

Amendment No. 873

Senate Amendment to Senate Bill No. 130 First Reprint	(BDR 40-61)
<b>Proposed by:</b> Senate Committee on Finance	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 130 R1 (§§ 34-39).
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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.

EWR/RBL



Date: 5/23/2019

S.B. No. 130—Provides for the licensing and regulation of certain persons who administer radiation. (BDR 40-61)





SENATE BILL NO. 130—SENATORS WOODHOUSE AND GOICOECHEA

FEBRUARY 6, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Provides for the licensing and regulation of certain persons who administer radiation. (BDR 40-61)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
Effect on the State: Yes.

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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 radiation; creating the Radiation Therapy and Radiologic Imaging Advisory Committee; providing for a license to engage in radiation therapy or radiologic imaging; providing for a limited license to engage in radiologic imaging; prescribing the requirements for the issuance and renewal of such a license and limited license; authorizing certain persons to practice as radiologist assistants; prescribing additional qualifications for a person to perform certain types of radiation therapy and radiologic imaging; providing for the enforcement of the requirements concerning radiation therapy and radiologic imaging; authorizing the imposition of disciplinary action or an injunction against a person who engages in radiation therapy or radiologic imaging in certain circumstances; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the State Board of Health to adopt regulations for the licensing of persons to: (1) receive, possess or transfer radioactive materials and devices; and (2) engage in certain other activities relating to radioactive materials. (NRS 459.201) **Section 9** of this bill authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to suspend, revoke or amend such a license or registration of a person who violates any provision of statute or regulations governing radioactive materials or radiation.

**Sections 22-51** of this bill add a new chapter to NRS governing the licensing and regulation of persons who engage in radiation therapy and radiologic imaging. **Section 32** of this bill exempts physicians, physician assistants, dentists, **dentist hygienists, dental assistants**, chiropractors, chiropractor’s assistants, certain persons training to engage in the practice of chiropractic, podiatrists, ~~persons who administer radiation only to animals, other than humans,~~ **veterinarians, veterinary technicians, certain persons working under the supervision of a veterinarian or veterinary technician** and persons engaging in mammography from such licensing and regulation. **Section 72.3** of this bill exempts podiatry hygienists and persons training to be podiatry hygienists from such licensing and regulation if the State Board of Podiatry adopts regulations prescribing the conditions under which such

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17 persons may engage in radiologic imaging and radiation therapy. **Sections 62 and 63** of this  
18 bill authorize a podiatry hygienist to take and develop X-rays without obtaining a license to  
19 engage in radiation therapy and radiologic imaging under certain conditions before the  
20 effective date of such regulations. **Sections 72.6 and 73.5** of this bill make conforming  
21 changes.

22 **Section 35** of this bill prohibits a person from engaging in: (1) radiologic imaging unless  
23 he or she has obtained a license or limited license from the Division; or (2) radiation therapy  
24 unless he or she has obtained a license from the Division. ~~[Section 56 of this bill: (1)~~  
25 ~~authorizes a dental hygienist, dental assistant or qualified dental technician to perform certain~~  
26 ~~types of radiography within the practice of his or her profession if he or she has successfully~~  
27 ~~completed certain training; and (2) prohibits such a person from otherwise engaging in~~  
28 ~~radiation therapy or radiologic imaging. Section 57 of this bill makes a conforming change.]~~  
29 **Sections 54 and 55** of this bill clarify that a practitioner of respiratory care or homeopathic  
30 assistant is prohibited from engaging in radiation therapy or radiologic imaging unless he or  
31 she holds a license or limited license. **Section 75** of this bill requires the Division to issue a  
32 license or limited license, as applicable, to the scope of practice of the person, to any person  
33 who is performing radiation therapy or radiologic imaging as part of his or her employment on  
34 or before January 1, 2020, and registers with the Division. The holder of a license or limited  
35 license issued pursuant to section 75 would be required to comply with all requirements  
36 to renew the license or limited license, including requirements for continuing education,  
37 as if the license or limited license were issued pursuant to sections 22-51.

38 **Sections 36 and 37** of this bill prescribe the qualifications for obtaining a license or a  
39 limited license. **Section 37** also establishes the types of limited licenses that may be issued.  
40 **Sections 38 and 39** of this bill provide for licensure by endorsement of persons who hold  
41 licenses in another state that correspond to a license to engage in radiation therapy and  
42 radiologic imaging or a limited license to engage in radiologic imaging. **Sections 40 and 50** of  
43 this bill provide for the denial or suspension of a license or a limited license if the licensee is  
44 delinquent in child support payments, in conformance with federal law. **Section 41** of this bill  
45 authorizes certain holders of a license to engage in radiation therapy and radiologic imaging to  
46 practice as a radiologist assistant. **Sections 2 and 65** of this bill authorize the holder of a  
47 license to engage in radiation therapy and radiologic imaging or a person training to obtain  
48 such a license to take certain actions with regard to drugs to the same extent as was previously  
49 authorized for a radiologic or nuclear medicine technician or trainee. **Section 3** of this bill  
50 makes a conviction of certain crimes involving dangerous drugs grounds for the suspension or  
51 revocation of a license to engage in radiation therapy and radiologic imaging.

52 **Section 42** of this bill authorizes: (1) an unlicensed person to engage in supervised  
53 radiation therapy or radiologic imaging without compensation for the purpose of qualifying  
54 for a certification that is a prerequisite for a license or limited license; or (2) a license to  
55 practice outside the scope of his or her license under supervision for the purpose of qualifying  
56 for a certification that is a prerequisite for being licensed. **Section 42** also authorizes the  
57 Division to issue a temporary student license, which authorizes an unlicensed person to  
58 engage in radiation therapy or radiologic imaging for compensation for the purpose of  
59 qualifying for certification that is a prerequisite for being licensed.

60 **Sections 44 and 45** of this bill prescribe the required qualifications to perform computed  
61 tomography and fluoroscopy, respectively. **Section 43** of this bill authorizes unlicensed  
62 persons who register with the Division and meet certain other requirements to take X-ray  
63 photographs at certain federally-qualified health centers or rural health clinics. **Section 43** also  
64 authorizes a person who is employed performing computed tomography or fluoroscopy to  
65 continue to do so without obtaining a license from the Division if he or she registers with the  
66 Division and meets certain other requirements.

67 Existing law prohibits a person from operating a radiation machine for mammography  
68 unless the person holds a certificate to do so or is a licensed physician or physician assistant.  
69 (NRS 457.183) **Section 4.5** exempts an applicant for such a certificate who also holds a  
70 license to engage in radiation therapy and radiologic imaging ~~for a limited license to engage in~~  
71 ~~radiologic imaging]~~ from the requirement to pay an application fee. **Section 6** of this bill  
72 makes a conforming change.

73 **Section 47** of this bill authorizes the Division to: (1) enter and inspect any private or  
74 public property for the purpose of enforcing the provisions of this bill governing radiation  
75 therapy and radiologic imaging; and (2) request any information necessary to ensure that

76 persons engaged in radiation therapy and radiologic imaging meet applicable requirements.  
 77 **Sections 19 and 47** of this bill provide for the confidentiality of such information and reports  
 78 of inspections. **Section 48** of this bill: (1) prescribes the grounds for disciplinary action  
 79 against a holder of a license or limited license; and (2) authorizes a person whose license or  
 80 limited license has been revoked to apply to the Division for reinstatement after 2 years.  
 81 **Section 49** of this bill requires the Division to: (1) investigate a complaint filed against a  
 82 licensee; and (2) provide a licensee against whom disciplinary action may be imposed with the  
 83 opportunity for a hearing. **Section 51** of this bill authorizes the Division to seek an injunction  
 84 to prevent a violation of provisions of this bill governing the licensing and regulation of  
 85 persons who engage in radiation therapy or radiologic imaging. **Sections 35, 41, 44 and 45**  
 86 make it a misdemeanor to engage in radiation therapy, radiologic imaging or other activity for  
 87 which a credential is required without the proper credential.

88 **Section 33** of this bill creates the Radiation Therapy and Radiologic Imaging Advisory  
 89 Committee to advise the State Board of Health, the Division and the Legislature concerning  
 90 radiation therapy and radiologic imaging. **Section 34** of this bill requires the Board to adopt  
 91 certain regulations relating to radiation therapy and radiologic imaging, including regulations  
 92 defining the scope of practice for radiologist assistants and the holders of licenses and limited  
 93 licenses. **Section 34** requires those standards of practice to be at least as stringent as those  
 94 adopted by a national professional organization designated by the Board and recommended by  
 95 the Committee. **Section 33** requires the Committee to recommend a national professional  
 96 organization for that purpose.

97 Existing law requires the Legislative Committee on Health Care to review each regulation  
 98 that certain licensing entities adopt which relates to standards for the issuance or renewal of a  
 99 license. (NRS 439B.225) **Section 1** of this bill adds to the regulations reviewed by the  
 100 Committee relating to the standards for the issuance of a license to engage in radiation therapy  
 101 or radiologic imaging and a limited license to engage in radiologic imaging.

102 Existing law prohibits the Division from issuing or renewing the registration of a  
 103 radiation machine unless the applicant attests that the radiologic technicians and nuclear  
 104 medicine technicians employed by the applicant have knowledge of and are in compliance  
 105 with certain guidelines for the prevention of transmission of infectious agents. (NRS 459.035)  
 106 **Section 8** of this bill deletes those provisions and instead requires the operator of a radiation  
 107 machine to be properly licensed and in compliance with the provisions of this bill concerning  
 108 radiation therapy and radiologic imaging or be exempt pursuant to **section 32**. **Section 35**  
 109 requires a person to have knowledge of and be in compliance with guidelines for the  
 110 prevention and transmission of infectious agents.

111 **Sections 10-18, 20, 52, 58 and 64-72** of this bill make conforming changes to treat  
 112 holders of licenses and limited licenses similarly to other providers of health care in certain  
 113 respects.

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

1 **Section 1.** NRS 439B.225 is hereby amended to read as follows:

2 439B.225 1. As used in this section, "licensing board" means any division  
 3 or board empowered to adopt standards for the issuance or renewal of licenses,  
 4 permits or certificates of registration pursuant to NRS 433.601 to 433.621,  
 5 inclusive, 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632,  
 6 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B,  
 7 641C, 652 or 654 of NRS **or sections 22 to 51, inclusive, of this act.**

8 2. The Committee shall review each regulation that a licensing board  
 9 proposes or adopts that relates to standards for the issuance or renewal of licenses,  
 10 permits or certificates of registration issued to a person or facility regulated by the  
 11 board, giving consideration to:

12 (a) Any oral or written comment made or submitted to it by members of the  
 13 public or by persons or facilities affected by the regulation;

1 (b) The effect of the regulation on the cost of health care in this State;

2 (c) The effect of the regulation on the number of licensed, permitted or  
3 registered persons and facilities available to provide services in this State; and

4 (d) Any other related factor the Committee deems appropriate.

5 3. After reviewing a proposed regulation, the Committee shall notify the  
6 agency of the opinion of the Committee regarding the advisability of adopting or  
7 revising the proposed regulation.

8 4. The Committee shall recommend to the Legislature as a result of its review  
9 of regulations pursuant to this section any appropriate legislation.

10 **Sec. 2.** NRS 454.213 is hereby amended to read as follows:

11 454.213 1. Except as otherwise provided in NRS 454.217, a drug or  
12 medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and  
13 administered by:

14 (a) A practitioner.

15 (b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at  
16 the direction of his or her supervising physician or a licensed dental hygienist  
17 acting in the office of and under the supervision of a dentist.

18 (c) Except as otherwise provided in paragraph (d), a registered nurse licensed  
19 to practice professional nursing or licensed practical nurse, at the direction of a  
20 prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of  
21 NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant  
22 to a chart order, for administration to a patient at another location.

23 (d) In accordance with applicable regulations of the Board, a registered nurse  
24 licensed to practice professional nursing or licensed practical nurse who is:

25 (1) Employed by a health care agency or health care facility that is  
26 authorized to provide emergency care, or to respond to the immediate needs of a  
27 patient, in the residence of the patient; and

28 (2) Acting under the direction of the medical director of that agency or  
29 facility who works in this State.

30 (e) A medication aide - certified at a designated facility under the supervision  
31 of an advanced practice registered nurse or registered nurse and in accordance with  
32 standard protocols developed by the State Board of Nursing. As used in this  
33 paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

34 (f) Except as otherwise provided in paragraph (g), an advanced emergency  
35 medical technician or a paramedic, as authorized by regulation of the State Board of  
36 Pharmacy and in accordance with any applicable regulations of:

37 (1) The State Board of Health in a county whose population is less than  
38 100,000;

39 (2) A county board of health in a county whose population is 100,000 or  
40 more; or

41 (3) A district board of health created pursuant to NRS 439.362 or 439.370  
42 in any county.

43 (g) An advanced emergency medical technician or a paramedic who holds an  
44 endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a  
45 local health officer or a designee of the local health officer pursuant to that section.

46 (h) A respiratory therapist employed in a health care facility. The therapist may  
47 possess and administer respiratory products only at the direction of a physician.

48 (i) A dialysis technician, under the direction or supervision of a physician or  
49 registered nurse only if the drug or medicine is used for the process of renal  
50 dialysis.

51 (j) A medical student or student nurse in the course of his or her studies at an  
52 accredited college of medicine or approved school of professional or practical  
53 nursing, at the direction of a physician and:

1 (1) In the presence of a physician or a registered nurse; or

2 (2) Under the supervision of a physician or a registered nurse if the student  
3 is authorized by the college or school to administer the drug or medicine outside the  
4 presence of a physician or nurse.

5 **↳** A medical student or student nurse may administer a dangerous drug in the  
6 presence or under the supervision of a registered nurse alone only if the  
7 circumstances are such that the registered nurse would be authorized to administer  
8 it personally.

9 (k) Any person designated by the head of a correctional institution.

10 (l) An ultimate user or any person designated by the ultimate user pursuant to a  
11 written agreement.

12 (m) A ~~[nuclear medicine technologist,]~~ *holder of a license to engage in*  
13 *radiation therapy and radiologic imaging issued pursuant to sections 22 to 51,*  
14 *inclusive, of this act,* at the direction of a physician and in accordance with any  
15 conditions established by regulation of the Board.

16 (n) ~~[A radiologic technologist, at the direction of a physician and in accordance~~  
17 ~~with any conditions established by regulation of the Board-~~

18 ~~—(o)]~~ A chiropractic physician, but only if the drug or medicine is a topical drug  
19 used for cooling and stretching external tissue during therapeutic treatments.

20 ~~[(p)]~~ (o) A physical therapist, but only if the drug or medicine is a topical drug  
21 which is:

22 (1) Used for cooling and stretching external tissue during therapeutic  
23 treatments; and

24 (2) Prescribed by a licensed physician for:

25 (I) Iontophoresis; or

26 (II) The transmission of drugs through the skin using ultrasound.

27 ~~[(q)]~~ (p) In accordance with applicable regulations of the State Board of  
28 Health, an employee of a residential facility for groups, as defined in NRS 449.017,  
29 pursuant to a written agreement entered into by the ultimate user.

30 ~~[(r)]~~ (q) A veterinary technician or a veterinary assistant at the direction of his  
31 or her supervising veterinarian.

32 ~~[(s)]~~ (r) In accordance with applicable regulations of the Board, a registered  
33 pharmacist who:

34 (1) Is trained in and certified to carry out standards and practices for  
35 immunization programs;

36 (2) Is authorized to administer immunizations pursuant to written protocols  
37 from a physician; and

38 (3) Administers immunizations in compliance with the “Standards for  
39 Immunization Practices” recommended and approved by the Advisory Committee  
40 on Immunization Practices of the Centers for Disease Control and Prevention.

41 ~~[(t)]~~ (s) A registered pharmacist pursuant to written guidelines and protocols  
42 developed and approved pursuant to NRS 639.2809 or a collaborative practice  
43 agreement, as defined in NRS 639.0052.

