
ASSEMBLY BILL NO. 234—ASSEMBLYMEN DICKMAN,
DELONG, GRAY; GALLANT, GURR AND HIBBETTS

MARCH 2, 2023

JOINT SPONSOR: SENATOR STONE

Referred to Committee on Health and Human Services

SUMMARY—Makes revisions relating to health care.
(BDR 40-61)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 8)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to health care; prohibiting certain facilities or providers of health care from denying services to a patient based solely on certain vaccination status of the patient; requiring each medical facility and facility for the dependent to establish policies and procedures for visitation; authorizing a physician, osteopathic physician, physician assistant or advanced practice registered nurse to prescribe or dispense drug products for an off-label use under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for the licensure and regulation of: (1) medical facilities,
2 facilities for the dependent, certain other health care facilities and personnel of
3 medical laboratories by the State Board of Health and the Division of Public and
4 Behavioral Health of the Department of Health and Human Services; (2) providers
5 of emergency medical services by the Division or, in a county whose population is
6 700,000 or more (currently Clark County), the district board of health; and (3)
7 certain other providers of health care by professional licensing boards specific to
8 each regulated profession. (Chapters 449, 450B, 630-637B, 639-640B, 640D-641D
9 and 652 of NRS) **Sections 1, 5-7, 10, 15-17, 19 and 21-40** of this bill: (1) prohibit
10 such facilities and providers of health care from refusing to provide services to a



11 patient based solely on whether the patient has received a vaccine developed for
12 COVID-19 or any mRNA vaccine; and (2) authorize disciplinary action against a
13 facility or provider of health care who violates that prohibition. **Sections 10 and 11**
14 of this bill provide that it is not a misdemeanor for emergency medical services
15 personnel to commit such a violation. **Sections 2-4** of this bill make conforming
16 changes to indicate the proper placement of **section 1** in the Nevada Revised
17 Statutes.

18 Existing law establishes certain rights for each patient of a medical facility or
19 facility for the dependent, including the right of such a patient to receive visitors of
20 his or her choosing. (NRS 449A.106) **Section 8** of this bill requires each medical
21 facility and facility for the dependent where patients regularly stay overnight to
22 establish policies and procedures for visitation that: (1) guarantee visitation under
23 certain circumstances; (2) are not more stringent than any similar policies and
24 procedures established for staff; and (3) do not require a visitor to have received a
25 vaccine developed for COVID-19 or an mRNA vaccine. **Section 9** of this bill
26 makes a conforming change to indicate that a patient has the right to receive
27 visitors in accordance with such a policy, if applicable.

28 Existing law authorizes a physician, physician assistant or advanced practice
29 registered nurse who meets certain requirements to prescribe or dispense controlled
30 substances and dangerous drugs. (NRS 453.226, 454.215, 632.237, 639.235,
31 639.2351) **Sections 14, 18 and 20** of this bill authorize a physician, osteopathic
32 physician, physician assistant or advanced practice registered nurse to prescribe or
33 dispense a drug product for an off-label use if the patient provides informed consent
34 to the off-label use. **Section 12** of this bill prohibits the State Board of Pharmacy
35 from suspending or revoking the registration of a physician, physician assistant or
36 advanced practice registered nurse to prescribe controlled substances because the
37 physician, physician assistant or advanced practice registered nurse prescribed or
38 dispensed a drug product for off-label use under the conditions authorized by
39 **section 14, 18 or 20**, as applicable. **Section 13** of this bill provides that it is not
40 professional negligence for a physician, physician assistant or advanced practice
41 registered nurse to prescribe or dispense a drug product for off-label use under
42 those conditions. **Section 28** of this bill prohibits the Board from revoking,
43 suspending or refusing to renew the registration of a pharmacist because the
44 pharmacist dispensed a drug product pursuant to a prescription for an off-label use.

