly Bill No. 208 Second Reprint	(BDR 54-1108)
Proposed by: Committee on Commerce and Labor	
Amendment Box: Replaces Amendment No. 748.	
Resolves Conflicts with: N/A	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by deleting section 1, renumbering sec. 2 as sec. 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

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

Sec. 2. *In addition to any other requirements set forth in this chapter, each applicant for a license to practice medicine shall submit to the Board a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

Sec. 3. *1. Any physician against whom the Board initiates disciplinary action pursuant to this chapter shall, within 30 days after the physician’s receipt of notification of the initiation of the*

AM/LJM

Date: 5/27/2005

A.B. No. 208—Revises provisions governing physicians and osteopathic physicians.

disciplinary action, submit to the Board a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. The willful failure of a physician to comply with the requirements of subsection 1 constitutes additional grounds for disciplinary action and the revocation of the license of the physician.

3. The Board has additional grounds for initiating disciplinary action against a physician if the report from the Federal Bureau of Investigation indicates that the physician has been convicted of:

(a) An act that is a ground for disciplinary action pursuant to NRS 630.301 to 630.3066, inclusive; or

(b) A violation of NRS 630.400.”.

Amend sec. 2, page 3, line 24, by deleting “national” and inserting “[~~national~~]”.

Amend sec. 2, page 3, line 25, by deleting “regulation.” and inserting:

“regulation [~~]~~ *based on a national code of ethics.*”.

Amend the bill as a whole by renumbering sections 3 and 4 as sections 14 and 15 and adding new sections designated sections 5 through 13, following sec. 2, to read as follows:

“**Sec. 5.** Chapter 630A of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 10, inclusive, of this act.

Sec. 6. 1. *The Nevada Institutional Review Board is hereby created.*

2. The Nevada Institutional Review Board shall be under the supervision of the Board of Homeopathic Medical Examiners.

3. The Nevada Institutional Review Board consists of seven members as follows:

(a) One person, who may be a member of the Board of Homeopathic Medical Examiners, appointed by the Board of Homeopathic Medical Examiners;

(b) One person, who may be a member of the Board of Medical Examiners, appointed by the Board of Medical Examiners;

(c) One person, who may be a member of the Board of Osteopathic Medical Examiners, appointed by the Board of Osteopathic Medical Examiners;

(d) One person, who may be a member of the State Board of Pharmacy, appointed by the State Board of Pharmacy; and

(e) Three residents of Nevada appointed by the Board of Homeopathic Medical Examiners.

4. The Board of Homeopathic Medical Examiners shall appoint three residents of Nevada to serve as alternates to the Nevada Institutional Review Board. If there is a vacancy, either permanent or temporary, on the Nevada Institutional Review Board, the Board of Homeopathic Medical Examiners shall appoint one of the alternates to fill the vacancy.

5. The members of the Nevada Institutional Review Board are entitled to receive, out of the money coming into the possession of the Nevada Institutional Review Board, a salary and per diem allowance and travel expenses, as fixed by the Nevada Institutional Review Board.

6. Four members of the Nevada Institutional Review Board constitute a quorum. A quorum may exercise all the power and authority conferred on the Nevada Institutional Review Board.

Sec. 7. Before entering upon the duties of his office, each member of the Nevada Institutional Review Board shall take:

1. The constitutional oath or affirmation of office; and

2. An oath or affirmation that he is legally qualified to serve on the Nevada Institutional Review Board.

Sec. 8. 1. The Nevada Institutional Review Board shall:

(a) Assist the Board of Homeopathic Medical Examiners in:

(1) Protecting the public by exercising control of research studies using devices, therapies and substances regulated by the Board;

(2) Evaluating, determining and acting upon the safety, efficacy, reimbursement and availability of diagnostic devices, substances, other modalities, therapies and methods of treatment used in such research studies; and

(3) Analyzing, coordinating and integrating the diagnostic techniques and treatments related to complementary integrative medicine with the diagnostic techniques and treatments of other healthcare practices;

(b) Oversee, review and control any research studies submitted to the Nevada Institutional Review Board which involve complementary integrative medicine and the use of human research subjects and any related issues, including, without limitation:

(1) The qualifications required for conducting such research studies;

(2) The proper clinical outcome to be attributed to such research studies; and

(3) The safety, efficacy, reimbursement and availability of diagnostic devices, substances, other modalities, therapies and methods of treatment used in such research studies;

(c) Evaluate:

(1) The social and economic impact of submitted research studies; and

(2) The relationship between complementary integrative medicine and other healthcare practices;

(d) Keep a record of all transactions and provide the Board of Homeopathic Medical Examiners with periodic reports of all transactions; and

(e) Be accountable to the Board of Homeopathic Medical Examiners for all the activities of the Nevada Institutional Review Board and make any reports or recommendations to the Board of Homeopathic Medical Examiners as the Board of Homeopathic Medical Examiners requires.

2. The Nevada Institutional Review Board may adopt such regulations as are necessary to carry out the provisions of sections 6 to 10, inclusive, of this act. All regulations adopted by the Nevada Institutional Review Board must be approved by the Board of Homeopathic Medical Examiners.