44 ~~[(u)]~~ (t) A person who is enrolled in a training program to become a physician  
45 assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist,  
46 advanced emergency medical technician, paramedic, respiratory therapist, dialysis  
47 technician, ~~[nuclear medicine technologist, radiologic technologist,]~~ physical  
48 therapist or veterinary technician *or to obtain a license to engage in radiation*  
49 *therapy and radiologic imaging pursuant to sections 22 to 51, inclusive, of this*  
50 *act* if the person possesses and administers the drug or medicine in the same  
51 manner and under the same conditions that apply, respectively, to a physician  
52 assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist,  
53 advanced emergency medical technician, paramedic, respiratory therapist, dialysis

1 technician, ~~[nuclear medicine technologist, radiologic technologist,]~~ physical  
2 therapist, ~~[or]~~ veterinary technician *or person licensed to engage in radiation*  
3 *therapy and radiologic imaging* who may possess and administer the drug or  
4 medicine, and under the direct supervision of a person licensed or registered to  
5 perform the respective medical art or a supervisor of such a person.

6 ~~[(u)]~~ (u) A medical assistant, in accordance with applicable regulations of the:

7 (1) Board of Medical Examiners, at the direction of the prescribing  
8 physician and under the supervision of a physician or physician assistant.

9 (2) State Board of Osteopathic Medicine, at the direction of the prescribing  
10 physician and under the supervision of a physician or physician assistant.

11 2. As used in this section, "accredited college of medicine" has the meaning  
12 ascribed to it in NRS 453.375.

13 **Sec. 3.** NRS 454.361 is hereby amended to read as follows:

14 454.361 A conviction of the violation of any of the provisions of NRS  
15 454.181 to 454.371, inclusive, constitutes grounds for the suspension or revocation  
16 of any license issued to such person pursuant to the provisions of chapters 630, 631,  
17 633, 635, 636, 638 or 639 of NRS ~~[(u)]~~ *or sections 22 to 51, inclusive, of this act.*

18 **Sec. 4.** (Deleted by amendment.)

19 **Sec. 4.5.** NRS 457.183 is hereby amended to read as follows:

20 457.183 1. A person shall not operate a radiation machine for  
21 mammography unless the person:

22 (a) Has a certificate of authorization to operate a radiation machine issued by  
23 the Division; or

24 (b) Is licensed pursuant to chapter 630 or 633 of NRS.

25 2. To obtain a certificate of authorization to operate a radiation machine for  
26 mammography, a person must:

27 (a) Submit an application to the Division on a form provided by the Division  
28 and provide any additional information required by the Division;

29 (b) Be certified by the American Registry of Radiologic Technologists or meet  
30 the standards established by the Division pursuant to subsection 1 of NRS 457.065;

31 (c) Pass an examination if the Division determines that an examination for  
32 certification is necessary to protect the health and safety of the residents of this  
33 State;

34 (d) Submit the statement required pursuant to NRS 457.1833; and

35 (e) ~~[(Pay)]~~ *Except as otherwise provided in subsection 4, pay* the fee required  
36 by the Division, which must be calculated to cover the administrative costs directly  
37 related to the process of issuing the certificates.

38 3. An application for the issuance of a certificate of authorization to operate a  
39 radiation machine for mammography must include the social security number of the  
40 applicant.

41 4. *An applicant for the issuance or renewal of a certificate to operate a*  
42 *radiation machine for mammography is not required to pay a fee pursuant to*  
43 *paragraph (e) of subsection 2 or subsection 6, as applicable, if the applicant holds*  
44 *a license ~~[(for limited license)]~~ issued pursuant to sections 22 to 51, inclusive, of this*  
45 *act.*

46 5. The Division shall certify a person to operate a radiation machine for  
47 mammography if the person complies with the provisions of subsection 2 and meets  
48 the standards adopted pursuant to subsection 1 of NRS 457.065.

49 ~~[(5)]~~ 6. A certificate of authorization to operate a radiation machine for  
50 mammography expires 3 years after the date on which it was issued unless it is  
51 renewed before that date. ~~[(The)]~~ *Except as otherwise provided in subsection 4, the*  
52 Division shall require continuing education as a prerequisite to the renewal of a



1 certificate and shall charge a fee for renewal that is calculated to cover the  
2 administrative costs directly related to the renewal of a certificate.

3 ~~6.] 7.~~ A person who is certified to operate a radiation machine for  
4 mammography pursuant to this section shall not operate such a machine without a  
5 valid certificate of authorization issued pursuant to NRS 457.184 for the machine.

6 **Sec. 5.** (Deleted by amendment.)

7 **Sec. 6.** NRS 457.185 is hereby amended to read as follows:

8 457.185 1. The Division shall grant or deny an application for a certificate  
9 of authorization to operate a radiation machine for mammography or a certificate of  
10 authorization for a radiation machine for mammography within 4 months after  
11 receipt of a complete application.

12 2. The Division shall withdraw the certificate of authorization to operate a  
13 radiation machine for mammography if it finds that the person violated the  
14 provisions of subsection ~~6.] 7~~ of NRS 457.183.

15 3. The Division shall deny or withdraw the certificate of authorization of a  
16 radiation machine for mammography if it finds that the owner, lessee or other  
17 responsible person violated the provisions of subsection 1 of NRS 457.184.

18 4. If a certificate of authorization to operate a radiation machine for  
19 mammography or a certificate of authorization for a radiation machine for  
20 mammography is withdrawn, a person must apply for the certificate in the manner  
21 provided for an initial certificate.

22 **Sec. 7.** (Deleted by amendment.)

23 **Sec. 8.** NRS 459.035 is hereby amended to read as follows:

24 459.035 The Division shall not issue or renew the registration of a radiation  
25 machine pursuant to regulations adopted by the State Board of Health unless the  
26 applicant for issuance or renewal of the registration attests that the ~~[radiologic  
27 technologists and nuclear medicine technologists]~~ *persons* employed by the  
28 applicant ~~[have knowledge of and are in compliance with the guidelines of the  
29 Centers for Disease Control and Prevention concerning the prevention of  
30 transmission of infectious agents through safe and appropriate injection practices.]~~  
31 *to operate the radiation machine are properly licensed pursuant to sections 22 to  
32 51, inclusive, of this act or are exempt from the requirement to obtain such  
33 licensure pursuant to section 32 of this act.*

34 **Sec. 9.** NRS 459.260 is hereby amended to read as follows:

35 459.260 1. *The Division may suspend, revoke or amend a license or  
36 registration issued pursuant to NRS 459.201 to a person who has violated any  
37 provision of NRS 459.010 to 459.290, inclusive, or any rule, regulation or order  
38 issued pursuant thereto.*

39 2. In the event of an emergency, the Division may impound, or order the  
40 impounding of, sources of ionizing radiation in the possession of any person who is  
41 not equipped to observe, or who fails to observe, any provision of NRS 459.010 to  
42 459.290, inclusive, or any rules or regulations issued under NRS 459.010 to  
43 459.290, inclusive.

44 **Sec. 10.** NRS 7.095 is hereby amended to read as follows:

45 7.095 1. An attorney shall not contract for or collect a fee contingent on the  
46 amount of recovery for representing a person seeking damages in connection with  
47 an action for injury or death against a provider of health care based upon  
48 professional negligence in excess of:

- 49 (a) Forty percent of the first \$50,000 recovered;  
50 (b) Thirty-three and one-third percent of the next \$50,000 recovered;  
51 (c) Twenty-five percent of the next \$500,000 recovered; and  
52 (d) Fifteen percent of the amount of recovery that exceeds \$600,000.

1           2. The limitations set forth in subsection 1 apply to all forms of recovery,  
2 including, without limitation, settlement, arbitration and judgment.

3           3. For the purposes of this section, “recovered” means the net sum recovered  
4 by the plaintiff after deducting any disbursements or costs incurred in connection  
5 with the prosecution or settlement of the claim. Costs of medical care incurred by  
6 the plaintiff and general and administrative expenses incurred by the office of the  
7 attorney are not deductible disbursements or costs.

8           4. As used in this section:

9           (a) “Professional negligence” means a negligent act or omission to act by a  
10 provider of health care in the rendering of professional services, which act or  
11 omission is the proximate cause of a personal injury or wrongful death. The term  
12 does not include services that are outside the scope of services for which the  
13 provider of health care is licensed or services for which any restriction has been  
14 imposed by the applicable regulatory board or health care facility.

15           (b) “Provider of health care” means a physician licensed under chapter 630 or  
16 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered  
17 physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor  
18 of Oriental medicine, *holder of a license or a limited license issued under the*  
19 *provisions of sections 22 to 51, inclusive, of this act*, medical laboratory director or  
20 technician, licensed dietitian or a licensed hospital and its employees.

21           **Sec. 11.** NRS 41A.017 is hereby amended to read as follows:

22           41A.017 “Provider of health care” means a physician licensed pursuant to  
23 chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, dispensing  
24 optician, optometrist, registered physical therapist, podiatric physician, licensed  
25 psychologist, chiropractor, doctor of Oriental medicine, *holder of a license or a*  
26 *limited license issued under the provisions of sections 22 to 51, inclusive, of this*  
27 *act*, medical laboratory director or technician, licensed dietitian or a licensed  
28 hospital, clinic, surgery center, physicians’ professional corporation or group  
29 practice that employs any such person and its employees.

30           **Sec. 12.** NRS 42.021 is hereby amended to read as follows:

31           42.021 1. In an action for injury or death against a provider of health care  
32 based upon professional negligence, if the defendant so elects, the defendant may  
33 introduce evidence of any amount payable as a benefit to the plaintiff as a result of  
34 the injury or death pursuant to the United States Social Security Act, any state or  
35 federal income disability or worker’s compensation act, any health, sickness or  
36 income-disability insurance, accident insurance that provides health benefits or  
37 income-disability coverage, and any contract or agreement of any group,  
38 organization, partnership or corporation to provide, pay for or reimburse the cost of  
39 medical, hospital, dental or other health care services. If the defendant elects to  
40 introduce such evidence, the plaintiff may introduce evidence of any amount that  
41 the plaintiff has paid or contributed to secure the plaintiff’s right to any insurance  
42 benefits concerning which the defendant has introduced evidence.

43           2. A source of collateral benefits introduced pursuant to subsection 1 may not:

44           (a) Recover any amount against the plaintiff; or

45           (b) Be subrogated to the rights of the plaintiff against a defendant.

46           3. In an action for injury or death against a provider of health care based upon  
47 professional negligence, a district court shall, at the request of either party, enter a  
48 judgment ordering that money damages or its equivalent for future damages of the  
49 judgment creditor be paid in whole or in part by periodic payments rather than by a  
50 lump-sum payment if the award equals or exceeds \$50,000 in future damages.

51           4. In entering a judgment ordering the payment of future damages by periodic  
52 payments pursuant to subsection 3, the court shall make a specific finding as to the  
53 dollar amount of periodic payments that will compensate the judgment creditor for

1 such future damages. As a condition to authorizing periodic payments of future  
2 damages, the court shall require a judgment debtor who is not adequately insured to  
3 post security adequate to assure full payment of such damages awarded by the  
4 judgment. Upon termination of periodic payments of future damages, the court  
5 shall order the return of this security, or so much as remains, to the judgment  
6 debtor.

7 5. A judgment ordering the payment of future damages by periodic payments  
8 entered pursuant to subsection 3 must specify the recipient or recipients of the  
9 payments, the dollar amount of the payments, the interval between payments, and  
10 the number of payments or the period of time over which payments will be made.  
11 Such payments must only be subject to modification in the event of the death of the  
12 judgment creditor. Money damages awarded for loss of future earnings must not be  
13 reduced or payments terminated by reason of the death of the judgment creditor, but  
14 must be paid to persons to whom the judgment creditor owed a duty of support, as  
15 provided by law, immediately before the judgment creditor's death. In such cases,  
16 the court that rendered the original judgment may, upon petition of any party in  
17 interest, modify the judgment to award and apportion the unpaid future damages in  
18 accordance with this subsection.

19 6. If the court finds that the judgment debtor has exhibited a continuing  
20 pattern of failing to make the periodic payments as specified pursuant to subsection  
21 5, the court shall find the judgment debtor in contempt of court and, in addition to  
22 the required periodic payments, shall order the judgment debtor to pay the  
23 judgment creditor all damages caused by the failure to make such periodic  
24 payments, including, but not limited to, court costs and attorney's fees.

25 7. Following the occurrence or expiration of all obligations specified in the  
26 periodic payment judgment, any obligation of the judgment debtor to make further  
27 payments ceases and any security given pursuant to subsection 4 reverts to the  
28 judgment debtor.

29 8. As used in this section:

30 (a) "Future damages" includes damages for future medical treatment, care or  
31 custody, loss of future earnings, loss of bodily function, or future pain and suffering  
32 of the judgment creditor.

33 (b) "Periodic payments" means the payment of money or delivery of other  
34 property to the judgment creditor at regular intervals.

35 (c) "Professional negligence" means a negligent act or omission to act by a  
36 provider of health care in the rendering of professional services, which act or  
37 omission is the proximate cause of a personal injury or wrongful death. The term  
38 does not include services that are outside the scope of services for which the  
39 provider of health care is licensed or services for which any restriction has been  
40 imposed by the applicable regulatory board or health care facility.

41 (d) "Provider of health care" means a physician licensed under chapter 630 or  
42 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, registered  
43 physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor  
44 of Oriental medicine, *holder of a license or a limited license issued under the*  
45 *provisions of sections 22 to 51, inclusive, of this act*, medical laboratory director or  
46 technician, licensed dietitian or a licensed hospital and its employees.

47 **Sec. 13.** NRS 200.471 is hereby amended to read as follows:

48 200.471 1. As used in this section:

49 (a) "Assault" means:

50 (1) Unlawfully attempting to use physical force against another person; or

51 (2) Intentionally placing another person in reasonable apprehension of  
52 immediate bodily harm.

53 (b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

1 (c) "Officer" means:

2 (1) A person who possesses some or all of the powers of a peace officer;

3 (2) A person employed in a full-time salaried occupation of fire fighting  
4 for the benefit or safety of the public;

5 (3) A member of a volunteer fire department;

6 (4) A jailer, guard or other correctional officer of a city or county jail;

7 (5) A justice of the Supreme Court, judge of the Court of Appeals, district  
8 judge, justice of the peace, municipal judge, magistrate, court commissioner, master  
9 or referee, including a person acting pro tempore in a capacity listed in this  
10 subparagraph;

11 (6) An employee of this State or a political subdivision of this State whose  
12 official duties require the employee to make home visits;

13 (7) A civilian employee or a volunteer of a law enforcement agency whose  
14 official duties require the employee or volunteer to:

15 (I) Interact with the public;

16 (II) Perform tasks related to law enforcement; and

17 (III) Wear identification, clothing or a uniform that identifies the  
18 employee or volunteer as working or volunteering for the law enforcement agency;

19 (8) A civilian employee or a volunteer of a fire-fighting agency whose  
20 official duties require the employee or volunteer to:

21 (I) Interact with the public;

22 (II) Perform tasks related to fire fighting or fire prevention; and

23 (III) Wear identification, clothing or a uniform that identifies the  
24 employee or volunteer as working or volunteering for the fire-fighting agency; or

25 (9) A civilian employee or volunteer of this State or a political subdivision  
26 of this State whose official duties require the employee or volunteer to:

27 (I) Interact with the public;

28 (II) Perform tasks related to code enforcement; and

29 (III) Wear identification, clothing or a uniform that identifies the  
30 employee or volunteer as working or volunteering for this State or a political  
31 subdivision of this State.

32 (d) "Provider of health care" means a physician, a medical student, a  
33 perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a  
34 practitioner of respiratory care, a homeopathic physician, an advanced practitioner  
35 of homeopathy, a homeopathic assistant, an osteopathic physician, a physician  
36 assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry  
37 hygienist, a physical therapist, a medical laboratory technician, an optometrist, a  
38 chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a  
39 student nurse, a certified nursing assistant, a nursing assistant trainee, a medication  
40 aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist  
41 student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an  
42 ambulance or air ambulance, a psychologist, a social worker, a marriage and family  
43 therapist, a marriage and family therapist intern, a clinical professional counselor, a  
44 clinical professional counselor intern, a licensed dietitian, *the holder of a license or  
45 a limited license issued under the provisions of sections 22 to 51, inclusive, of this  
46 act*, an emergency medical technician, an advanced emergency medical technician  
47 and a paramedic.

48 (e) "School employee" means a licensed or unlicensed person employed by a  
49 board of trustees of a school district pursuant to NRS 391.100 or 391.281.

50 (f) "Sporting event" has the meaning ascribed to it in NRS 41.630.

51 (g) "Sports official" has the meaning ascribed to it in NRS 41.630.