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

1 **Section 1.** Chapter 449 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. A medical facility, facility for the dependent or any other*
4 *facility which is required by the regulations adopted by the Board*
5 *pursuant to NRS 449.0303 to be licensed shall not refuse to*
6 *provide health care services to a person based solely on whether*
7 *the person has received a vaccine developed for COVID-19 or any*
8 *mRNA vaccine.*

9 *2. As used in this section:*

10 *(a) "COVID-19" means:*

11 *(1) The novel coronavirus identified as SARS-CoV-2;*



1 (2) *Any mutation of the novel coronavirus known as SARS-*
2 *CoV-2; or*

3 (3) *A disease or health condition caused by the novel*
4 *coronavirus known as SARS-CoV-2.*

5 (b) *“mRNA vaccine” means a vaccine that uses mRNA created*
6 *in a laboratory to teach the cells of an organism how to make a*
7 *protein to trigger an immune response in the organism against a*
8 *certain virus.*

9 **Sec. 2.** NRS 449.029 is hereby amended to read as follows:

10 449.029 As used in NRS 449.029 to 449.240, inclusive, *and*
11 *section 1 of this act*, unless the context otherwise requires, “medical
12 facility” has the meaning ascribed to it in NRS 449.0151 and
13 includes a program of hospice care described in NRS 449.196.

14 **Sec. 3.** NRS 449.0301 is hereby amended to read as follows:

15 449.0301 The provisions of NRS 449.029 to 449.2428,
16 inclusive, *and section 1 of this act* do not apply to:

17 1. Any facility conducted by and for the adherents of any
18 church or religious denomination for the purpose of providing
19 facilities for the care and treatment of the sick who depend solely
20 upon spiritual means through prayer for healing in the practice of
21 the religion of the church or denomination, except that such a
22 facility shall comply with all regulations relative to sanitation and
23 safety applicable to other facilities of a similar category.

24 2. Foster homes as defined in NRS 424.014.

25 3. Any medical facility, facility for the dependent or facility
26 which is otherwise required by the regulations adopted by the Board
27 pursuant to NRS 449.0303 to be licensed that is operated and
28 maintained by the United States Government or an agency thereof.

29 **Sec. 4.** NRS 449.0302 is hereby amended to read as follows:

30 449.0302 1. The Board shall adopt:
31 (a) Licensing standards for each class of medical facility or
32 facility for the dependent covered by NRS 449.029 to 449.2428,
33 inclusive, *and section 1 of this act* and for programs of hospice
34 care.

35 (b) Regulations governing the licensing of such facilities and
36 programs.

37 (c) Regulations governing the procedure and standards for
38 granting an extension of the time for which a natural person may
39 provide certain care in his or her home without being considered a
40 residential facility for groups pursuant to NRS 449.017. The
41 regulations must require that such grants are effective only if made
42 in writing.

43 (d) Regulations establishing a procedure for the indemnification
44 by the Division, from the amount of any surety bond or other
45 obligation filed or deposited by a facility for refractive surgery



1 pursuant to NRS 449.068 or 449.069, of a patient of the facility who
2 has sustained any damages as a result of the bankruptcy of or any
3 breach of contract by the facility.

4 (e) Regulations that prescribe the specific types of
5 discrimination prohibited by NRS 449.101.

6 (f) Regulations requiring a hospital or independent center for
7 emergency medical care to provide training to each employee who
8 provides care to victims of sexual assault or attempted sexual assault
9 concerning appropriate care for such persons, including, without
10 limitation, training concerning the requirements of NRS 449.1885.

11 (g) Any other regulations as it deems necessary or convenient to
12 carry out the provisions of NRS 449.029 to 449.2428, inclusive **H**,
13 **and section 1 of this act.**

14 2. The Board shall adopt separate regulations governing the
15 licensing and operation of:

16 (a) Facilities for the care of adults during the day; and

17 (b) Residential facilities for groups,

18 ↪ which provide care to persons with Alzheimer's disease or other
19 severe dementia, as described in paragraph (a) of subsection 2 of
20 NRS 449.1845.

21 3. The Board shall adopt separate regulations for:

22 (a) The licensure of rural hospitals which take into consideration
23 the unique problems of operating such a facility in a rural area.

24 (b) The licensure of facilities for refractive surgery which take
25 into consideration the unique factors of operating such a facility.

26 (c) The licensure of mobile units which take into consideration
27 the unique factors of operating a facility that is not in a fixed
28 location.

29 4. The Board shall require that the practices and policies of
30 each medical facility or facility for the dependent provide
31 adequately for the protection of the health, safety and physical,
32 moral and mental well-being of each person accommodated in the
33 facility.