Sec. 9. 1. All money received by the Nevada Institutional Review Board must be deposited in financial institutions in this State that are federally insured or insured by a private insurer approved pursuant to NRS 678.755. The money must be kept separate from any money to be used by or for the Board of Homeopathic Medical Examiners.

2. The deposited money must only be used to carry out the activities of the Nevada Institutional Review Board and to pay the expenses incurred by the Nevada Institutional Review Board in the discharge of its duties.

Sec. 10. 1. The Nevada Institutional Review Board may be funded by:

(a) A nonprofit organization, created by the Board of Homeopathic Medical Examiners, which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3); and

(b) Grants, gifts, appropriations or donations to assist the Nevada Institutional Review Board in carrying out its duties pursuant to the provisions of sections 6 to 10, inclusive, of this act.

2. Any money received by the Nevada Institutional Review Board must be placed with the financial institutions described in section 9 of this act.

Sec. 11. NRS 630A.090 is hereby amended to read as follows:

630A.090 1. This *Except as otherwise provided in section 8 of this act and NRS 630A.155, this* chapter does not apply to:

(a) The practice of dentistry, chiropractic, Oriental medicine, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Services or a medical officer of any division or department of the United States in the discharge of his official duties.

(c) Licensed or certified nurses in the discharge of their duties as nurses.

(d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in case of emergency.

(b) The domestic administration of family remedies.

4. This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

Sec. 12. NRS 630A.155 is hereby amended to read as follows:

630A.155 The Board shall:

1. Regulate the practice of homeopathic medicine in this State and any activities that are within the scope of such practice, to protect the public health and safety and the general welfare of the people of this State.
2. Determine the qualifications of, and examine, applicants for licensure or certification pursuant to this chapter, and specify by regulation the methods to be used to check the background of such applicants.
3. License or certify those applicants it finds to be qualified.
4. Investigate, hear and decide all complaints made against any homeopathic physician, advanced practitioner of homeopathy, homeopathic assistant or any agent or employee of any of them, or any facility where the primary practice is homeopathic medicine. ~~[If a complaint concerns a practice which is within the jurisdiction of another licensing board, including, without limitation, spinal manipulation, surgery, nursing or allopathic medicine, the Board shall refer the complaint to the other licensing board.]~~
5. *Supervise the Nevada Institutional Review Board created pursuant to section 6 of this act, including, without limitation, approving or denying the regulations adopted by the Nevada Institutional Review Board.*
6. *Make recommendations to the Legislature concerning the enactment of legislation relating to complementary integrative medicine, including, without limitation, homeopathic medicine.*

Sec. 13. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any osteopathic physician against whom the Board initiates disciplinary action pursuant to this chapter shall, within 30 days after the osteopathic physician's receipt of notification of the initiation of the disciplinary action, submit to the Board a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. The willful failure of an osteopathic physician to comply with the requirements of subsection 1 constitutes additional grounds for disciplinary action and the revocation of the license of the osteopathic physician.

3. The Board has additional grounds for initiating disciplinary action against an osteopathic physician if the report from the Federal Bureau of Investigation indicates that the osteopathic physician has been convicted of:

(a) An act that is a ground for disciplinary action pursuant to NRS 633.511; or

(b) A felony set forth in NRS 633.741.”.

Amend the bill as a whole by deleting sections 5 and 6 and adding new sections designated sections 16 through 18, following sec. 4, to read as follows:

“**Sec. 16.** NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives his written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information. Except as otherwise provided in this subsection, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom information is disseminated pursuant to this subsection.

5. Records of criminal history must be disseminated by an agency of criminal justice , upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history or his attorney of record when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The State Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out his duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee, or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the

contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in his professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Welfare Division of the Department of Human Resources or its designated representative.

(q) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(r) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(s) The Commissioner of Insurance.

(t) *The Board of Medical Examiners.*

(u) *The State Board of Osteopathic Medicine.*

6. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 17. 1. As soon as practicable after the effective date of this act, the Boards responsible for the appointment of members to the Nevada Institutional Review Board shall make their initial appointments to the Nevada Institutional Review Board.

2. The Nevada Institutional Review Board shall adopt regulations pursuant to section 8 of this act on or before October 1, 2005.

Sec. 18. 1. This section and section 17 of this act become effective upon passage and approval.

2. Sections 1 to 16, inclusive, of this act become effective on July 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to medical professions; requiring an applicant for a license to practice medicine to submit to a criminal background check; requiring physicians and osteopathic physicians against whom disciplinary action is initiated to submit to criminal background checks; expanding the grounds for initiating disciplinary action against physicians and osteopathic physicians; requiring, upon request, an agency of criminal justice to disseminate records of criminal history to the Board of Medical Examiners and the State Board of Osteopathic Medicine; creating the Nevada Institutional Review Board and defining its powers and duties; removing the requirement that the Board of Homeopathic Medical Examiners refer complaints within the jurisdiction of other boards to those boards; requiring the Board of Homeopathic Medical Examiners to make recommendations to the Legislature regarding complementary integrative medicine; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to physicians and medical research.

(BDR 54-1108)”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be deleted.**