52 (h) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

53 (i) "Taxicab driver" means a person who operates a taxicab.

1 (j) "Transit operator" means a person who operates a bus or other vehicle as  
2 part of a public mass transportation system.

3 2. A person convicted of an assault shall be punished:

4 (a) If paragraph (c) or (d) does not apply to the circumstances of the crime and  
5 the assault is not made with the use of a deadly weapon or the present ability to use  
6 a deadly weapon, for a misdemeanor.

7 (b) If the assault is made with the use of a deadly weapon or the present ability  
8 to use a deadly weapon, for a category B felony by imprisonment in the state prison  
9 for a minimum term of not less than 1 year and a maximum term of not more than 6  
10 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

11 (c) If paragraph (d) does not apply to the circumstances of the crime and if the  
12 assault is committed upon an officer, a provider of health care, a school employee,  
13 a taxicab driver or a transit operator who is performing his or her duty or upon a  
14 sports official based on the performance of his or her duties at a sporting event and  
15 the person charged knew or should have known that the victim was an officer, a  
16 provider of health care, a school employee, a taxicab driver, a transit operator or a  
17 sports official, for a gross misdemeanor, unless the assault is made with the use of a  
18 deadly weapon or the present ability to use a deadly weapon, then for a category B  
19 felony by imprisonment in the state prison for a minimum term of not less than 1  
20 year and a maximum term of not more than 6 years, or by a fine of not more than  
21 \$5,000, or by both fine and imprisonment.

22 (d) If the assault is committed upon an officer, a provider of health care, a  
23 school employee, a taxicab driver or a transit operator who is performing his or her  
24 duty or upon a sports official based on the performance of his or her duties at a  
25 sporting event by a probationer, a prisoner who is in lawful custody or confinement  
26 or a parolee, and the probationer, prisoner or parolee charged knew or should have  
27 known that the victim was an officer, a provider of health care, a school employee,  
28 a taxicab driver, a transit operator or a sports official, for a category D felony as  
29 provided in NRS 193.130, unless the assault is made with the use of a deadly  
30 weapon or the present ability to use a deadly weapon, then for a category B felony  
31 by imprisonment in the state prison for a minimum term of not less than 1 year and  
32 a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or  
33 by both fine and imprisonment.

34 **Sec. 14.** NRS 200.5093 is hereby amended to read as follows:

35 200.5093 1. Any person who is described in subsection 4 and who, in a  
36 professional or occupational capacity, knows or has reasonable cause to believe that  
37 an older person has been abused, neglected, exploited, isolated or abandoned shall:

38 (a) Except as otherwise provided in subsection 2, report the abuse, neglect,  
39 exploitation, isolation or abandonment of the older person to:

40 (1) The local office of the Aging and Disability Services Division of the  
41 Department of Health and Human Services;

42 (2) A police department or sheriff's office; or

43 (3) A toll-free telephone service designated by the Aging and Disability  
44 Services Division of the Department of Health and Human Services; and

45 (b) Make such a report as soon as reasonably practicable but not later than 24  
46 hours after the person knows or has reasonable cause to believe that the older  
47 person has been abused, neglected, exploited, isolated or abandoned.

48 2. If a person who is required to make a report pursuant to subsection 1 knows  
49 or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or  
50 abandonment of the older person involves an act or omission of the Aging and  
51 Disability Services Division, another division of the Department of Health and  
52 Human Services or a law enforcement agency, the person shall make the report to  
53 an agency other than the one alleged to have committed the act or omission.

1           3. Each agency, after reducing a report to writing, shall forward a copy of the  
2 report to the Aging and Disability Services Division of the Department of Health  
3 and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4           4. A report must be made pursuant to subsection 1 by the following persons:

5           (a) Every physician, dentist, dental hygienist, chiropractor, optometrist,  
6 podiatric physician, medical examiner, resident, intern, professional or practical  
7 nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS,  
8 perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical  
9 professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug  
10 abuse counselor, music therapist, athletic trainer, driver of an ambulance,  
11 paramedic, licensed dietitian, *holder of a license or a limited license issued under  
12 the provisions of sections 22 to 51, inclusive, of this act* or other person providing  
13 medical services licensed or certified to practice in this State, who examines,  
14 attends or treats an older person who appears to have been abused, neglected,  
15 exploited, isolated or abandoned.

16           (b) Any personnel of a hospital or similar institution engaged in the admission,  
17 examination, care or treatment of persons or an administrator, manager or other  
18 person in charge of a hospital or similar institution upon notification of the  
19 suspected abuse, neglect, exploitation, isolation or abandonment of an older person  
20 by a member of the staff of the hospital.

21           (c) A coroner.

22           (d) Every person who maintains or is employed by an agency to provide  
23 personal care services in the home.

24           (e) Every person who maintains or is employed by an agency to provide  
25 nursing in the home.

26           (f) Every person who operates, who is employed by or who contracts to  
27 provide services for an intermediary service organization as defined in NRS  
28 449.4304.

29           (g) Any employee of the Department of Health and Human Services, except  
30 the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and  
31 any of his or her advocates or volunteers where prohibited from making such a  
32 report pursuant to 45 C.F.R. § 1321.11.

33           (h) Any employee of a law enforcement agency or a county's office for  
34 protective services or an adult or juvenile probation officer.

35           (i) Any person who maintains or is employed by a facility or establishment that  
36 provides care for older persons.

37           (j) Any person who maintains, is employed by or serves as a volunteer for an  
38 agency or service which advises persons regarding the abuse, neglect, exploitation,  
39 isolation or abandonment of an older person and refers them to persons and  
40 agencies where their requests and needs can be met.

41           (k) Every social worker.

42           (l) Any person who owns or is employed by a funeral home or mortuary.

43           (m) Every person who operates or is employed by a peer support recovery  
44 organization, as defined in NRS 449.01563.

45           (n) Every person who operates or is employed by a community health worker  
46 pool, as defined in NRS 449.0028, or with whom a community health worker pool  
47 contracts to provide the services of a community health worker, as defined in NRS  
48 449.0027.

49           5. A report may be made by any other person.

50           6. If a person who is required to make a report pursuant to subsection 1 knows  
51 or has reasonable cause to believe that an older person has died as a result of abuse,  
52 neglect, isolation or abandonment, the person shall, as soon as reasonably  
53 practicable, report this belief to the appropriate medical examiner or coroner, who

1 shall investigate the cause of death of the older person and submit to the appropriate  
2 local law enforcement agencies, the appropriate prosecuting attorney, the Aging  
3 and Disability Services Division of the Department of Health and Human Services  
4 and the Unit for the Investigation and Prosecution of Crimes his or her written  
5 findings. The written findings must include the information required pursuant to the  
6 provisions of NRS 200.5094, when possible.

7 7. A division, office or department which receives a report pursuant to this  
8 section shall cause the investigation of the report to commence within 3 working  
9 days. A copy of the final report of the investigation conducted by a division, office  
10 or department, other than the Aging and Disability Services Division of the  
11 Department of Health and Human Services, must be forwarded within 30 days after  
12 the completion of the report to the:

13 (a) Aging and Disability Services Division;

14 (b) Repository for Information Concerning Crimes Against Older Persons  
15 created by NRS 179A.450; and

16 (c) Unit for the Investigation and Prosecution of Crimes.

17 8. If the investigation of a report results in the belief that an older person is  
18 abused, neglected, exploited, isolated or abandoned, the Aging and Disability  
19 Services Division of the Department of Health and Human Services or the county's  
20 office for protective services may provide protective services to the older person if  
21 the older person is able and willing to accept them.

22 9. A person who knowingly and willfully violates any of the provisions of  
23 this section is guilty of a misdemeanor.

24 10. As used in this section, "Unit for the Investigation and Prosecution of  
25 Crimes" means the Unit for the Investigation and Prosecution of Crimes Against  
26 Older Persons in the Office of the Attorney General created pursuant to NRS  
27 228.265.

28 **Sec. 15.** NRS 200.50935 is hereby amended to read as follows:

29 200.50935 1. Any person who is described in subsection 3 and who, in a  
30 professional or occupational capacity, knows or has reasonable cause to believe that  
31 a vulnerable person has been abused, neglected, exploited, isolated or abandoned  
32 shall:

33 (a) Report the abuse, neglect, exploitation, isolation or abandonment of the  
34 vulnerable person to a law enforcement agency; and

35 (b) Make such a report as soon as reasonably practicable but not later than 24  
36 hours after the person knows or has reasonable cause to believe that the vulnerable  
37 person has been abused, neglected, exploited, isolated or abandoned.

38 2. If a person who is required to make a report pursuant to subsection 1 knows  
39 or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or  
40 abandonment of the vulnerable person involves an act or omission of a law  
41 enforcement agency, the person shall make the report to a law enforcement agency  
42 other than the one alleged to have committed the act or omission.

43 3. A report must be made pursuant to subsection 1 by the following persons:

44 (a) Every physician, dentist, dental hygienist, chiropractor, optometrist,  
45 podiatric physician, medical examiner, resident, intern, professional or practical  
46 nurse, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of  
47 NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional  
48 counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse  
49 counselor, music therapist, athletic trainer, driver of an ambulance, paramedic,  
50 licensed dietitian , *holder of a license or a limited license issued under the*  
51 *provisions of sections 22 to 51, inclusive, of this act* or other person providing  
52 medical services licensed or certified to practice in this State, who examines,

1 attends or treats a vulnerable person who appears to have been abused, neglected,  
2 exploited, isolated or abandoned.

3 (b) Any personnel of a hospital or similar institution engaged in the admission,  
4 examination, care or treatment of persons or an administrator, manager or other  
5 person in charge of a hospital or similar institution upon notification of the  
6 suspected abuse, neglect, exploitation, isolation or abandonment of a vulnerable  
7 person by a member of the staff of the hospital.

8 (c) A coroner.

9 (d) Every person who maintains or is employed by an agency to provide  
10 nursing in the home.

11 (e) Any employee of the Department of Health and Human Services.

12 (f) Any employee of a law enforcement agency or an adult or juvenile  
13 probation officer.

14 (g) Any person who maintains or is employed by a facility or establishment  
15 that provides care for vulnerable persons.

16 (h) Any person who maintains, is employed by or serves as a volunteer for an  
17 agency or service which advises persons regarding the abuse, neglect, exploitation,  
18 isolation or abandonment of a vulnerable person and refers them to persons and  
19 agencies where their requests and needs can be met.

20 (i) Every social worker.

21 (j) Any person who owns or is employed by a funeral home or mortuary.

22 4. A report may be made by any other person.

23 5. If a person who is required to make a report pursuant to subsection 1 knows  
24 or has reasonable cause to believe that a vulnerable person has died as a result of  
25 abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably  
26 practicable, report this belief to the appropriate medical examiner or coroner, who  
27 shall investigate the cause of death of the vulnerable person and submit to the  
28 appropriate local law enforcement agencies and the appropriate prosecuting  
29 attorney his or her written findings. The written findings must include the  
30 information required pursuant to the provisions of NRS 200.5094, when possible.

31 6. A law enforcement agency which receives a report pursuant to this section  
32 shall immediately initiate an investigation of the report.

33 7. A person who knowingly and willfully violates any of the provisions of  
34 this section is guilty of a misdemeanor.

35 **Sec. 16.** NRS 200.5095 is hereby amended to read as follows:

36 200.5095 1. Reports made pursuant to NRS 200.5093, 200.50935 and  
37 200.5094, and records and investigations relating to those reports, are confidential.

38 2. A person, law enforcement agency or public or private agency, institution  
39 or facility who willfully releases data or information concerning the reports and  
40 investigation of the abuse, neglect, exploitation, isolation or abandonment of older  
41 persons or vulnerable persons, except:

42 (a) Pursuant to a criminal prosecution;

43 (b) Pursuant to NRS 200.50982; or

44 (c) To persons or agencies enumerated in subsection 3,  
45 is guilty of a misdemeanor.

46 3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or  
47 information concerning the reports and investigations of the abuse, neglect,  
48 exploitation, isolation or abandonment of an older person or a vulnerable person is  
49 available only to:

50 (a) A physician who is providing care to an older person or a vulnerable person  
51 who may have been abused, neglected, exploited, isolated or abandoned;

52 (b) An agency responsible for or authorized to undertake the care, treatment  
53 and supervision of the older person or vulnerable person;



1 (c) A district attorney or other law enforcement official who requires the  
2 information in connection with an investigation of the abuse, neglect, exploitation,  
3 isolation or abandonment of the older person or vulnerable person;

4 (d) A court which has determined, in camera, that public disclosure of such  
5 information is necessary for the determination of an issue before it;

6 (e) A person engaged in bona fide research, but the identity of the subjects of  
7 the report must remain confidential;

8 (f) A grand jury upon its determination that access to such records is necessary  
9 in the conduct of its official business;

10 (g) Any comparable authorized person or agency in another jurisdiction;

11 (h) A legal guardian of the older person or vulnerable person, if the identity of  
12 the person who was responsible for reporting the alleged abuse, neglect,  
13 exploitation, isolation or abandonment of the older person or vulnerable person to  
14 the public agency is protected, and the legal guardian of the older person or  
15 vulnerable person is not the person suspected of such abuse, neglect, exploitation,  
16 isolation or abandonment;

17 (i) If the older person or vulnerable person is deceased, the executor or  
18 administrator of his or her estate, if the identity of the person who was responsible  
19 for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of  
20 the older person or vulnerable person to the public agency is protected, and the  
21 executor or administrator is not the person suspected of such abuse, neglect,  
22 exploitation, isolation or abandonment; or

23 (j) The older person or vulnerable person named in the report as allegedly  
24 being abused, neglected, exploited, isolated or abandoned, if that person is not  
25 legally incompetent.

26 4. If the person who is reported to have abused, neglected, exploited, isolated  
27 or abandoned an older person or a vulnerable person is the holder of a license or  
28 certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS,  
29 *or sections 22 to 51, inclusive, of this act*, the information contained in the report  
30 must be submitted to the board that issued the license.

31 5. If data or information concerning the reports and investigations of the  
32 abuse, neglect, exploitation, isolation or abandonment of an older person or a  
33 vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3  
34 or subsection 4, the name and any other identifying information of the person who  
35 made the report must be redacted before the data or information is made available.

36 **Sec. 17.** NRS 200.810 is hereby amended to read as follows:

37 200.810 "Health care procedure" means any medical procedure, other than a  
38 surgical procedure, that requires a license to perform pursuant to chapters 630 to  
39 637, inclusive, 639 or 640 of NRS ~~or~~ *or sections 22 to 51, inclusive, of this act*.

40 **Sec. 18.** NRS 200.820 is hereby amended to read as follows:

41 200.820 "Surgical procedure" means any invasive medical procedure where a  
42 break in the skin is created and there is contact with the mucosa or any minimally  
43 invasive medical procedure where a break in the skin is created or which involves  
44 manipulation of the internal body cavity beyond a natural or artificial body orifice  
45 which requires a license to perform pursuant to chapters 630 to 637, inclusive, 639  
46 or 640 of NRS ~~or~~ *or sections 22 to 51, inclusive, of this act*.

47 **Sec. 19.** NRS 239.010 is hereby amended to read as follows:

48 239.010 1. Except as otherwise provided in this section and NRS 1.4683,  
49 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516,  
50 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150,  
51 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,  
52 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,  
53 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,

1 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690,  
2 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,  
3 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044,  
4 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156,  
5 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165,  
6 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,  
7 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131,  
8 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130,  
9 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473,  
10 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,  
11 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039,  
12 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140,  
13 250.150, 268.095, 268.490, 268.910, 271A.105, 271.195, 281.805, 281A.350,  
14 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110,  
15 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,  
16 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110,  
17 332.061, 332.351, 333.333, 333.335, 338.070, 338.1599, 338.1599, 338.1725,  
18 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,  
19 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138,  
20 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008,  
21 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501,  
22 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925,  
23 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,  
24 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405,  
25 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,  
26 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236,  
27 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407,  
28 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420,  
29 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665,  
30 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610,  
31 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846,  
32 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365,  
33 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,  
34 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040,  
35 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110,  
36 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015,  
37 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,  
38 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,  
39 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,  
40 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158,  
41 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,  
42 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760,  
43 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,  
44 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625,  
45 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130,  
46 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,  
47 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105,  
48 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,  
49 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159,  
50 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,  
51 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,  
52 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117,  
53 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480,

1 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725,  
2 706A.230, 710.159, 711.600, *and section 47 of this act*, sections 35, 38 and 41 of  
3 chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of  
4 Nevada 2013 and unless otherwise declared by law to be confidential, all public  
5 books and public records of a governmental entity must be open at all times during  
6 office hours to inspection by any person, and may be fully copied or an abstract or  
7 memorandum may be prepared from those public books and public records. Any  
8 such copies, abstracts or memoranda may be used to supply the general public with  
9 copies, abstracts or memoranda of the records or may be used in any other way to  
10 the advantage of the governmental entity or of the general public. This section does  
11 not supersede or in any manner affect the federal laws governing copyrights or  
12 enlarge, diminish or affect in any other manner the rights of a person in any written  
13 book or record which is copyrighted pursuant to federal law.

