

Amendment No. 686

Senate Amendment to Assembly Bill No. 361	(BDR 54-839)
Proposed by: Senate Committee on Commerce and Labor	
Amends: Summary: No 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"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DLJ/BJE



Date: 5/12/2019

A.B. No. 361—Revises provisions relating to the practice of medicine.
(BDR 54-839)



ASSEMBLY BILL NO. 361—ASSEMBLYWOMAN CARLTON

MARCH 20, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to the practice of medicine. (BDR 54-839)

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 the ~~Board of Medical Examiners;~~ **practice of medicine;** revising provisions relating to a physician **or osteopathic physician** who is supervising medical students; revising provisions relating to certain inspections of medical premises which the Board **of Medical Examiners or the State Board of Osteopathic Medicine** is authorized to conduct; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law a physician **or osteopathic physician** shall not allow a person to perform or participate in any activity under the supervision of the physician for the purpose of receiving credit toward certain medical degrees unless the person is enrolled in good standing at one of certain accredited medical schools. There is an exception for such an activity which takes place in a primary care practice that is located in a health professional shortage area and under certain circumstances. (NRS 630.3745 ~~1-Section 1~~, **633.6955 Sections 1 and 2.5** of this bill ~~provides~~ **provide** that a physician **or osteopathic physician** who violates this existing law is subject to a civil penalty of not more than \$10,000 for each violation, provided that an action to enforce the civil penalty is brought not later than 2 years after the date of the last such violation.

Existing law authorizes any member or agent of the Board of Medical Examiners to enter any premises in this State where a licensee under the authority of the Board practices, and to perform an inspection to determine if any violations of relevant law have occurred. (NRS 630.395) **Similar authorization is provided for any member or agent of the State Board of Osteopathic Medicine. (NRS 633.512) Section 2** of this bill adds, as an example of such a violation for which the premises may be inspected, a violation of the provisions of ~~section 2.5~~ **1** regarding a physician who supervises a person who is enrolled in an accredited medical school. **Section 2.3 of this bill adds a similar provision pertaining to the premises of an osteopathic physician and a violation of the provisions of section 2.5 by an osteopathic physician.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 630.3745 is hereby amended to read as follows:

2 630.3745 1. Except as otherwise provided in subsection 2, a physician shall
3 not allow a person to perform or participate in any activity under the supervision of
4 the physician for the purpose of receiving credit toward a degree of doctor of
5 medicine, osteopathy or osteopathic medicine, including, without limitation,
6 clinical observation and contact with patients, unless the person is enrolled in good
7 standing at:

8 (a) A medical school that is accredited by the Liaison Committee on Medical
9 Education of the American Medical Association and the Association of American
10 Medical Colleges or their successor organizations; or

11 (b) A school of osteopathic medicine, as defined in NRS 633.121.

12 2. The provisions of subsection 1 do not apply to a physician who supervises
13 an activity performed by a person for the purpose of receiving credit toward a
14 degree of doctor of medicine, osteopathy or osteopathic medicine if:

15 (a) The activity takes place:

16 (1) In a primary care practice that is located in an area that has been
17 designated by the United States Secretary of Health and Human Services as a health
18 professional shortage area pursuant to 42 U.S.C. § 254e; and

19 (2) Entirely under the supervision of the physician; and

20 (b) The physician is not currently supervising any other person who is
21 receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic
22 medicine.

23 3. *A physician who violates the provisions of this section is subject to a civil
24 penalty of not more than \$10,000 for each violation. The Attorney General or any
25 district attorney of this State may recover the penalty in a civil action brought in
26 the name of the State of Nevada in any court of competent jurisdiction.*

27 4. *Any action brought under this section must be brought not later than 2
28 years after the date of the last event constituting the alleged violation for which
29 the action is brought.*

30 5. As used in this section, “primary care practice” means a health care
31 practice operated by one or more physicians who practice in the area of family
32 medicine, internal medicine or pediatrics.

33 **Sec. 2.** NRS 630.395 is hereby amended to read as follows:

34 630.395 Any member or agent of the Board may enter any premises in this
35 State where a person who holds a license issued pursuant to the provisions of this
36 chapter practices medicine, perfusion or respiratory care and inspect it to determine
37 whether a violation of any provision of this chapter has occurred, including, without
38 limitation ~~[-and]~~:

39 1. *An inspection to determine whether any person at the premises is
40 practicing medicine, perfusion or respiratory care without the appropriate license
41 issued pursuant to the provisions of this chapter [H]; or*

42 2. *An inspection to determine whether any physician is allowing a person to
43 perform or participate in any activity under the supervision of the physician for
44 the purpose of receiving credit toward a degree of doctor of medicine, osteopathy
45 or osteopathic medicine in violation of the provisions of NRS 630.3745.*

46 **Sec. 2.3.** NRS 633.512 is hereby amended to read as follows:

47 633.512 Any member or agent of the Board may enter any premises in this
48 State where a person who holds a license issued pursuant to the provisions of this
49 chapter practices osteopathic medicine or as a physician assistant and inspect it to

1 determine whether a violation of any provision of this chapter has occurred,
2 including, without limitation, ~~§ 441~~;

3 1. An inspection to determine whether any person at the premises is
4 practicing osteopathic medicine or as a physician assistant without the appropriate
5 license issued pursuant to the provisions of this chapter ~~§ 441~~; or

6 2. An inspection to determine whether any osteopathic physician is allowing
7 a person to perform or participate in any activity under the supervision of the
8 osteopathic physician for the purpose of receiving credit toward a degree of
9 doctor of medicine, osteopathy or osteopathic medicine in violation of NRS
10 633.6955.

11 **Sec. 2.5. NRS 633.6955 is hereby amended to read as follows:**

12 633.6955 1. Except as otherwise provided in subsection 2, an osteopathic
13 physician shall not allow a person to perform or participate in any activity under the
14 supervision of the osteopathic physician for the purpose of receiving credit toward a
15 degree of doctor of medicine, osteopathy or osteopathic medicine, including,
16 without limitation, clinical observation and contact with patients, unless the person
17 is enrolled in good standing at:

18 (a) A medical school that is accredited by the Liaison Committee on Medical
19 Education of the American Medical Association and the Association of American
20 Medical Colleges or their successor organizations; or

21 (b) A school of osteopathic medicine.

22 2. The provisions of subsection 1 do not apply to an osteopathic physician
23 who supervises an activity performed by a person for the purpose of receiving
24 credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine if:

25 (a) The activity takes place:

26 (1) In a primary care practice that is located in an area that has been
27 designated by the United States Secretary of Health and Human Services as a health
28 professional shortage area pursuant to 42 U.S.C. § 254e; and

29 (2) Entirely under the supervision of the osteopathic physician; and

30 (b) The osteopathic physician is not currently supervising any other person
31 who is receiving credit toward a degree of doctor of medicine, osteopathy or
32 osteopathic medicine.

33 3. An osteopathic physician who violates the provisions of this section is
34 subject to a civil penalty of not more than \$10,000 for each violation. The
35 Attorney General or any district attorney of this State may recover the penalty in
36 a civil action brought in the name of the State of Nevada in any court of
37 competent jurisdiction.

38 4. Any action brought under this section must be brought not later than 2
39 years after the date of the last event constituting the alleged violation for which
40 the action is brought.

41 5. As used in this section, "primary care practice" means a health care
42 practice operated by one or more physicians who practice in the area of family
43 medicine, internal medicine or pediatrics.

44 **Sec. 3.** This act becomes effective on July 1, 2019.