34 5. In addition to the training requirements prescribed pursuant
35 to NRS 449.093, the Board shall establish minimum qualifications
36 for administrators and employees of residential facilities for groups.
37 In establishing the qualifications, the Board shall consider the
38 related standards set by nationally recognized organizations which
39 accredit such facilities.

40 6. The Board shall adopt separate regulations regarding the
41 assistance which may be given pursuant to NRS 453.375 and
42 454.213 to an ultimate user of controlled substances or dangerous
43 drugs by employees of residential facilities for groups. The
44 regulations must require at least the following conditions before
45 such assistance may be given:



1 (a) The ultimate user's physical and mental condition is stable
2 and is following a predictable course.

3 (b) The amount of the medication prescribed is at a maintenance
4 level and does not require a daily assessment.

5 (c) A written plan of care by a physician or registered nurse has
6 been established that:

7 (1) Addresses possession and assistance in the administration
8 of the medication; and

9 (2) Includes a plan, which has been prepared under the
10 supervision of a registered nurse or licensed pharmacist, for
11 emergency intervention if an adverse condition results.

12 (d) Except as otherwise authorized by the regulations adopted
13 pursuant to NRS 449.0304, the prescribed medication is not
14 administered by injection or intravenously.

15 (e) The employee has successfully completed training and
16 examination approved by the Division regarding the authorized
17 manner of assistance.

18 7. The Board shall adopt separate regulations governing the
19 licensing and operation of residential facilities for groups which
20 provide assisted living services. The Board shall not allow the
21 licensing of a facility as a residential facility for groups which
22 provides assisted living services and a residential facility for groups
23 shall not claim that it provides "assisted living services" unless:

24 (a) Before authorizing a person to move into the facility, the
25 facility makes a full written disclosure to the person regarding what
26 services of personalized care will be available to the person and the
27 amount that will be charged for those services throughout the
28 resident's stay at the facility.

29 (b) The residents of the facility reside in their own living units
30 which:

31 (1) Except as otherwise provided in subsection 8, contain
32 toilet facilities;

33 (2) Contain a sleeping area or bedroom; and

34 (3) Are shared with another occupant only upon consent of
35 both occupants.

36 (c) The facility provides personalized care to the residents of the
37 facility and the general approach to operating the facility
38 incorporates these core principles:

39 (1) The facility is designed to create a residential
40 environment that actively supports and promotes each resident's
41 quality of life and right to privacy;

42 (2) The facility is committed to offering high-quality
43 supportive services that are developed by the facility in
44 collaboration with the resident to meet the resident's individual
45 needs;



1 (3) The facility provides a variety of creative and innovative
2 services that emphasize the particular needs of each individual
3 resident and the resident's personal choice of lifestyle;

4 (4) The operation of the facility and its interaction with its
5 residents supports, to the maximum extent possible, each resident's
6 need for autonomy and the right to make decisions regarding his or
7 her own life;

8 (5) The operation of the facility is designed to foster a social
9 climate that allows the resident to develop and maintain personal
10 relationships with fellow residents and with persons in the general
11 community;

12 (6) The facility is designed to minimize and is operated in a
13 manner which minimizes the need for its residents to move out of
14 the facility as their respective physical and mental conditions change
15 over time; and

16 (7) The facility is operated in such a manner as to foster a
17 culture that provides a high-quality environment for the residents,
18 their families, the staff, any volunteers and the community at large.

19 8. The Division may grant an exception from the requirement
20 of subparagraph (1) of paragraph (b) of subsection 7 to a facility
21 which is licensed as a residential facility for groups on or before
22 July 1, 2005, and which is authorized to have 10 or fewer beds and
23 was originally constructed as a single-family dwelling if the
24 Division finds that:

25 (a) Strict application of that requirement would result in
26 economic hardship to the facility requesting the exception; and

27 (b) The exception, if granted, would not:

28 (1) Cause substantial detriment to the health or welfare of
29 any resident of the facility;

30 (2) Result in more than two residents sharing a toilet facility;

31 or

32 (3) Otherwise impair substantially the purpose of that
33 requirement.