14 2. A governmental entity may not reject a book or record which is  
15 copyrighted solely because it is copyrighted.

16 3. A governmental entity that has legal custody or control of a public book or  
17 record shall not deny a request made pursuant to subsection 1 to inspect or copy or  
18 receive a copy of a public book or record on the basis that the requested public  
19 book or record contains information that is confidential if the governmental entity  
20 can redact, delete, conceal or separate the confidential information from the  
21 information included in the public book or record that is not otherwise confidential.

22 4. A person may request a copy of a public record in any medium in which  
23 the public record is readily available. An officer, employee or agent of a  
24 governmental entity who has legal custody or control of a public record:

25 (a) Shall not refuse to provide a copy of that public record in a readily  
26 available medium because the officer, employee or agent has already prepared or  
27 would prefer to provide the copy in a different medium.

28 (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare  
29 the copy of the public record and shall not require the person who has requested the  
30 copy to prepare the copy himself or herself.

31 **Sec. 20.** NRS 432B.220 is hereby amended to read as follows:

32 432B.220 1. Any person who is described in subsection 4 and who, in his or  
33 her professional or occupational capacity, knows or has reasonable cause to believe  
34 that a child has been abused or neglected shall:

35 (a) Except as otherwise provided in subsection 2, report the abuse or neglect of  
36 the child to an agency which provides child welfare services or to a law  
37 enforcement agency; and

38 (b) Make such a report as soon as reasonably practicable but not later than 24  
39 hours after the person knows or has reasonable cause to believe that the child has  
40 been abused or neglected.

41 2. If a person who is required to make a report pursuant to subsection 1 knows  
42 or has reasonable cause to believe that the abuse or neglect of the child involves an  
43 act or omission of:

44 (a) A person directly responsible or serving as a volunteer for or an employee  
45 of a public or private home, institution or facility where the child is receiving child  
46 care outside of the home for a portion of the day, the person shall make the report to  
47 a law enforcement agency.

48 (b) An agency which provides child welfare services or a law enforcement  
49 agency, the person shall make the report to an agency other than the one alleged to  
50 have committed the act or omission, and the investigation of the abuse or neglect of  
51 the child must be made by an agency other than the one alleged to have committed  
52 the act or omission.

1           3. Any person who is described in paragraph (a) of subsection 4 who delivers  
2 or provides medical services to a newborn infant and who, in his or her professional  
3 or occupational capacity, knows or has reasonable cause to believe that the  
4 newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal  
5 substance abuse or has withdrawal symptoms resulting from prenatal drug exposure  
6 shall, as soon as reasonably practicable but not later than 24 hours after the person  
7 knows or has reasonable cause to believe that the newborn infant is so affected or  
8 has such symptoms, notify an agency which provides child welfare services of the  
9 condition of the infant and refer each person who is responsible for the welfare of  
10 the infant to an agency which provides child welfare services for appropriate  
11 counseling, training or other services. A notification and referral to an agency  
12 which provides child welfare services pursuant to this subsection shall not be  
13 construed to require prosecution for any illegal action.

14           4. A report must be made pursuant to subsection 1 by the following persons:

15           (a) A person providing services licensed or certified in this State pursuant to,  
16 without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636,  
17 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of  
18 NRS ~~§~~ *or sections 22 to 51, inclusive, of this act.*

19           (b) Any personnel of a medical facility licensed pursuant to chapter 449 of  
20 NRS who are engaged in the admission, examination, care or treatment of persons  
21 or an administrator, manager or other person in charge of such a medical facility  
22 upon notification of suspected abuse or neglect of a child by a member of the staff  
23 of the medical facility.

24           (c) A coroner.

25           (d) A member of the clergy, practitioner of Christian Science or religious  
26 healer, unless the person has acquired the knowledge of the abuse or neglect from  
27 the offender during a confession.

28           (e) A person employed by a public school or private school and any person  
29 who serves as a volunteer at such a school.

30           (f) Any person who maintains or is employed by a facility or establishment that  
31 provides care for children, children's camp or other public or private facility,  
32 institution or agency furnishing care to a child.

33           (g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster  
34 home.

35           (h) Any officer or employee of a law enforcement agency or an adult or  
36 juvenile probation officer.

37           (i) Except as otherwise provided in NRS 432B.225, an attorney.

38           (j) Any person who maintains, is employed by or serves as a volunteer for an  
39 agency or service which advises persons regarding abuse or neglect of a child and  
40 refers them to persons and agencies where their requests and needs can be met.

41           (k) Any person who is employed by or serves as a volunteer for a youth shelter.  
42 As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS  
43 244.427.

44           (l) Any adult person who is employed by an entity that provides organized  
45 activities for children, including, without limitation, a person who is employed by a  
46 school district or public school.

47           5. A report may be made by any other person.

48           6. If a person who is required to make a report pursuant to subsection 1 knows  
49 or has reasonable cause to believe that a child has died as a result of abuse or  
50 neglect, the person shall, as soon as reasonably practicable, report this belief to an  
51 agency which provides child welfare services or a law enforcement agency. If such  
52 a report is made to a law enforcement agency, the law enforcement agency shall  
53 notify an agency which provides child welfare services and the appropriate medical

1 examiner or coroner of the report. If such a report is made to an agency which  
2 provides child welfare services, the agency which provides child welfare services  
3 shall notify the appropriate medical examiner or coroner of the report. The medical  
4 examiner or coroner who is notified of a report pursuant to this subsection shall  
5 investigate the report and submit his or her written findings to the appropriate  
6 agency which provides child welfare services, the appropriate district attorney and a  
7 law enforcement agency. The written findings must include, if obtainable, the  
8 information required pursuant to the provisions of subsection 2 of NRS 432B.230.

9 7. The agency, board, bureau, commission, department, division or political  
10 subdivision of the State responsible for the licensure, certification or endorsement  
11 of a person who is described in subsection 4 and who is required in his or her  
12 professional or occupational capacity to be licensed, certified or endorsed in this  
13 State shall, at the time of initial licensure, certification or endorsement:

14 (a) Inform the person, in writing or by electronic communication, of his or her  
15 duty as a mandatory reporter pursuant to this section;

16 (b) Obtain a written acknowledgment or electronic record from the person that  
17 he or she has been informed of his or her duty pursuant to this section; and

18 (c) Maintain a copy of the written acknowledgment or electronic record for as  
19 long as the person is licensed, certified or endorsed in this State.

20 8. The employer of a person who is described in subsection 4 and who is not  
21 required in his or her professional or occupational capacity to be licensed, certified  
22 or endorsed in this State must, upon initial employment of the person:

23 (a) Inform the person, in writing or by electronic communication, of his or her  
24 duty as a mandatory reporter pursuant to this section;

25 (b) Obtain a written acknowledgment or electronic record from the person that  
26 he or she has been informed of his or her duty pursuant to this section; and

27 (c) Maintain a copy of the written acknowledgment or electronic record for as  
28 long as the person is employed by the employer.

29 9. Before a person may serve as a volunteer at a public school or private  
30 school, the school must:

31 (a) Inform the person, in writing or by electronic communication, of his or her  
32 duty as a mandatory reporter pursuant to this section and NRS 392.303;

33 (b) Obtain a written acknowledgment or electronic record from the person that  
34 he or she has been informed of his or her duty pursuant to this section and NRS  
35 392.303; and

36 (c) Maintain a copy of the written acknowledgment or electronic record for as  
37 long as the person serves as a volunteer at the school.

38 10. As used in this section:

39 (a) "Private school" has the meaning ascribed to it in NRS 394.103.

40 (b) "Public school" has the meaning ascribed to it in NRS 385.007.

41 **Sec. 21.** Title 54 of NRS is hereby amended by adding thereto a new chapter  
42 to consist of the provisions set forth as sections 22 to 51, inclusive, of this act.

43 **Sec. 22.** *As used in this chapter, unless the context otherwise requires, the*  
44 *words and terms defined in sections 23 to 31, inclusive, of this act have the*  
45 *meanings ascribed to them in those sections.*

46 **Sec. 23.** *"Board" means the State Board of Health.*

47 **Sec. 24.** (Deleted by amendment.)

48 **Sec. 24.5.** *"Department" means the Department of Health and Human*  
49 *Services.*

50 **Sec. 25.** *"Division" means the Division of Public and Behavioral Health of*  
51 *the Department of Health and Human Services.*

1       **Sec. 26.** *“License” means a license to engage in radiation therapy and*  
2 *radiologic imaging issued pursuant to section 36, 38 or 39 of this act. The term*  
3 *does not include a limited license.*

4       **Sec. 27.** *“Limited license” means a limited license to engage in radiologic*  
5 *imaging issued pursuant to section 37, 38 or 39 of this act.*

6       **Sec. 28.** *“Mammography” has the meaning ascribed to it in NRS 457.182.*

7       **Sec. 29.** *“Radiation therapy” means the administration of ionizing*  
8 *radiation for therapeutic purposes.*

9       **Sec. 30.** *“Radiologic imaging” means the use of ionizing radiation to*  
10 *diagnose or visualize a medical condition.*

11       **Sec. 31.** *“Radiologist assistant” means a person who holds a license and*  
12 *meets the requirements of section 41 of this act.*

13       **Sec. 32.** *The provisions of this chapter do not apply to:*

14       1. *A physician or physician assistant licensed pursuant to chapter 630 or*  
15 *633 of NRS.*

16       2. *A dentist or dental hygienist licensed pursuant to chapter 631 of NRS ~~or~~*  
17 *or a dental assistant working within the scope of his or her employment under the*  
18 *direct supervision of a dentist.*

19       3. *A chiropractic physician or chiropractor’s assistant licensed pursuant to*  
20 *chapter 634 of NRS.*

21       4. *A person training to become a chiropractor’s assistant or a student*  
22 *practicing in the preceptor program established by the Chiropractic Physicians’*  
23 *Board of Nevada pursuant to NRS 634.1375.*

24       5. *A podiatric physician licensed pursuant to chapter 635 of NRS.*

25       6. ~~*[The administration of radiation to nonhuman animals for any purpose,*~~  
26 ~~*including, without limitation, therapy or imaging.]*~~ *A veterinarian or veterinary*  
27 *technician licensed pursuant to chapter 638 of NRS or any other person*  
28 *performing tasks under the supervision of a veterinarian or veterinary technician*  
29 *as authorized by regulation of the Nevada State Board of Veterinary Medical*  
30 *Examiners.*

31       7. *The performance of mammography in accordance with NRS 457.182 to*  
32 *457.187, inclusive.*

33       **Sec. 33.** 1. *The Radiation Therapy and Radiologic Imaging Advisory*  
34 *Committee is hereby created.*

35       2. *The Committee consists of seven members, all of whom are voting*  
36 *members, appointed by the Governor. The Governor shall ensure that the*  
37 *members of the Committee represent the geographic diversity of this State. The*  
38 *Governor shall appoint to the Committee:*

39       (a) *One member who holds a license and is certified by the American*  
40 *Registry of Radiologic Technologists, or its successor organization, to practice in*  
41 *the area of radiography.*

42       (b) *One member who holds a license and is certified by the American*  
43 *Registry of Radiologic Technologists, or its successor organization, to practice in*  
44 *the area of nuclear medicine technology.*

45       (c) *One member who holds a license and is certified by the American*  
46 *Registry of Radiologic Technologists, or its successor organization, to practice in*  
47 *the area of radiation therapy.*

48       (d) *One member who holds a limited license.*

49       (e) *One member who is a physician specializing in radiology.*

50       (f) *One member who is a physician specializing in an area other than*  
51 *radiology, or a dentist, chiropractor or podiatrist.*

52       (g) *One member who is certified to provide clinical professional services in a*  
53 *field of medical physics.*

1           3. *After the initial terms, the members of the Committee serve terms of 3*  
2 *years. A vacancy on the Committee must be filled in the same manner as the*  
3 *initial appointment. No member may serve more than two consecutive terms.*

4           4. *Members of the Committee serve without compensation, except that each*  
5 *member of the Committee is entitled to receive the per diem allowance and travel*  
6 *expenses provided for state officers and employees generally.*

7           5. *The Committee shall annually select a Chair from among the members*  
8 *appointed pursuant to paragraphs (a) to (d), inclusive, of subsection 2, and a Vice*  
9 *Chair from among its members.*

10          6. *The Committee shall meet at least once each year and such other times as*  
11 *requested by the Administrator of the Division. The Committee may meet by*  
12 *telephone, videoconference or other electronic means in accordance with the*  
13 *provisions of chapter 241 of NRS. The Administrator shall prescribe the agenda*  
14 *for each meeting. The Committee may submit items to the Administrator to*  
15 *consider for inclusion on the agenda for a meeting.*

16          7. *The Committee shall:*

17           (a) *Recommend to the Board a national professional organization against*  
18 *which the scope of practice will be measured pursuant to paragraph (b) of*  
19 *subsection 1 of section 34 of this act; and*

20           (b) *Make such other recommendations to the Board, the Division and the*  
21 *Legislature concerning radiation therapy and radiologic imaging as it deems*  
22 *proper.*

23          **Sec. 34. 1. The Board shall adopt regulations:**

24           (a) *Establishing the fees for the application for and the issuance and renewal*  
25 *of a license or limited license.*

26           (b) *Defining the scope of practice for radiologist assistants and persons who*  
27 *hold licenses and limited licenses. Such regulations must be at least as stringent*  
28 *as the scope of practice adopted by a national professional organization whose*  
29 *membership consists of persons licensed or certified to engage in radiation*  
30 *therapy or radiologic imaging. The national professional organization must be*  
31 *designated by the Board upon the recommendation of the Radiation Therapy and*  
32 *Radiologic Imaging Advisory Committee pursuant to subsection 7 of section 33 of*  
33 *this act.*

34           (c) *Prescribing the requirements for continuing education for the renewal of*  
35 *a license or limited license. Such regulations must require the holder of a license*  
36 *to complete more hours of continuing education than the holder of a limited*  
37 *license.*

38           (d) *Prescribing the qualifications of a person who is authorized to supervise*  
39 *the holder of a limited license, the tasks for which such supervision is required*  
40 *and the level of supervision required.*

41           (e) *Defining the terms “crime involving moral turpitude” and*  
42 *“unprofessional conduct” for the purposes of section 48 of this act.*

43          2. *The Board may adopt any other regulations necessary or convenient to*  
44 *carry out the provisions of this chapter.*

45          3. *At the same time that the Board provides notice pursuant to chapter 233B*  
46 *of NRS or NRS 241.020 of any meeting or workshop relating to the adoption of a*  
47 *proposed regulation pursuant to this chapter, the Board shall submit an*  
48 *electronic copy of the notice to the Radiation Therapy and Radiologic Imaging*  
49 *Advisory Committee created by section 33 of this act.*

50          4. *All money received from penalties pursuant to the provisions of this*  
51 *chapter must be forwarded to the State Treasurer for credit to the Fund for the*  
52 *Care of Sites for the Disposal of Radioactive Waste created by NRS 459.231.*

1           5. All money received from fees pursuant to the provisions of this chapter  
2 must be used by the Division to administer the provisions of this chapter.

3           6. The Division shall enforce the provisions of this chapter.

4           **Sec. 35.** 1. Except as otherwise provided in sections 42 ~~41~~ and 43 ~~and 56~~  
5 of this act, a person shall not engage in:

6           (a) Radiologic imaging unless he or she has obtained a license or limited  
7 license from the Division.

8           (b) Radiation therapy unless he or she has obtained a license from the  
9 Division.

10           (c) Radiation therapy or radiologic imaging which is outside the scope of  
11 practice authorized for his or her license or limited license by the regulations  
12 adopted pursuant to section 34 of this act.

13           2. A person who wishes to obtain or renew a license or limited license must  
14 apply to the Division in the form prescribed by the Division.

15           3. A license or limited license expires 2 years after the date on which the  
16 license was issued and must be renewed on or before that date.

17           4. The Division shall not issue or renew a license or limited license unless  
18 the applicant for issuance or renewal of the license or limited license attests to  
19 knowledge of and compliance with the guidelines of the Centers for Disease  
20 Control and Prevention concerning the prevention of transmission of infectious  
21 agents through safe and appropriate injection practices.

22           5. A provisional license or provisional limited license may not be renewed  
23 and expires:

24           (a) On the date on which the holder of the provisional license or provisional  
25 limited license is issued a license or limited license by the Division;

26           (b) On the date on which the application of the holder of the provisional  
27 license or provisional limited license for a license or limited license is denied by  
28 the Division; or

29           (c) One year after the date on which the holder of the provisional license or  
30 provisional limited license is initially employed to engage in radiation therapy or  
31 radiologic imaging.

32           6. A person who engages in radiation therapy or radiologic imaging in  
33 violation of the provisions of this section is guilty of a misdemeanor.

34           **Sec. 36.** The Division may issue a license to engage in radiation therapy  
35 and radiologic imaging to a person who:

36           1. Has successfully completed an educational program accredited by the  
37 Joint Review Committee on Education in Radiologic Technology, or its successor  
38 organization, the Joint Review Committee on Educational Programs in Nuclear  
39 Medicine Technology, or its successor organization, or another national  
40 accrediting organization approved by the Division; and

41           2. Is certified by the American Registry of Radiologic Technologists, or its  
42 successor organization, to practice in the area of radiography, nuclear medicine  
43 technology or radiation therapy or the Nuclear Medicine Technology  
44 Certification Board, or its successor organization, in nuclear medicine or meets  
45 any alternative standards prescribed by regulation of the Board.

46           **Sec. 37.** 1. The Division may issue a limited license to engage in  
47 radiologic imaging to a person who has completed a course of study in limited X-  
48 ray machine operation that incorporates the Limited X-Ray Machine Operator  
49 Curriculum prescribed by the American Society of Radiologic Technologists, or  
50 its successor organization, and satisfies the provisions of subsection 2.

51           2. A person may obtain a limited license only if the person:



1       (a) *Has passed an examination for the limited scope of practice in*  
2 *radiography administered by the American Registry of Radiologic Technologists*  
3 *or its successor organization;*

4       (b) *If applying for a limited license in spine and extremity radiography, is*  
5 *certified by the American Chiropractic Registry of Radiologic Technologists or its*  
6 *successor organization;*

7       (c) *If applying for a limited license in podiatric radiography, is licensed as a*  
8 *podiatry hygienist pursuant to NRS 635.093 or certified by the American Society*  
9 *of Podiatric Medical Assistants or its successor organization; or*

10       (d) *If applying for a limited license in bone densitometry, is certified as a*  
11 *bone densitometry technologist or a certified densitometry technologist by the*  
12 *International Society for Clinical Densitometry, or its successor organization, or*  
13 *has successfully completed the examination for bone densitometry equipment*  
14 *operators administered by the American Registry of Radiologic Technologists or*  
15 *its successor organization.*

16       3. *The holder of a limited license may perform radiologic imaging only*  
17 *within the scope of the limited license, as described in this subsection and the*  
18 *regulations adopted pursuant to section 34 of this act, and under the supervision*  
19 *required by those regulations. The Division may issue a limited license in:*

20       (a) *Chest radiography, which authorizes the holder of the limited license to*  
21 *engage in radiography of the thorax, heart and lungs;*

22       (b) *Extremities radiography, which authorizes the holder of the limited*  
23 *license to engage in radiography of the upper and lower extremities, including*  
24 *the pelvic girdle;*

25       (c) *Spine and extremity radiography, which authorizes the holder of the*  
26 *limited license to engage in radiography of the vertebral column and the upper*  
27 *and lower extremities, including the pelvic girdle;*

28       (d) *Skull and sinus radiography, which authorizes the holder of the limited*  
29 *license to engage in radiography of the skull and face;*

30       (e) *Podiatric radiography, which authorizes the holder of the limited license*  
31 *to engage in radiography of the foot, ankle and lower leg below the knee;*

32       (f) *Bone densitometry, which authorizes the holder of the limited license to*  
33 *engage in the determination of bone mass by measuring the absorption of*  
34 *radiation in the bone; or*

35       (g) *Any combination thereof.*

36       4. *The holder of a limited license shall not perform procedures using*  
37 *contrast media, nuclear medicine or radiation therapy.*

38       5. *As used in this section:*

39       (a) *“Bone densitometry” means the quantitative assessment of bone mass*  
40 *using single or dual energy X-ray absorptiometry.*

41       (b) *“Radiography” has the meaning ascribed to it in NRS 457.182.*

42       **Sec. 38.** *1. The Division may issue a license by endorsement to engage in*  
43 *radiation therapy and radiologic imaging or a limited license by endorsement to*  
44 *engage in radiologic imaging in accordance with the provisions of this section to*  
45 *an applicant who meets the requirements set forth in this section.*

46       2. *An applicant for a license by endorsement or a limited license by*  
47 *endorsement pursuant to this section must submit to the Division an application*  
48 *in the form prescribed by the Division and:*

49       (a) *Proof satisfactory to the Division that the applicant:*

50       (1) *If applying for a license to engage in radiation therapy and radiologic*  
51 *imaging, holds a valid and unrestricted license, certificate or other credential to*  
52 *engage in radiation therapy and radiologic imaging issued in any state of the*

1 *United States, the District of Columbia, the Commonwealth of Puerto Rico or any*  
2 *other territory or possession of the United States;*

3 (2) *If applying for a limited license to engage in radiologic imaging,*  
4 *holds a valid and unrestricted license, certificate or other credential to engage in*  
5 *radiologic imaging issued in any state of the United States, the District of*  
6 *Columbia, the Commonwealth of Puerto Rico or any other territory or possession*  
7 *of the United States;*

8 (3) *Is a citizen of the United States or otherwise has the legal right to*  
9 *work in the United States;*

10 (4) *Has not been disciplined or investigated by a regulatory authority of*  
11 *the state or territory in which the applicant holds or has held a license; and*

12 (5) *Has not ever been held civilly or criminally liable for malpractice*  
13 *related to his or her license;*

14 (b) *An affidavit stating that the information contained in the application and*  
15 *any accompanying material is true and correct; and*

16 (c) *Any other information required by the Division.*

17 3. *Not later than 15 business days after receiving an application for a*  
18 *license by endorsement to engage in radiation therapy and radiologic imaging or*  
19 *a limited license by endorsement to engage in radiologic imaging pursuant to this*  
20 *section, the Division shall provide written notice to the applicant if any additional*  
21 *information is required by the Division to consider the application. Unless the*  
22 *Division denies the application for good cause, the Division shall approve the*  
23 *application and issue a license by endorsement or limited license by endorsement,*  
24 *as applicable, to the applicant not later than 45 days after receiving the*  
25 *application.*

26 **Sec. 39.** 1. *The Division may issue a license by endorsement to engage in*  
27 *radiation therapy and radiologic imaging or a limited license by endorsement to*  
28 *engage in radiologic imaging in accordance with the provisions of this section to*  
29 *an applicant who meets the requirements set forth in this section.*

30 2. *An applicant for a license by endorsement pursuant to this section must*  
31 *submit to the Division with his or her application:*

32 (a) *Proof satisfactory to the Division that the applicant:*

33 (1) *If applying for a license to engage in radiation therapy and radiologic*  
34 *imaging, holds a valid and unrestricted license, certificate or other credential to*  
35 *engage in radiation therapy and radiologic imaging issued in any state of the*  
36 *United States, the District of Columbia, the Commonwealth of Puerto Rico or any*  
37 *other territory or possession of the United States;*

38 (2) *If applying for a limited license to engage in radiologic imaging,*  
39 *holds a valid and unrestricted license, certificate or other credential to engage in*  
40 *radiologic imaging issued in any state of the United States, the District of*  
41 *Columbia, the Commonwealth of Puerto Rico or any other territory or possession*  
42 *of the United States;*

43 (3) *Is an active member of, or the spouse of an active member of, the*  
44 *Armed Forces of the United States, a veteran or the surviving spouse of a*  
45 *veteran;*

46 (4) *Is a citizen of the United States or otherwise has the legal right to*  
47 *work in the United States;*

48 (5) *Has not been disciplined or investigated by a regulatory authority of*  
49 *the state or territory in which the applicant holds or has held a license; and*

50 (6) *Has not ever been held civilly or criminally liable for malpractice*  
51 *related to his or her license;*

52 (b) *An affidavit stating that the information contained in the application and*  
53 *any accompanying material is true and correct; and*

1           (c) Any other information required by the Division.

2           3. Not later than 15 business days after receiving an application for a  
3 license by endorsement to engage in radiation therapy and radiologic imaging or  
4 a limited license by endorsement to engage in radiologic imaging pursuant to this  
5 section, the Division shall provide written notice to the applicant if any additional  
6 information is required by the Division to consider the application. Unless the  
7 Division denies the application for good cause, the Division shall approve the  
8 application and issue a license by endorsement or a limited license by  
9 endorsement, as applicable, to the applicant not later than 45 days after receiving  
10 all the additional information required by the Division to complete the  
11 application.

12           4. At any time before making a final decision, the Division may grant a  
13 provisional license authorizing an applicant to engage in radiation therapy and  
14 radiologic imaging or a provisional limited license authorizing an applicant to  
15 engage in radiologic imaging, as applicable, in accordance with regulations  
16 adopted by the Division.

17           5. As used in this section, "veteran" has the meaning ascribed to it in NRS  
18 417.005.

19           **Sec. 40. 1.** In addition to any other requirements set forth in this chapter:

20           (a) An applicant for the issuance of a license or limited license shall include  
21 the social security number of the applicant in the application submitted to the  
22 Division.

23           (b) An applicant for the issuance or renewal of a license or limited license  
24 shall submit to the Division the statement prescribed by the Division of Welfare  
25 and Supportive Services of the Department of Health and Human Services  
26 pursuant to NRS 425.520. The statement must be completed and signed by the  
27 applicant.

28           2. The Division shall include the statement required pursuant to subsection  
29 I in:

30           (a) The application or any other forms that must be submitted for the  
31 issuance or renewal of the license or limited license; or

32           (b) A separate form prescribed by the Division.

33           3. A license or limited license may not be issued or renewed by the Division  
34 if the applicant:

35           (a) Fails to submit the statement required pursuant to subsection I; or

36           (b) Indicates on the statement submitted pursuant to subsection I that the  
37 applicant is subject to a court order for the support of a child and is not in  
38 compliance with the order or a plan approved by the district attorney or other  
39 public agency enforcing the order for the repayment of the amount owed  
40 pursuant to the order.

41           4. If an applicant indicates on the statement submitted pursuant to  
42 subsection I that the applicant is subject to a court order for the support of a  
43 child and is not in compliance with the order or a plan approved by the district  
44 attorney or other public agency enforcing the order for the repayment of the  
45 amount owed pursuant to the order, the Division shall advise the applicant to  
46 contact the district attorney or other public agency enforcing the order to  
47 determine the actions that the applicant may take to satisfy the arrearage.

48           **Sec. 41. 1.** The holder of a license may practice as a radiologist assistant  
49 if the holder is:

50           (a) Certified by the American Registry of Radiologic Technologists, or its  
51 successor organization, to practice in the area of radiography and is registered as  
52 a radiologist assistant by that entity; or

53           (b) Certified by the Certification Board for Radiology Practitioner Assistants.

1           2. *In addition to the duties that the holder of a license is authorized to*  
2 *perform by the regulations adopted pursuant to section 34 of this act, a*  
3 *radiologist assistant:*

4           (a) *May perform any duty relating to the care and management of patients,*  
5 *including, without limitation, radiologic imaging and interventional procedures*  
6 *guided by radiologic imaging, under the supervision of a radiologist.*

7           (b) *May provide initial observations concerning the images of a patient to a*  
8 *supervising physician who specializes in radiology.*

9           (c) *Shall not interpret images of a patient or otherwise engage in the practice*  
10 *of medicine, as defined in NRS 630.020.*

11           3. *A person who practices as a radiologist assistant without meeting the*  
12 *requirements of subsection 1 is guilty of a misdemeanor.*

13           **Sec. 42.** *1. A person who does not meet the requirements of section 35 of*  
14 *this act may, without compensation, engage in radiation therapy or radiologic*  
15 *imaging under the direct supervision of a physician, dentist, chiropractor or*  
16 *podiatrist or a person who holds a license for the purpose of qualifying for any*  
17 *certification required to obtain a license or a limited license.*

18           2. *A holder of a license or limited license may engage in radiation therapy*  
19 *or radiologic imaging outside the scope of practice authorized for his or her*  
20 *license or limited license by the regulations adopted pursuant to section 34 of this*  
21 *act if:*

22           (a) *Necessary to qualify for certification by a national accrediting*  
23 *organization in that area; and*

24           (b) *The licensee registers with the Division before engaging in such activity.*

25           3. *The Division may issue a temporary student license to a person who is*  
26 *enrolled in a program to qualify for any certification that is required to obtain a*  
27 *license or limited license. A holder of a temporary student license may engage in*  
28 *any activity described in subsection 1 for compensation.*

29           4. *A temporary student license may not be renewed and expires on the*  
30 *earlier of:*

31           (a) *The date on which the holder of the temporary student license is issued a*  
32 *license or limited license by the Division;*

33           (b) *The date on which the application of the holder of the temporary student*  
34 *license for a license or limited license is denied by the Division; or*

35           (c) *One year after the date on which the holder of the temporary student*  
36 *license is initially employed to engage in radiation therapy or radiologic imaging.*

37           **Sec. 43.** *1. A person who does not hold a license or limited license may*  
38 *take X-ray photographs under the supervision of a physician or physician*  
39 *assistant as part of his or her employment or service as an independent*  
40 *contractor in a rural health clinic or federally-qualified health center described*  
41 *in subsection 2 if the person:*

42           (a) *Registers with the Division in the form prescribed by the Division;*

43           (b) *Submits to the Division proof that he or she has completed training in*  
44 *radiation safety and proper positioning for X-ray photographs provided by the*  
45 *holder of a license; and*

46           (c) *Completes the continuing education prescribed by regulation of the*  
47 *Department.*

48           2. *A person described in subsection 1 may take X-ray photographs as part*  
49 *of his or her employment or service as an independent contractor in a rural*  
50 *health clinic or federally-qualified health center that:*

51           (a) *Is located in a county whose population is less than 55,000; and*

52           (b) *Has established a quality assurance program for X-ray photographs that*  
53 *meets the requirements prescribed by regulation of the Division.*

1           3. A person who performs computed tomography or fluoroscopy as part of  
2 his or her employment on January 1, 2020, may continue to perform any such  
3 activity on and after that date without complying with the requirements of section  
4 44 or 45, as applicable, of this act if he or she:

5           (a) Registers with the Division in the form prescribed by the Division;

6           (b) Provides any information requested by the Division; and

7           (c) Does not expand the scope of his or her duties relating to computed  
8 tomography or fluoroscopy, as applicable.

9           4. As used in this section:

10           (a) "Federally-qualified health center" has the meaning ascribed to it in 42  
11 U.S.C. § 1396d(l)(2)(B).

12           (b) "Rural health clinic" has the meaning ascribed to it in 42 U.S.C. §  
13 1395x(aa)(2).

14           **Sec. 44.** 1. A person shall not perform computed tomography except as  
15 authorized by this section and section 43 of this act.

16           2. Except as otherwise provided in this section, a holder of a license may  
17 only perform computed tomography within his or her scope of practice, as  
18 authorized by the regulations adopted pursuant to section 34 of this act, if he or  
19 she is certified by:

20           (a) The American Registry of Radiologic Technologists, or its successor  
21 organization, to practice in the area of nuclear medicine technology or radiation  
22 therapy; or

23           (b) The Nuclear Medicine Technology Certification Board, or its successor  
24 organization, in nuclear medicine.