34 9. The Board shall, if it determines necessary, adopt
35 regulations and requirements to ensure that each residential facility
36 for groups and its staff are prepared to respond to an emergency,
37 including, without limitation:

38 (a) The adoption of plans to respond to a natural disaster and
39 other types of emergency situations, including, without limitation,
40 an emergency involving fire;

41 (b) The adoption of plans to provide for the evacuation of a
42 residential facility for groups in an emergency, including, without
43 limitation, plans to ensure that nonambulatory patients may be
44 evacuated;



1 (c) Educating the residents of residential facilities for groups
2 concerning the plans adopted pursuant to paragraphs (a) and (b); and

3 (d) Posting the plans or a summary of the plans adopted
4 pursuant to paragraphs (a) and (b) in a conspicuous place in each
5 residential facility for groups.

6 10. The regulations governing the licensing and operation of
7 facilities for transitional living for released offenders must provide
8 for the licensure of at least three different types of facilities,
9 including, without limitation:

10 (a) Facilities that only provide a housing and living
11 environment;

12 (b) Facilities that provide or arrange for the provision of
13 supportive services for residents of the facility to assist the residents
14 with reintegration into the community, in addition to providing a
15 housing and living environment; and

16 (c) Facilities that provide or arrange for the provision of
17 programs for alcohol and other substance use disorders, in addition
18 to providing a housing and living environment and providing or
19 arranging for the provision of other supportive services.

20 ↪ The regulations must provide that if a facility was originally
21 constructed as a single-family dwelling, the facility must not be
22 authorized for more than eight beds.

23 11. The Board shall adopt regulations applicable to providers
24 of community-based living arrangement services which:

25 (a) Except as otherwise provided in paragraph (b), require a
26 natural person responsible for the operation of a provider of
27 community-based living arrangement services and each employee of
28 a provider of community-based living arrangement services who
29 supervises or provides support to recipients of community-based
30 living arrangement services to complete training concerning the
31 provision of community-based living arrangement services to
32 persons with mental illness and continuing education concerning the
33 particular population served by the provider;

34 (b) Exempt a person licensed or certified pursuant to title 54 of
35 NRS from the requirements prescribed pursuant to paragraph (a) if
36 the Board determines that the person is required to receive training
37 and continuing education substantially equivalent to that prescribed
38 pursuant to that paragraph;

39 (c) Require a natural person responsible for the operation of a
40 provider of community-based living arrangement services to receive
41 training concerning the provisions of title 53 of NRS applicable to
42 the provision of community-based living arrangement services; and

43 (d) Require an applicant for a license to provide community-
44 based living arrangement services to post a surety bond in an
45 amount equal to the operating expenses of the applicant for 2



1 months, place that amount in escrow or take another action
2 prescribed by the Division to ensure that, if the applicant becomes
3 insolvent, recipients of community-based living arrangement
4 services from the applicant may continue to receive community-
5 based living arrangement services for 2 months at the expense of the
6 applicant.

7 12. The Board shall adopt separate regulations governing the
8 licensing and operation of freestanding birthing centers. Such
9 regulations must:

10 (a) Align with the standards established by the American
11 Association of Birth Centers, or its successor organization, the
12 accrediting body of the Commission for the Accreditation of Birth
13 Centers, or its successor organization, or another nationally
14 recognized organization for accrediting freestanding birthing
15 centers; and

16 (b) Allow the provision of supervised training to providers of
17 health care, as appropriate, at a freestanding birthing center.

18 13. As used in this section, "living unit" means an individual
19 private accommodation designated for a resident within the facility.

20 **Sec. 5.** NRS 449.160 is hereby amended to read as follows:

21 449.160 1. The Division may deny an application for a
22 license or may suspend or revoke any license issued under the
23 provisions of NRS 449.029 to 449.2428, inclusive, *and section 1 of*
24 *this act* upon any of the following grounds:

25 (a) Violation by the applicant or the licensee of any of the
26 provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, *and*
27 *section 1 of this act* or of any other law of this State or of the
28 standards, rules and regulations adopted thereunder.

29 (b) Aiding, abetting or permitting the commission of any illegal
30 act.

31 (c) Conduct inimical to the public health, morals, welfare and
32 safety of the people of the State of Nevada in the maintenance and
33 operation of the premises for which a license is issued.

34 (d) Conduct or practice detrimental to the health or safety of the
35 occupants or employees of the facility.

36 (e) Failure of the applicant to obtain written approval from the
37 Director of the Department of Health and Human Services as
38 required by NRS 439A.100 or as provided in any regulation adopted
39 pursuant to NRS 449.001 to 449.430, inclusive, *and section 1 of*
40 *this act* and 449.435 to 449.531, inclusive, and chapter 449A of
41 NRS if such approval is required.

42 (f) Failure to comply with the provisions of NRS 441A.315 and
43 any regulations adopted pursuant thereto or NRS 449.2486.

44 (g) Violation of the provisions of NRS 458.112.



1 2. In addition to the provisions of subsection 1, the Division
2 may revoke a license to operate a facility for the dependent if, with
3 respect to that facility, the licensee that operates the facility, or an
4 agent or employee of the licensee:

5 (a) Is convicted of violating any of the provisions of
6 NRS 202.470;

7 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
8 244.360, 244.3603 or 268.4124; or

9 (c) Is ordered by the appropriate governmental agency to correct
10 a violation of a building, safety or health code or regulation but fails
11 to correct the violation.

12 3. The Division shall maintain a log of any complaints that it
13 receives relating to activities for which the Division may revoke the
14 license to operate a facility for the dependent pursuant to subsection
15 2. The Division shall provide to a facility for the care of adults
16 during the day:

17 (a) A summary of a complaint against the facility if the
18 investigation of the complaint by the Division either substantiates
19 the complaint or is inconclusive;

20 (b) A report of any investigation conducted with respect to the
21 complaint; and

22 (c) A report of any disciplinary action taken against the facility.

23 ➤ The facility shall make the information available to the public
24 pursuant to NRS 449.2486.

25 4. On or before February 1 of each odd-numbered year, the
26 Division shall submit to the Director of the Legislative Counsel
27 Bureau a written report setting forth, for the previous biennium:

28 (a) Any complaints included in the log maintained by the
29 Division pursuant to subsection 3; and

30 (b) Any disciplinary actions taken by the Division pursuant to
31 subsection 2.

32 **Sec. 6.** NRS 449.163 is hereby amended to read as follows:

33 449.163 1. In addition to the payment of the amount required
34 by NRS 449.0308, if a medical facility, facility for the dependent or
35 facility which is required by the regulations adopted by the Board
36 pursuant to NRS 449.0303 to be licensed violates any provision
37 related to its licensure, including any provision of NRS 439B.410 or
38 449.029 to 449.2428, inclusive, *and section 1 of this act* or any
39 condition, standard or regulation adopted by the Board, the
40 Division, in accordance with the regulations adopted pursuant to
41 NRS 449.165, may:

42 (a) Prohibit the facility from admitting any patient until it
43 determines that the facility has corrected the violation;



1 (b) Limit the occupancy of the facility to the number of beds
2 occupied when the violation occurred, until it determines that the
3 facility has corrected the violation;

4 (c) If the license of the facility limits the occupancy of the
5 facility and the facility has exceeded the approved occupancy,
6 require the facility, at its own expense, to move patients to another
7 facility that is licensed;

8 (d) Impose an administrative penalty of not more than \$5,000
9 per day for each violation, together with interest thereon at a rate not
10 to exceed 10 percent per annum; and

11 (e) Appoint temporary management to oversee the operation of
12 the facility and to ensure the health and safety of the patients of the
13 facility, until:

14 (1) It determines that the facility has corrected the violation
15 and has management which is capable of ensuring continued
16 compliance with the applicable statutes, conditions, standards and
17 regulations; or

18 (2) Improvements are made to correct the violation.

19 2. If the facility fails to pay any administrative penalty imposed
20 pursuant to paragraph (d) of subsection 1, the Division may:

21 (a) Suspend the license of the facility until the administrative
22 penalty is paid; and

23 (b) Collect court costs, reasonable attorney's fees and other
24 costs incurred to collect the administrative penalty.

25 3. The Division may require any facility that violates any
26 provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and*
27 *section 1 of this act* or any condition, standard or regulation adopted
28 by the Board to make any improvements necessary to correct the
29 violation.