25           3. A holder of a license who is certified by the American Registry of  
26 Radiologic Technologists, or its successor organization, or the Nuclear Medicine  
27 Technology Certification Board, or its successor organization, in computed  
28 tomography may perform computed tomography.

29           4. A holder of a license who does not satisfy the requirements of subsection  
30 2 or 3 may perform computed tomography if he or she:

31           (a) Performs computed tomography to qualify for certification by the  
32 American Registry of Radiologic Technologists, or its successor organization, or  
33 the Nuclear Medicine Technology Certification Board, or its successor  
34 organization, in computed tomography; and

35           (b) Registers with the Division before performing computed tomography.

36           5. A person who performs computed tomography in violation of this section  
37 is guilty of a misdemeanor.

38           **Sec. 45.** 1. A person shall not perform fluoroscopy except as authorized  
39 in this section and section 43 of this act.

40           2. A holder of a license may perform fluoroscopy:

41           (a) If he or she is certified by the American Registry of Radiologic  
42 Technologists, or its successor organization, to practice in the area of radiation  
43 therapy;

44           (b) Only within the scope of his or her practice; and

45           (c) Only to the extent authorized by the regulations adopted pursuant to  
46 section 34 of this act.

47           3. A person who performs fluoroscopy in violation of this section is guilty of  
48 a misdemeanor.

49           **Sec. 46.** (Deleted by amendment.)

50           **Sec. 47.** 1. Except as otherwise provided in this section, any authorized  
51 representative of the Division may:

52           (a) Enter and inspect at any reasonable time any private or public property  
53 on which radiation therapy or radiologic imaging is conducted for the purpose of

1 *determining whether a violation of the provisions of this chapter or the*  
2 *regulations adopted pursuant thereto has occurred or is occurring. The owner,*  
3 *occupant or person responsible for such property shall permit such entry and*  
4 *inspection. An owner, occupant or person responsible for such property who fails*  
5 *to permit such entry and inspection is guilty of a misdemeanor.*

6 *(b) Request any information necessary to ensure that any person who*  
7 *engages in radiation therapy or radiologic imaging meets any requirements*  
8 *specified by this chapter ~~for section 56 of this act, as applicable,~~ concerning the*  
9 *radiation therapy or radiologic imaging in which the person engages.*

10 *2. An authorized representative of the Division may only enter an area that*  
11 *is subject to the jurisdiction of the Federal Government if the authorized*  
12 *representative obtains the consent of the Federal Government or its duly*  
13 *designated representative.*

14 *3. Any report of an investigation or inspection conducted pursuant to*  
15 *paragraph (a) of subsection 1 and any information requested pursuant to*  
16 *paragraph (b) of subsection 1 shall not be disclosed or made available for public*  
17 *inspection, except as otherwise provided in NRS 239.0115 or as may be necessary*  
18 *to carry out the responsibilities of the Division.*

19 **Sec. 48. 1.** *The Division may deny, suspend, revoke or refuse to renew a*  
20 *license or limited license issued pursuant to the provisions of this chapter, impose*  
21 *limitations on the practice of a holder of such a license or limited license or*  
22 *impose a civil penalty of up to \$1,000 per violation if a person:*

23 *(a) Obtains a license or limited license through fraud, misrepresentation or*  
24 *concealment of material facts;*

25 *(b) Engages in unprofessional conduct, as defined by the regulations adopted*  
26 *pursuant to section 34 of this act;*

27 *(c) Is convicted of a crime involving moral turpitude, as defined by the*  
28 *regulations adopted pursuant to section 34 of this act, or any crime which*  
29 *indicates that the person is unfit to engage in radiation therapy or radiologic*  
30 *imaging;*

31 *(d) Violates any provision of this chapter or any regulations adopted*  
32 *pursuant thereto;*

33 *(e) Is guilty of malpractice, gross negligence or incompetence while*  
34 *engaging in radiation therapy or radiologic imaging;*

35 *(f) Engages in conduct that could result in harm to a member of the public;*  
36 *or*

37 *(g) Has disciplinary action imposed in another jurisdiction against a license*  
38 *or certificate of the person that is equivalent to a license or limited license issued*  
39 *pursuant to this chapter.*

40 *2. At least 2 years after the date on which the license or limited license of a*  
41 *person is revoked, the person may apply to the Division for reinstatement of the*  
42 *license, which is within the discretion of the Division.*

43 **Sec. 49. 1.** *The Division may, upon its own motion, and shall, upon the*  
44 *verified complaint in writing of any person setting forth facts which, if proven,*  
45 *would constitute grounds for initiating disciplinary action, investigate the actions*  
46 *of any person who engages in radiation therapy or radiologic imaging.*

47 *2. A person may file a complaint anonymously pursuant to subsection 1.*  
48 *The Division may refuse to consider such a complaint if anonymity of the*  
49 *complainant makes processing the complaint impossible or unfair to the person*  
50 *who is the subject of the complaint.*

51 *3. The Division shall retain all complaints received by the Division*  
52 *pursuant to this section for at least 10 years, including, without limitation, any*  
53 *complaints not acted upon by the Division.*

1       4. *Before initiating proceedings to impose disciplinary action, the Division*  
2 *shall notify the accused person in writing of the charges. Such notice may be*  
3 *served by personal delivery to the accused person or by mailing it by registered or*  
4 *certified mail to the place of business last specified as noted in the records of the*  
5 *Division.*

6       5. *In any proceeding to impose disciplinary action, the Division shall afford*  
7 *an opportunity for a hearing on the record upon the request of the accused*  
8 *person. The Division may compel the attendance of witnesses or the production*  
9 *of documents or objects by subpoena.*

10       6. *The Division shall render a written decision at the conclusion of each*  
11 *hearing, and the record and decision in each hearing must be made available for*  
12 *inspection by any interested person.*

13       7. *The Division may delegate to a hearing officer or panel its authority to*  
14 *take any disciplinary action pursuant to the provisions of this chapter. Any*  
15 *disciplinary action taken by the hearing officer or panel is subject to the same*  
16 *procedural requirements applicable to the Division pursuant to subsection 6, and*  
17 *the officer or panel has those powers and duties given to the Division in relation*  
18 *thereto.*

19       8. *A decision imposing disciplinary action pursuant to this section is a final*  
20 *decision for the purposes of judicial review.*

21       **Sec. 50.** *1. If the Division receives a copy of a court order issued pursuant*  
22 *to NRS 425.540 that provides for the suspension of all professional, occupational*  
23 *and recreational licenses, certificates and permits issued to a person who is the*  
24 *holder of a license or limited license, the Division shall deem the license or*  
25 *limited license issued to that person to be suspended at the end of the 30th day*  
26 *after the date on which the court order was issued unless the Division receives a*  
27 *letter issued to the holder of the license or limited license by the district attorney*  
28 *or other public agency pursuant to NRS 425.550 stating that the holder of the*  
29 *license or limited license has complied with the subpoena or warrant or has*  
30 *satisfied the arrearage pursuant to NRS 425.560.*

31       2. *The Division shall reinstate a license or limited license that has been*  
32 *suspended by a district court pursuant to NRS 425.540 if the Division receives a*  
33 *letter issued by the district attorney or other public agency pursuant to NRS*  
34 *425.550 to the person whose license or limited license was suspended stating that*  
35 *the person whose license or limited license was suspended has complied with the*  
36 *subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

37       **Sec. 51.** *1. The Division or the Attorney General may maintain in any*  
38 *court of competent jurisdiction a suit to enjoin any person from violating a*  
39 *provision of this chapter or any regulations adopted pursuant thereto.*

40       2. *Such an injunction:*

41       (a) *May be issued without proof of actual damage sustained by any person as*  
42 *a preventive or punitive measure.*

43       (b) *Does not relieve any person from any other legal action.*

44       **Sec. 52.** NRS 622.520 is hereby amended to read as follows:

45       622.520 1. A regulatory body that regulates a profession pursuant to  
46 chapters 630, 630A, 632 to 641C, inclusive, or 644A of NRS *or sections 22 to 51,*  
47 *inclusive, of this act* in this State may enter into a reciprocal agreement with the  
48 corresponding regulatory authority of the District of Columbia or any other state or  
49 territory of the United States for the purposes of:

50       (a) Authorizing a qualified person licensed in the profession in that state or  
51 territory to practice concurrently in this State and one or more other states or  
52 territories of the United States; and

53       (b) Regulating the practice of such a person.

1           2. A regulatory body may enter into a reciprocal agreement pursuant to  
2 subsection 1 only if the regulatory body determines that:

3           (a) The corresponding regulatory authority is authorized by law to enter into  
4 such an agreement with the regulatory body; and

5           (b) The applicable provisions of law governing the practice of the respective  
6 profession in the state or territory on whose behalf the corresponding regulatory  
7 authority would execute the reciprocal agreement are substantially similar to the  
8 corresponding provisions of law in this State.

9           3. A reciprocal agreement entered into pursuant to subsection 1 must not  
10 authorize a person to practice his or her profession concurrently in this State unless  
11 the person:

12           (a) Has an active license to practice his or her profession in another state or  
13 territory of the United States.

14           (b) Has been in practice for at least the 5 years immediately preceding the date  
15 on which the person submits an application for the issuance of a license pursuant to  
16 a reciprocal agreement entered into pursuant to subsection 1.

17           (c) Has not had his or her license suspended or revoked in any state or territory  
18 of the United States.

19           (d) Has not been refused a license to practice in any state or territory of the  
20 United States for any reason.

21           (e) Is not involved in and does not have pending any disciplinary action  
22 concerning his or her license or practice in any state or territory of the United  
23 States.

24           (f) Pays any applicable fees for the issuance of a license that are otherwise  
25 required for a person to obtain a license in this State.

26           (g) Submits to the applicable regulatory body the statement required by NRS  
27 425.520.

28           4. If the regulatory body enters into a reciprocal agreement pursuant to  
29 subsection 1, the regulatory body must prepare an annual report before January 31  
30 of each year outlining the progress of the regulatory body as it relates to the  
31 reciprocal agreement and submit the report to the Director of the Legislative  
32 Counsel Bureau for transmittal to the next session of the Legislature in odd-  
33 numbered years or to the Legislative Committee on Health Care in even-numbered  
34 years.

35           **Sec. 53.** (Deleted by amendment.)

36           **Sec. 54.** NRS 630.279 is hereby amended to read as follows:

37           630.279 The Board shall adopt regulations regarding the licensure of  
38 practitioners of respiratory care, including, without limitation:

39           1. Educational and other qualifications of applicants;

40           2. Required academic programs which applicants must successfully complete;

41           3. Procedures for applying for and issuing licenses;

42           4. Tests or examinations of applicants by the Board;

43           5. The types of medical services that a practitioner of respiratory care may  
44 perform, except that a practitioner of respiratory care may not perform those  
45 specific functions and duties delegated or otherwise restricted by specific statute to  
46 persons licensed as dentists, chiropractors, podiatric physicians, optometrists,  
47 physicians, osteopathic physicians or hearing aid specialists pursuant to this chapter  
48 or chapter 631, 633, 634, 635, 636 or 637B of NRS, as appropriate ~~{}~~, *or persons  
49 who hold a license to engage in radiation therapy and radiologic imaging or a  
50 limited license to engage in radiologic imaging pursuant to sections 22 to 51,  
51 inclusive, of this act;*

52           6. The duration, renewal and termination of licenses; and



1           7. The grounds and procedures for disciplinary actions against practitioners of  
2 respiratory care.

3           **Sec. 55.** NRS 630A.299 is hereby amended to read as follows:

4           630A.299 The Board shall adopt regulations regarding the certification of a  
5 homeopathic assistant, including, but not limited to:

- 6           1. The educational and other qualifications of applicants.
- 7           2. The required academic program for applicants.
- 8           3. The procedures for applications for and the issuance of certificates.
- 9           4. The tests or examinations of applicants by the Board.
- 10          5. The medical services which a homeopathic assistant may perform, except  
11 that a homeopathic assistant may not perform those specific functions and duties  
12 delegated or restricted by law to persons licensed as dentists, chiropractors,  
13 podiatric physicians, optometrists or hearing aid specialists under chapter 631, 634,  
14 635, 636 or 637B, respectively, of NRS ~~H~~ *or persons licensed to engage in  
15 radiation therapy or radiologic imaging pursuant to sections 22 to 51, inclusive,  
16 of this act.*
- 17          6. The duration, renewal and termination of certificates.
- 18          7. The grounds respecting disciplinary actions against homeopathic assistants.
- 19          8. The supervision of a homeopathic assistant by a supervising homeopathic  
20 physician.
- 21          9. The establishment of requirements for the continuing education of  
22 homeopathic assistants.

23           **Sec. 56.** ~~[Chapter 631 of NRS is hereby amended by adding thereto a new  
24 section to read as follows:~~

25           ~~1. Except as authorized by this section, a dental hygienist, dental assistant  
26 or qualified technician shall not engage in radiation therapy or radiologic  
27 imaging unless he or she has obtained a license or limited license pursuant to  
28 sections 22 to 51, inclusive, of this act.~~

29           ~~2. A dental hygienist, dental assistant or qualified technician may make  
30 radiograms or X ray exposures or use X ray radiation:~~

31           ~~(a) Only for dental treatment or dental diagnostic purposes and upon the  
32 direction of a dentist; and~~

33           ~~(b) Except as otherwise provided in subsection 3, if he or she has  
34 successfully completed the training prescribed by the Board pursuant to  
35 subsection 4.~~

36           ~~3. A dental hygienist, dental assistant or qualified technician who has not  
37 successfully completed the training prescribed by the Board pursuant to  
38 subsection 4 may, as part of that training, make radiograms or X ray exposures  
39 or use X ray radiation under the direct supervision and upon the direction of a  
40 dentist.~~

41           ~~4. The Board shall adopt regulations prescribing training that a dental  
42 hygienist, dental assistant or qualified technician must receive before making  
43 radiograms or X ray exposures or using X ray radiation.~~

44           ~~5. As used in this section:~~

45           ~~(a) "Radiation therapy" has the meaning ascribed to it in section 29 of this  
46 act.~~

47           ~~(b) "Radiologic imaging" has the meaning ascribed to it in section 30 of this  
48 act.] (Deleted by amendment.)~~

49           **Sec. 57.** ~~[NRS 631.215 is hereby amended to read as follows:~~

50           ~~631.215 1. Any person shall be deemed to be practicing dentistry who:~~

51           ~~(a) Uses words or any letters or title in connection with his or her name which  
52 in any way represents the person as engaged in the practice of dentistry, or any  
53 branch thereof;~~

~~1 (b) Advertises or permits to be advertised by any medium that the person can  
2 or will attempt to perform dental operations of any kind;~~  
~~3 (c) Evaluates or diagnoses, professes to evaluate or diagnose or treats or  
4 professes to treat, surgically or nonsurgically, any of the diseases, disorders,  
5 conditions or lesions of the oral cavity, maxillofacial area or the adjacent and  
6 associated structures and their impact on the human body;~~  
~~7 (d) Extracts teeth;~~  
~~8 (e) Corrects malpositions of the teeth or jaws;~~  
~~9 (f) Takes impressions of the teeth, mouth or gums, unless the person is  
10 authorized by the regulations of the Board to engage in such activities without  
11 being a licensed dentist;~~  
~~12 (g) Examines a person for, or supplies artificial teeth as substitutes for natural  
13 teeth;~~  
~~14 (h) Places in the mouth and adjusts or alters artificial teeth;~~  
~~15 (i) Does any practice included in the clinical dental curricula of accredited  
16 dental colleges or a residency program for those colleges;~~  
~~17 (j) Administers or prescribes such remedies, medicinal or otherwise, as are  
18 needed in the treatment of dental or oral diseases;~~  
~~19 (k) Uses X-ray radiation or laser radiation for dental treatment or dental  
20 diagnostic purposes, unless the person is authorized by [the regulations of the  
21 Board] *section 56 of this act* to engage in such activities without being a licensed  
22 dentist;~~  
~~23 (l) Determines:~~  
~~24 (1) Whether a particular treatment is necessary or advisable; or~~  
~~25 (2) Which particular treatment is necessary or advisable; or~~  
~~26 (m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth  
27 by any means or method, unless the person is:~~  
~~28 (1) Dispensing or using a product that may be purchased over the counter  
29 for a person's own use; or~~  
~~30 (2) Authorized by the regulations of the Board to engage in such activities  
31 without being a licensed dentist.~~  
~~32 2. Nothing in this section:~~  
~~33 (a) Prevents a dental assistant, dental hygienist or qualified technician from  
34 [making]:~~  
~~35 (1) *Making* radiograms or X ray exposures or using X ray radiation *if*  
36 *authorized by section 56 of this act;* or~~  
~~37 (2) *Using* laser radiation for dental treatment or dental diagnostic purposes  
38 upon the direction of a licensed dentist.~~  
~~39 (b) Prohibits the performance of mechanical work, on inanimate objects only,  
40 by any person employed in or operating a dental laboratory upon the written work  
41 authorization of a licensed dentist.~~  
~~42 (c) Prevents students from performing dental procedures that are part of the  
43 curricula of an accredited dental school or college or an accredited school of dental  
44 hygiene or an accredited school of dental assisting.~~  
~~45 (d) Prevents a licensed dentist or dental hygienist from another state or country  
46 from appearing as a clinician for demonstrating certain methods of technical  
47 procedures before a dental society or organization, convention or dental college or  
48 an accredited school of dental hygiene or an accredited school of dental assisting.~~  
~~49 (e) Prohibits the manufacturing of artificial teeth upon receipt of a written  
50 authorization from a licensed dentist if the manufacturing does not require direct  
51 contact with the patient.~~  
~~52 (f) Prohibits the following entities from owning or operating a dental office or  
53 clinic if the entity complies with the provisions of NRS 631.3452:~~