30 4. Any money collected as administrative penalties pursuant to
31 paragraph (d) of subsection 1 must be accounted for separately and
32 used to administer and carry out the provisions of NRS 449.001 to
33 449.430, inclusive, *and section 1 of this act*, 449.435 to 449.531,
34 inclusive, and chapter 449A of NRS to protect the health, safety,
35 well-being and property of the patients and residents of facilities in
36 accordance with applicable state and federal standards or for any
37 other purpose authorized by the Legislature.

38 **Sec. 7.** NRS 449.240 is hereby amended to read as follows:

39 449.240 The district attorney of the county in which the facility
40 is located shall, upon application by the Division, institute and
41 conduct the prosecution of any action for violation of any provisions
42 of NRS 449.029 to 449.245, inclusive **[]**, *and section 1 of this act*.



1 **Sec. 8.** Chapter 449A of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Each medical facility and facility for the dependent where*
4 *patients regularly stay overnight shall establish policies and*
5 *procedures for the visitation of patients at the facility, including,*
6 *without limitation, policies and procedures for the:*

7 (a) *Control of the transmission of infection to and from a*
8 *visitor;*

9 (b) *Provision of personal protective equipment to a visitor;*

10 (c) *Education of each visitor on the policies and procedures of*
11 *the facility;*

12 (d) *Length of time a visitor is authorized to meet with a*
13 *patient;*

14 (e) *Number of visitors authorized to meet with a patient; and*

15 (f) *Conduct of a visitor while on the grounds of the facility.*

16 2. *The policies and procedures established pursuant to*
17 *subsection 1 must, unless a patient or his or her representative*
18 *objects, allow a patient to receive a visitor at the facility where the*
19 *patient is admitted in all of the following circumstances:*

20 (a) *The patient is receiving end-of-life care.*

21 (b) *The patient formerly lived with family before being*
22 *admitted to the facility and has expressed that he or she is*
23 *struggling with the change in environment or is in need of support*
24 *from his or her family.*

25 (c) *The patient is experiencing emotional distress or grieving*
26 *the loss of a friend or member of the patient's family who recently*
27 *died.*

28 (d) *The patient is a minor.*

29 (e) *The patient is pregnant.*

30 (f) *The patient is in need of encouragement or support to eat*
31 *or drink.*

32 3. *The policies and procedures established pursuant to*
33 *subsection 1:*

34 (a) *Must allow a patient or resident to designate an essential*
35 *caregiver;*

36 (b) *Must allow an essential caregiver to visit a patient or*
37 *resident for at least 2 hours each day, subject to any limitations*
38 *requested by the patient or resident or his or her representative;*

39 (c) *Must not be more stringent than any similar policies and*
40 *procedures established for the staff of the facility; and*

41 (d) *Must not require a visitor to have received a vaccine*
42 *developed for COVID-19 or any mRNA vaccine.*

43 4. *Each medical facility and facility for the dependent where*
44 *patients or residents regularly stay overnight shall make the*



1 *policies and procedures established pursuant to subsection 1*
2 *available:*

3 *(a) For review at any time upon the request of the Division or*
4 *any other person or entity; and*

5 *(b) On the Internet website of the facility, if the facility*
6 *maintains an Internet website.*

7 **5. As used in this section:**

8 *(a) "COVID-19" has the meaning ascribed to it in section 1 of*
9 *this act.*

10 *(b) "mRNA vaccine" has the meaning ascribed to it in section*
11 *1 of this act.*

12 **Sec. 9.** NRS 449A.106 is hereby amended to read as follows:

13 449A.106 Every patient of a medical facility or facility for the
14 dependent has the right to:

15 1. Receive information concerning any other medical or
16 educational facility or facility for the dependent associated with the
17 facility at which he or she is a patient which relates to the care of the
18 patient.

19 2. Obtain information concerning the professional
20 qualifications or associations of the persons who are treating the
21 patient.

22 3. Receive the name of the person responsible for coordinating
23 the care of the patient in the facility.

24 4. Be advised if the facility in which he or she is a patient
25 proposes to perform experiments on patients which affect the
26 patient's own care or treatment.