~~(1) A nonprofit corporation organized pursuant to the provisions of chapter 82 of NRS to provide dental services to rural areas and medically underserved populations of migrant or homeless persons or persons in rural communities pursuant to the provisions of 42 U.S.C. § 254b or 254e.~~

~~(2) A federally qualified health center as defined in 42 U.S.C. § 1396d(1)(2)(B) operating in compliance with other applicable state and federal law.~~

~~(3) A nonprofit charitable corporation as described in section 501(c)(3) of the Internal Revenue Code and determined by the Board to be providing dental services by volunteer licensed dentists at no charge or at a substantially reduced charge to populations with limited access to dental care.~~

~~(g) Prevents a person who is actively licensed as a dentist in another jurisdiction from treating a patient if:~~

~~(1) The patient has previously been treated by the dentist in the jurisdiction in which the dentist is licensed;~~

~~(2) The dentist treats the patient only during a course of continuing education involving live patients which:~~

~~(I) Is conducted at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry; and~~

~~(II) Meets all applicable requirements for approval as a course of continuing education; and~~

~~(3) The dentist treats the patient only under the supervision of a person licensed pursuant to NRS 631.2715.~~

~~(h) Prohibits a person from providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by a licensed dentist or any entity not prohibited from owning or operating a dental practice, office or clinic if the person does not:~~

~~(1) Provide such goods or services in exchange for payments based on a percentage or share of revenues or profits of the dental practice, office or clinic; or~~

~~(2) Exercise any authority or control over the clinical practice of dentistry.~~

~~3. The Board shall adopt regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry, including, without limitation, activities which:~~

~~(a) Exert authority or control over the clinical judgment of a licensed dentist;~~

~~(b) Relieve a licensed dentist of responsibility for the clinical aspects of the dental practice.~~

~~Such regulations must not prohibit or regulate aspects of the business relationship, other than the clinical practice of dentistry, between a licensed dentist or professional entity organized pursuant to the provisions of chapter 89 of NRS and the person or entity providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by the licensed dentist or professional entity.] **(Deleted by amendment.)**~~

**Sec. 58.** NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug abuse counselor, music therapist, *holder of a license or limited license issued pursuant to*

1 *sections 22 to 51, inclusive, of this act*, driver of an ambulance, paramedic or other  
2 person providing medical services licensed or certified to practice in this State.

3 (b) Any personnel of a medical facility or facility for the dependent engaged in  
4 the admission, examination, care or treatment of persons or an administrator,  
5 manager or other person in charge of a medical facility or facility for the dependent  
6 upon notification by a member of the staff of the facility.

7 (c) A coroner.

8 (d) Any person who maintains or is employed by an agency to provide  
9 personal care services in the home.

10 (e) Any person who operates, who is employed by or who contracts to provide  
11 services for an intermediary service organization as defined in NRS 449.4304.

12 (f) Any person who maintains or is employed by an agency to provide nursing  
13 in the home.

14 (g) Any employee of the Department of Health and Human Services.

15 (h) Any employee of a law enforcement agency or a county's office for  
16 protective services or an adult or juvenile probation officer.

17 (i) Any person who maintains or is employed by a facility or establishment that  
18 provides care for older persons.

19 (j) Any person who maintains, is employed by or serves as a volunteer for an  
20 agency or service which advises persons regarding the abuse, neglect or  
21 exploitation of an older person and refers them to persons and agencies where their  
22 requests and needs can be met.

23 (k) Any social worker.

24 (l) Any person who operates or is employed by a community health worker  
25 pool or with whom a community health worker pool contracts to provide the  
26 services of a community health worker, as defined in NRS 449.0027.

27 (m) Any person who operates or is employed by a peer support recovery  
28 organization.

29 2. Every physician who, as a member of the staff of a medical facility or  
30 facility for the dependent, has reason to believe that a nursing assistant or  
31 medication aide - certified has engaged in conduct which constitutes grounds for  
32 the denial, suspension or revocation of a certificate shall notify the superintendent,  
33 manager or other person in charge of the facility. The superintendent, manager or  
34 other person in charge shall make a report as required in subsection 1.

35 3. A report may be filed by any other person.

36 4. Any person who in good faith reports any violation of the provisions of this  
37 chapter to the Executive Director of the Board pursuant to this section is immune  
38 from civil liability for reporting the violation.

39 5. As used in this section:

40 (a) "Agency to provide personal care services in the home" has the meaning  
41 ascribed to it in NRS 449.0021.

42 (b) "Community health worker pool" has the meaning ascribed to it in NRS  
43 449.0028.

44 (c) "Peer support recovery organization" has the meaning ascribed to it in NRS  
45 449.01563.

46 **Sec. 59.** (Deleted by amendment.)

47 **Sec. 60.** (Deleted by amendment.)

48 **Sec. 61.** (Deleted by amendment.)

49 **Sec. 62.** Chapter 635 of NRS is hereby amended by adding thereto a new  
50 section to read as follows:

51 *1. Except as authorized by this section, a podiatry hygienist shall not*  
52 *engage in radiation therapy or radiologic imaging unless he or she has obtained*  
53 *a license or limited license pursuant to sections 22 to 51, inclusive, of this act.*

1           2. *A podiatry hygienist may take and develop X-rays only:*

2           (a) *Within the practice of podiatry and under the direction of a podiatric*  
3 *physician; and*

4           (b) *Except as otherwise provided in subsection 3, if he or she has*  
5 *successfully completed the training prescribed by the Board pursuant to*  
6 *subsection 4.*

7           3. *A podiatry hygienist who has not successfully completed the training*  
8 *prescribed by the Board pursuant to subsection 4 may, as part of that training,*  
9 *take and develop X-rays under the direct supervision of a podiatric physician.*

10           4. *The Board shall adopt regulations prescribing training that a podiatry*  
11 *hygienist must receive before taking and developing X-rays.*

12           5. *As used in this section:*

13           (a) *“Radiation therapy” has the meaning ascribed to it in section 29 of this*  
14 *act.*

15           (b) *“Radiologic imaging” has the meaning ascribed to it in section 30 of this*  
16 *act.*

17           **Sec. 63.** NRS 635.098 is hereby amended to read as follows:

18           635.098 1. Any podiatry hygienist in the employ and under the direction of  
19 a podiatric physician may:

20           (a) Apply orthopedic padding.

21           (b) Administer to patients by means of physiotherapeutic equipment.

22           (c) Make up surgical packs.

23           (d) Strap and cast for orthopedic appliances.

24           (e) Take and develop X-rays ~~if~~, *if authorized by section 62 of this act.*

25           (f) Assist in foot surgery.

26           (g) Administer oral medications.

27           2. The Board may require that every podiatry hygienist have a general  
28 knowledge of sterile techniques, aseptic maintenance of surgery rooms, emergency  
29 treatments, podiatric nomenclature and podiatric surgical procedure.

30           **Sec. 64.** NRS 637B.080 is hereby amended to read as follows:

31           637B.080 The provisions of this chapter do not apply to any person who:

32           1. Holds a current credential issued by the Department of Education pursuant  
33 to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in  
34 the practice of audiology or speech-language pathology within the scope of that  
35 credential;

36           2. Is employed by the Federal Government and engages in the practice of  
37 audiology or speech-language pathology within the scope of that employment;

38           3. Is a student enrolled in a program or school approved by the Board, is  
39 pursuing a degree in audiology or speech-language pathology and is clearly  
40 designated to the public as a student; or

41           4. Holds a current license issued pursuant to chapters 630 to 637, inclusive, or  
42 640 to 641C, inclusive, of NRS ~~if~~ *or sections 22 to 51, inclusive, of this act,*

43 ~~and who does not engage in the private practice of audiology or speech-language~~  
44 ~~pathology in this State.~~

45           **Sec. 65.** NRS 639.100 is hereby amended to read as follows:

46           639.100 1. Except as otherwise provided in this chapter, it is unlawful for  
47 any person to manufacture, engage in wholesale distribution, compound, sell or  
48 dispense, or permit to be manufactured, distributed at wholesale, compounded, sold  
49 or dispensed, any drug, poison, medicine or chemical, or to dispense or compound,  
50 or permit to be dispensed or compounded, any prescription of a practitioner, unless  
51 the person:

52           (a) Is a prescribing practitioner, a person licensed to engage in wholesale  
53 distribution, ~~fa technologist in radiology or nuclear medicine~~ *a person licensed*

1 *pursuant to sections 22 to 51, inclusive, of this act* under the supervision of the  
2 prescribing practitioner, a registered pharmacist, or a registered nurse certified in  
3 oncology under the supervision of the prescribing practitioner; and

4 (b) Complies with the regulations adopted by the Board.

5 2. A person who violates any provision of subsection 1:

6 (a) If no substantial bodily harm results, is guilty of a category D felony; or

7 (b) If substantial bodily harm results, is guilty of a category C felony,

8 and shall be punished as provided in NRS 193.130.

9 3. Sales representatives, manufacturers or wholesalers selling only in  
10 wholesale lots and not to the general public and compounders or sellers of medical  
11 gases need not be registered pharmacists. A person shall not act as a manufacturer  
12 or wholesaler unless the person has obtained a license from the Board.

13 4. Any nonprofit cooperative organization or any manufacturer or wholesaler  
14 who furnishes, sells, offers to sell or delivers a controlled substance which is  
15 intended, designed and labeled "For Veterinary Use Only" is subject to the  
16 provisions of this chapter, and shall not furnish, sell or offer to sell such a substance  
17 until the organization, manufacturer or wholesaler has obtained a license from the  
18 Board.

19 5. Each application for such a license must be made on a form furnished by  
20 the Board and an application must not be considered by the Board until all the  
21 information required thereon has been completed. Upon approval of the application  
22 by the Board and the payment of the required fee, the Board shall issue a license to  
23 the applicant. Each license must be issued to a specific person for a specific  
24 location.

25 6. The Board shall not condition, limit, restrict or otherwise deny to a  
26 prescribing practitioner the issuance of a certificate, license, registration, permit or  
27 authorization to prescribe controlled substances or dangerous drugs because the  
28 practitioner is located outside this State.

29 **Sec. 66.** NRS 644A.880 is hereby amended to read as follows:

30 644A.880 1. If the Board determines that a complaint filed with the Board  
31 concerns a matter within the jurisdiction of another licensing board, the Board shall  
32 refer the complaint to the other licensing board within 5 days after making the  
33 determination.

34 2. The Board may refer a complaint pursuant to subsection 1 orally,  
35 electronically or in writing.

36 3. The provisions of subsection 1 apply to any complaint filed with the Board,  
37 including, without limitation:

38 (a) A complaint which concerns a person who or entity which is licensed,  
39 certified or otherwise regulated by the Board or by another licensing board; and

40 (b) A complaint which concerns a person who or entity which is licensed,  
41 certified or otherwise regulated solely by another licensing board.

42 4. The provisions of this section do not prevent the Board from acting upon a  
43 complaint which concerns a matter within the jurisdiction of the Board regardless  
44 of whether the Board refers the complaint pursuant to subsection 1.

45 5. The Board or an officer or employee of the Board is immune from any civil  
46 liability for any decision or action taken in good faith and without malicious intent  
47 in carrying out the provisions of this section.

48 6. As used in this section, "licensing board" means **[a]**:

49 (a) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A,  
50 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B,  
51 641C, 643, 644A or 654 of NRS **[b]**; and

52 (b) *The Division of Public and Behavioral Health of the Department of*  
53 *Health and Human Services.*

1       **Sec. 67.** NRS 654.185 is hereby amended to read as follows:

2       654.185 1. If the Board determines that a complaint filed with the Board  
3 concerns a matter within the jurisdiction of another licensing board, the Board shall  
4 refer the complaint to the other licensing board within 5 days after making the  
5 determination.

6       2. The Board may refer a complaint pursuant to subsection 1 orally,  
7 electronically or in writing.

8       3. The provisions of subsection 1 apply to any complaint filed with the Board,  
9 including, without limitation:

10      (a) A complaint which concerns a person who or entity which is licensed,  
11 certified or otherwise regulated by the Board or by another licensing board; and

12      (b) A complaint which concerns a person who or entity which is licensed,  
13 certified or otherwise regulated solely by another licensing board.

14      4. The provisions of this section do not prevent the Board from acting upon a  
15 complaint which concerns a matter within the jurisdiction of the Board regardless  
16 of whether the Board refers the complaint pursuant to subsection 1.

17      5. The Board or an officer or employee of the Board is immune from any civil  
18 liability for any decision or action taken in good faith and without malicious intent  
19 in carrying out the provisions in this section.

20      6. As used in this section, "licensing board" means ~~§~~:

21      (a) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A,  
22 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B,  
23 641C, 643, 644A or 654 of NRS ~~§~~; and

24      (b) *The Division of Public and Behavioral Health of the Department of*  
25 *Health and Human Services.*

26       **Sec. 68.** NRS 679B.440 is hereby amended to read as follows:

27       679B.440 1. The Commissioner may require that reports submitted pursuant  
28 to NRS 679B.430 include, without limitation, information regarding:

29      (a) Liability insurance provided to:

30          (1) Governmental agencies and political subdivisions of this State, reported  
31 separately for:

- 32              (I) Cities and towns;
- 33              (II) School districts; and
- 34              (III) Other political subdivisions;

35          (2) Public officers;

36          (3) Establishments where alcoholic beverages are sold;

37          (4) Facilities for the care of children;

38          (5) Labor, fraternal or religious organizations; and

39          (6) Officers or directors of organizations formed pursuant to title 7 of NRS,  
40 reported separately for nonprofit entities and entities organized for profit;

41      (b) Liability insurance for:

42          (1) Defective products;

43          (2) Medical or dental malpractice of:

44              (I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632,  
45 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS ~~§~~ *or who holds a license*  
46 *or limited license issued pursuant to sections 22 to 51, inclusive, of this act;*

47              (II) A hospital or other health care facility; or

48              (III) Any related corporate entity ~~§~~;

49          (3) Malpractice of attorneys;

50          (4) Malpractice of architects and engineers; and

51          (5) Errors and omissions by other professionally qualified persons;

52      (c) Vehicle insurance, reported separately for:

53          (1) Private vehicles;

1 (2) Commercial vehicles;  
2 (3) Liability insurance; and  
3 (4) Insurance for property damage;  
4 (d) Workers' compensation insurance; and  
5 (e) In addition to any information provided pursuant to subparagraph (2) of  
6 paragraph (b) or NRS 690B.260, a policy of insurance for medical malpractice. As  
7 used in this paragraph, "policy of insurance for medical malpractice" has the  
8 meaning ascribed to it in NRS 679B.144.