27 5. Receive from his or her physician a complete and current
28 description of the patient's diagnosis, plan for treatment and
29 prognosis in terms which the patient is able to understand. If it is not
30 medically advisable to give this information to the patient, the
31 physician shall:

32 (a) Provide the information to an appropriate person responsible
33 for the patient; and

34 (b) Inform that person that he or she shall not disclose the
35 information to the patient.

36 6. Receive from his or her physician the information necessary
37 for the patient to give his or her informed consent to a procedure or
38 treatment. Except in an emergency, this information must not be
39 limited to a specific procedure or treatment and must include:

40 (a) A description of the significant medical risks involved;

41 (b) Any information on alternatives to the treatment or
42 procedure if the patient requests that information;

43 (c) The name of the person responsible for the procedure or
44 treatment; and



1 (d) The costs likely to be incurred for the treatment or procedure
2 and any alternative treatment or procedure.

3 7. Examine the bill for his or her care and receive an
4 explanation of the bill, whether or not the patient is personally
5 responsible for payment of the bill.

6 8. Know the regulations of the facility concerning his or her
7 conduct at the facility.

8 9. Receive ~~[, within reasonable restrictions as to time and~~
9 ~~place.]~~ visitors of the patient's choosing, including, without
10 limitation, friends and members of the patient's family ~~[.]~~, *in*
11 *accordance with the policies and procedures established pursuant*
12 *to section 8 of this act, where applicable.*

13 **Sec. 10.** Chapter 450B of NRS is hereby amended by adding
14 thereto a new section to read as follows:

15 *1. A person who holds a license as an attendant or who is a*
16 *certified emergency medical technician, advanced emergency*
17 *medical technician or paramedic pursuant to this chapter shall not*
18 *refuse to provide emergency medical services to a patient based*
19 *solely on whether the patient has received a vaccine developed for*
20 *COVID-19 or any mRNA vaccine.*

21 *2. A person who violates this section:*

22 *(a) Is not guilty of a misdemeanor.*

23 *(b) Is subject to the suspension or revocation of his or her*
24 *license or certificate, as applicable, an administrative penalty*
25 *pursuant to subsection 2 of NRS 450B.900 and any other*
26 *disciplinary action prescribed by regulation of the board.*

27 *3. As used in this section:*

28 *(a) "COVID-19" has the meaning ascribed to it in section 1 of*
29 *this act.*

30 *(b) "mRNA vaccine" has the meaning ascribed to it in section*
31 *1 of this act.*

32 **Sec. 11.** NRS 450B.900 is hereby amended to read as follows:

33 450B.900 1. ~~[Any]~~ *Except as otherwise provided in section*
34 *10 of this act, any* person who violates any of the provisions of this
35 chapter is guilty of a misdemeanor.

36 2. In addition to any criminal penalty imposed, the Division
37 may impose against any person who violates any of the provisions
38 of this chapter, an administrative penalty in an amount established
39 by the State Board of Health by regulation.

40 **Sec. 12.** NRS 453.236 is hereby amended to read as follows:

41 453.236 1. The Board may suspend or revoke a registration
42 pursuant to NRS 453.231 to dispense a controlled substance upon a
43 finding that the registrant has:

44 (a) Furnished false or fraudulent material information in an
45 application filed pursuant to NRS 453.011 to 453.552, inclusive;



1 (b) Been convicted of a felony under a state or federal law
2 relating to a controlled substance;

3 (c) Had his or her federal registration to dispense controlled
4 substances suspended or revoked and is no longer authorized by
5 federal law to dispense those substances;

6 (d) Violated any provision of NRS 453.162 to 453.165,
7 inclusive, or 639.23507; or

8 (e) Committed an act that would render registration under NRS
9 453.231 inconsistent with the public interest as determined pursuant
10 to that section.

11 2. The Board may limit revocation or suspension of a
12 registration to the particular controlled substance with respect to
13 which grounds for revocation or suspension exist.

14 3. If a registration is suspended or revoked, the Board may
15 place under seal all controlled substances owned or possessed by the
16 registrant at the time of suspension or the effective date of the
17 revocation. No disposition may be made of substances under seal
18 until the time for taking an appeal has elapsed or until all appeals
19 have been concluded unless a court, upon application therefor,
20 orders the sale of perishable substances and the deposit of the
21 proceeds of the sale with the court. When a revocation becomes
22 final, the court may order the controlled substances forfeited to the
23 State.