9 2. The Commissioner may require that the report include, without limitation,  
10 information specifically pertaining to this State or to an insurer in its entirety, in the  
11 aggregate or by type of insurance, and for a previous or current year, regarding:

12 (a) Premiums directly written;  
13 (b) Premiums directly earned;  
14 (c) Number of policies issued;  
15 (d) Net investment income, using appropriate estimates when necessary;  
16 (e) Losses paid;  
17 (f) Losses incurred;  
18 (g) Loss reserves, including:  
19 (1) Losses unpaid on reported claims; and  
20 (2) Losses unpaid on incurred but not reported claims;  
21 (h) Number of claims, including:  
22 (1) Claims paid; and  
23 (2) Claims that have arisen but are unpaid;  
24 (i) Expenses for adjustment of losses, including allocated and unallocated  
25 losses;  
26 (j) Net underwriting gain or loss;  
27 (k) Net operation gain or loss, including net investment income; and  
28 (l) Any other information requested by the Commissioner.

29 3. The Commissioner may also obtain, based upon an insurer in its entirety,  
30 information regarding:

31 (a) Recoverable federal income tax;  
32 (b) Net unrealized capital gain or loss; and  
33 (c) All other expenses not included in subsection 2.

34 **Sec. 69.** NRS 686A.2825 is hereby amended to read as follows:

35 686A.2825 "Practitioner" means:

36 1. A physician, dentist, nurse, dispensing optician, optometrist, physical  
37 therapist, podiatric physician, psychologist, chiropractor, doctor of Oriental  
38 medicine in any form, director or technician of a medical laboratory, pharmacist,  
39 *person who holds a license to engage in radiation therapy and radiologic imaging*  
40 *or a limited license to engage in radiologic imaging pursuant to sections 22 to 51,*  
41 *inclusive, of this act* or other provider of health services who is authorized to  
42 engage in his or her occupation by the laws of this state or another state; and

43 2. An attorney admitted to practice law in this state or any other state.

44 **Sec. 70.** NRS 686B.030 is hereby amended to read as follows:

45 1. Except as otherwise provided in subsection 2 and NRS  
46 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, apply to all  
47 kinds and lines of direct insurance written on risks or operations in this State by any  
48 insurer authorized to do business in this State, except:

49 (a) Ocean marine insurance;  
50 (b) Contracts issued by fraternal benefit societies;  
51 (c) Life insurance and credit life insurance;  
52 (d) Variable and fixed annuities;  
53 (e) Credit accident and health insurance;



1 (f) Property insurance for business and commercial risks;

2 (g) Casualty insurance for business and commercial risks other than insurance  
3 covering the liability of a practitioner licensed pursuant to chapters 630 to 640,  
4 inclusive, of NRS ~~§~~ *or who holds a license or limited license issued pursuant to*  
5 *sections 22 to 51, inclusive, of this act;*

6 (h) Surety insurance;

7 (i) Health insurance offered through a group health plan maintained by a large  
8 employer; and

9 (j) Credit involuntary unemployment insurance.

10 2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend  
11 only to issues related to the determination or approval of premium rates.

12 **Sec. 71.** NRS 690B.250 is hereby amended to read as follows:

13 690B.250 Except as more is required in NRS 630.3067 and 633.526:

14 1. Each insurer which issues a policy of insurance covering the liability of a  
15 practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS *or who*  
16 *holds a license or limited license issued pursuant to sections 22 to 51, inclusive,*  
17 *of this act* for a breach of his or her professional duty toward a patient shall report  
18 to the board which licensed the practitioner within 45 days each settlement or  
19 award made or judgment rendered by reason of a claim, if the settlement, award or  
20 judgment is for more than \$5,000, giving the name of the claimant and the  
21 practitioner and the circumstances of the case.

22 2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS  
23 *or who holds a license or limited license issued pursuant to sections 22 to 51,*  
24 *inclusive, of this act* who does not have insurance covering liability for a breach of  
25 his or her professional duty toward a patient shall report to the board which issued  
26 the practitioner's license within 45 days of each settlement or award made or  
27 judgment rendered by reason of a claim, if the settlement, award or judgment is for  
28 more than \$5,000, giving the practitioner's name, the name of the claimant and the  
29 circumstances of the case.

30 3. These reports are public records and must be made available for public  
31 inspection within a reasonable time after they are received by the licensing board.

32 **Sec. 72.** NRS 690B.320 is hereby amended to read as follows:

33 690B.320 1. If an insurer offers to issue a claims-made policy to a  
34 practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ~~§~~ *or who*  
35 *holds a license or limited license issued pursuant to sections 22 to 51, inclusive,*  
36 *of this act,* the insurer shall:

37 (a) Offer to issue to the practitioner an extended reporting endorsement without  
38 a time limitation for reporting a claim.

39 (b) Disclose to the practitioner the premium for the extended reporting  
40 endorsement and the cost formula that the insurer uses to determine the premium  
41 for the extended reporting endorsement.

42 (c) Disclose to the practitioner the portion of the premium attributable to  
43 funding the extended reporting endorsement offered at no additional cost to the  
44 practitioner in the event of the practitioner's death, disability or retirement, if such a  
45 benefit is offered.

46 (d) Disclose to the practitioner the vesting requirements for the extended  
47 reporting endorsement offered at no additional cost to the practitioner in the event  
48 of the practitioner's death or retirement, if such a benefit is offered. If such a  
49 benefit is not offered, the absence of such a benefit must be disclosed.

50 (e) Include, as part of the insurance contract, language which must be approved  
51 by the Commissioner and which must be substantially similar to the following:

1 If we adopt any revision that would broaden the coverage under this policy  
2 without any additional premium either within the policy period or within 60  
3 days before the policy period, the broadened coverage will immediately  
4 apply to this policy.  
5

6 2. The disclosures required by subsection 1 must be made as part of the offer  
7 and acceptance at the inception of the policy and again at each renewal in the form  
8 of an endorsement attached to the insurance contract and approved by the  
9 Commissioner.

10 3. The requirements set forth in this section are in addition to the  
11 requirements set forth in NRS 690B.290.

12 **Sec. 72.3.** Section 32 of this act is hereby amended to read as follows:

13 Sec. 32. The provisions of this chapter do not apply to:

14 1. A physician or physician assistant licensed pursuant to chapter 630  
15 or 633 of NRS.

16 2. A dentist or dental hygienist licensed pursuant to chapter 631 of  
17 NRS or a dental assistant working within the scope of his or her  
18 employment under the direct supervision of a dentist.

19 3. A chiropractic physician or chiropractor's assistant licensed  
20 pursuant to chapter 634 of NRS.

21 4. A person training to become a chiropractor's assistant or a student  
22 practicing in the preceptor program established by the Chiropractic  
23 Physicians' Board of Nevada pursuant to NRS 634.1375.

24 5. A podiatric physician *or podiatry hygienist* licensed pursuant to  
25 chapter 635 of NRS, *or a person training to be a podiatry hygienist.*

26 6. A veterinarian or veterinary technician licensed pursuant to chapter  
27 638 of NRS or any other person performing tasks under the supervision of a  
28 veterinarian or veterinary technician as authorized by regulation of the  
29 Nevada State Board of Veterinary Medical Examiners.

30 **Sec. 72.6.** Section 35 of this act is hereby amended to read as follows:

31 Sec. 35. 1. Except as otherwise provided in sections 42 ~~and~~ 43  
32 *and 62* of this act, a person shall not engage in:

33 (a) Radiologic imaging unless he or she has obtained a license or  
34 limited license from the Division.

35 (b) Radiation therapy unless he or she has obtained a license from the  
36 Division.

37 (c) Radiation therapy or radiologic imaging which is outside the scope  
38 of practice authorized for his or her license or limited license by the  
39 regulations adopted pursuant to section 34 of this act.

40 2. A person who wishes to obtain or renew a license or limited license  
41 must apply to the Division in the form prescribed by the Division.

42 3. A license or limited license expires 2 years after the date on which  
43 the license was issued and must be renewed on or before that date.

44 4. The Division shall not issue or renew a license or limited license  
45 unless the applicant for issuance or renewal of the license or limited license  
46 attests to knowledge of and compliance with the guidelines of the Centers  
47 for Disease Control and Prevention concerning the prevention of  
48 transmission of infectious agents through safe and appropriate injection  
49 practices.

50 5. A provisional license or provisional limited license may not be  
51 renewed and expires:

1 (a) On the date on which the holder of the provisional license or  
2 provisional limited license is issued a license or limited license by the  
3 Division;

4 (b) On the date on which the application of the holder of the  
5 provisional license or provisional limited license for a license or limited  
6 license is denied by the Division; or

7 (c) One year after the date on which the holder of the provisional  
8 license or provisional limited license is initially employed to engage in  
9 radiation therapy or radiologic imaging.

10 6. A person who engages in radiation therapy or radiologic imaging in  
11 violation of the provisions of this section is guilty of a misdemeanor.

12 **Sec. 73.** Section 40 of this act is hereby amended to read as follows:

13 Sec. 40. 1. In addition to any other requirements set forth in this  
14 chapter ~~f~~:

15 ~~(a) An applicant for the issuance of a license or limited license shall~~  
16 ~~include the social security number of the applicant in the application~~  
17 ~~submitted to the Division.~~

18 ~~(b) An~~ , *an* applicant for the issuance or renewal of a license or  
19 limited license shall submit to the Division the statement prescribed by the  
20 Division of Welfare and Supportive Services of the Department of Health  
21 and Human Services pursuant to NRS 425.520. The statement must be  
22 completed and signed by the applicant.

23 2. The Division shall include the statement required pursuant to  
24 subsection 1 in:

25 (a) The application or any other forms that must be submitted for the  
26 issuance or renewal of the license or limited license; or

27 (b) A separate form prescribed by the Division.

28 3. A license or limited license may not be issued or renewed by the  
29 Division if the applicant:

30 (a) Fails to submit the statement required pursuant to subsection 1; or

31 (b) Indicates on the statement submitted pursuant to subsection 1 that  
32 the applicant is subject to a court order for the support of a child and is not  
33 in compliance with the order or a plan approved by the district attorney or  
34 other public agency enforcing the order for the repayment of the amount  
35 owed pursuant to the order.

36 4. If an applicant indicates on the statement submitted pursuant to  
37 subsection 1 that the applicant is subject to a court order for the support of a  
38 child and is not in compliance with the order or a plan approved by the  
39 district attorney or other public agency enforcing the order for the  
40 repayment of the amount owed pursuant to the order, the Division shall  
41 advise the applicant to contact the district attorney or other public agency  
42 enforcing the order to determine the actions that the applicant may take to  
43 satisfy the arrearage.

44 **Sec. 73.5.** Section 47 of this act is hereby amended to read as follows:

45 Sec. 47. 1. Except as otherwise provided in this section, any  
46 authorized representative of the Division may:

47 (a) Enter and inspect at any reasonable time any private or public  
48 property on which radiation therapy or radiologic imaging is conducted for  
49 the purpose of determining whether a violation of the provisions of this  
50 chapter or the regulations adopted pursuant thereto has occurred or is  
51 occurring. The owner, occupant or person responsible for such property  
52 shall permit such entry and inspection. An owner, occupant or person

1 responsible for such property who fails to permit such entry and inspection  
2 is guilty of a misdemeanor.

3 (b) Request any information necessary to ensure that any person who  
4 engages in radiation therapy or radiologic imaging meets any requirements  
5 specified by this chapter *or section 62 of this act, as applicable*, concerning  
6 the radiation therapy or radiologic imaging in which the person engages.

7 2. An authorized representative of the Division may only enter an  
8 area that is subject to the jurisdiction of the Federal Government if the  
9 authorized representative obtains the consent of the Federal Government or  
10 its duly designated representative.

11 3. Any report of an investigation or inspection conducted pursuant to  
12 paragraph (a) of subsection 1 and any information requested pursuant to  
13 paragraph (b) of subsection 1 shall not be disclosed or made available for  
14 public inspection, except as otherwise provided in NRS 239.0115 or as may  
15 be necessary to carry out the responsibilities of the Division.

16 **Sec. 74.** As soon as practicable after the effective date of this section, the  
17 Governor shall appoint to the Radiation Therapy and Radiologic Imaging Advisory  
18 Committee created by section 33 of this act:

19 1. One member pursuant to paragraph (g) of subsection 2 of section 33 of this  
20 act to an initial term commencing on July 1, 2019, and expiring on June 30, 2020.

21 2. One member each pursuant to paragraphs (d), (e) and (f) of subsection 2 of  
22 section 33 of this act to initial terms commencing on July 1, 2019, and expiring on  
23 June 30, 2021.

24 3. One member each pursuant to paragraphs (a), (b) and (c) of subsection 2 of  
25 section 33 of this act to initial terms commencing on July 1, 2019, and expiring on  
26 June 30, 2022.

27 **Sec. 75.** 1. ~~If the Board of Dental Examiners of Nevada has adopted~~  
28 ~~regulations that satisfy the requirements of section 56 of this act before January 1,~~  
29 ~~2020, those regulations continue in effect and the Board shall be deemed to be in~~  
30 ~~compliance with the applicable section.~~

31 ~~2.]~~ Notwithstanding the requirements of sections 36 and 37 of this act, the  
32 Division of Public and Behavioral Health of the Department of Health and Human  
33 Services shall issue a license or a limited license, as applicable, to the scope of  
34 practice of the person, to any person who:

35 (a) Is performing radiation therapy or radiologic imaging as part of his or her  
36 employment on or before January 1, 2020;

37 (b) Registers with the Division; and

38 (c) Provides any information requested by the Division.

39 ~~3.]~~ 2. As used in this section:

40 (a) "License" has the meaning ascribed to it in section 26 of this act.

41 (b) "Limited license" has the meaning ascribed to it in section 27 of this act.

42 (c) "Radiation therapy" has the meaning ascribed to it in section 29 of this act.

43 (d) "Radiologic imaging" has the meaning ascribed to it in section 30 of this  
44 act.

45 ~~4.] The Division of Public and Behavioral Health of the Department of Health~~  
46 ~~and Human Services shall not require the payment of a fee for the issuance of a~~  
47 ~~license or limited license pursuant to subsection 2.]~~

48 **Sec. 76.** (Deleted by amendment.)

49 **Sec. 77.** 1. This section and sections 1, 21, 74 and 75 of this act become  
50 effective upon passage and approval.

51 2. Sections 2 to 20, inclusive, and 22 to 61, inclusive, and 64 to 72, inclusive,  
52 of this act become effective upon passage and approval for the purpose of adopting

1 regulations and performing any other administrative tasks that are necessary to  
2 carry out the provisions of this act and on January 1, 2020, for all other purposes.

3 3. Sections 62, 63, 72.6 and 73.5 of this act:

4 (a) Become effective on January 1, 2020, only if regulations adopted by the  
5 State Board of Podiatry pursuant to NRS 635.030 prescribing the conditions under  
6 which a podiatry hygienist or a person training to be a podiatry hygienist may  
7 engage in radiation therapy and radiologic imaging have not become effective  
8 before that date; and

9 (b) Expire by limitation on the date on which regulations adopted by the State  
10 Board of Podiatry pursuant to NRS 635.030 prescribing the conditions under which  
11 a podiatry hygienist or a person training to be a podiatry hygienist may engage in  
12 radiation therapy and radiologic imaging become effective.

13 4. Section 72.3 of this act becomes effective on January 1, 2020, or the date  
14 on which regulations adopted by the State Board of Podiatry pursuant to NRS  
15 635.030 prescribing the conditions under which a podiatry hygienist or a person  
16 training to be a podiatry hygienist may engage in radiation therapy and radiologic  
17 imaging become effective, whichever is later.

18 5. Section 73 of this act becomes effective on the date on which the  
19 provisions of 42 U.S.C. § 666 requiring each state to establish procedures under  
20 which the state has authority to withhold or suspend, or to restrict the use of  
21 professional, occupational and recreational licenses of persons who:

22 (a) Have failed to comply with a subpoena or warrant relating to a proceeding  
23 to determine the paternity of a child or to establish or enforce an obligation for the  
24 support of a child; or

25 (b) Are in arrears in the payment for the support of one or more children,  
26 ↪ are repealed by the Congress of the United States.

27 6. Sections 50 and 73 of this act expire by limitation 2 years after the date on  
28 which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures  
29 under which the state has authority to withhold or suspend, or to restrict the use of  
30 professional, occupational and recreational licenses of persons who:

31 (a) Have failed to comply with a subpoena or warrant relating to a proceeding  
32 to determine the paternity of a child or to establish or enforce an obligation for the  
33 support of a child; or

34 (b) Are in arrears in the payment for the support of one or more children,  
35 ↪ are repealed by the Congress of the United States.