24 4. The Board may seize or place under seal any controlled
25 substance owned or possessed by a registrant whose registration has
26 expired or who has ceased to practice or do business in the manner
27 permitted by the registration. The controlled substance must be held
28 for the benefit of the registrant or the registrant's successor in
29 interest. The Board shall notify a registrant, or the registrant's
30 successor in interest, whose controlled substance is seized or placed
31 under seal, of the procedures to be followed to secure the return of
32 the controlled substance and the conditions under which it will be
33 returned. The Board may not dispose of a controlled substance
34 seized or placed under seal under this subsection until the expiration
35 of 180 days after the controlled substance was seized or placed
36 under seal. The Board may recover costs it incurred in seizing,
37 placing under seal, maintaining custody and disposing of any
38 controlled substance under this subsection from the registrant, from
39 any proceeds obtained from the disposition of the controlled
40 substance, or from both. The Board shall pay to the registrant or the
41 registrant's successor in interest any balance of the proceeds of any
42 disposition remaining after the costs have been recovered.

43 5. The Board shall promptly notify the Drug Enforcement
44 Administration and the Division of all orders suspending or
45 revoking registration and the Division shall promptly notify the



1 Drug Enforcement Administration and the Board of all forfeitures of
2 controlled substances.

3 6. A registrant shall not employ as his or her agent or employee
4 in any premises where controlled substances are sold, dispensed,
5 stored or held for sale any person whose pharmacist's certificate has
6 been suspended or revoked.

7 *7. The Board may not suspend or revoke the registration of a*
8 *physician, physician assistant or advanced practice registered*
9 *nurse because the registrant has prescribed or dispensed a*
10 *controlled substance in accordance with section 14, 18 or 20 of*
11 *this act.*

12 **Sec. 13.** NRS 41A.015 is hereby amended to read as follows:

13 41A.015 "Professional negligence" means the failure of a
14 provider of health care, in rendering services, to use the reasonable
15 care, skill or knowledge ordinarily used under similar circumstances
16 by similarly trained and experienced providers of health care. *The*
17 *term does not include prescribing or dispensing a drug product for*
18 *an off-label use pursuant to section 14, 18 or 20 of this act.*

19 **Sec. 14.** Chapter 630 of NRS is hereby amended by adding
20 thereto a new section to read as follows:

21 *1. A physician or physician assistant may prescribe or*
22 *dispense a drug product for an off-label use if the drug product*
23 *has been approved by the United States Food and Drug*
24 *Administration and the physician or physician assistant has:*

25 *(a) Informed the patient that the prescription is for off-label*
26 *use; and*

27 *(b) Obtained the informed consent of the patient and*
28 *documented that consent in the record of the patient using a form*
29 *prescribed by the Board.*

30 *2. As used in this section:*

31 *(a) "Drug product" means any drug, biological product or*
32 *device that may be dispensed to an ultimate user only pursuant to*
33 *a prescription, including, without limitation, a prescription drug,*
34 *as defined in NRS 453.3628.*

35 *(b) "Labeling" means any original written material that*
36 *accompanies, supplements or explains a drug product.*

37 *(c) "Off-label use" means the use of a drug product, when*
38 *intended for medical purposes, for an indication or dose that is not*
39 *set forth in the labeling of the drug product.*

40 **Sec. 15.** NRS 630.306 is hereby amended to read as follows:

41 630.306 1. The following acts, among others, constitute
42 grounds for initiating disciplinary action or denying licensure:

43 (a) Inability to practice medicine with reasonable skill and safety
44 because of illness, a mental or physical condition or the use of
45 alcohol, drugs, narcotics or any other substance.



1 (b) Engaging in any conduct:

2 (1) Which is intended to deceive;

3 (2) Which the Board has determined is a violation of the
4 standards of practice established by regulation of the Board; or

5 (3) Which is in violation of a provision of chapter 639 of
6 NRS, or a regulation adopted by the State Board of Pharmacy
7 pursuant thereto, that is applicable to a licensee who is a
8 practitioner, as defined in NRS 639.0125.

9 (c) Administering, dispensing or prescribing any controlled
10 substance, or any dangerous drug as defined in chapter 454 of NRS,
11 to or for himself or herself or to others except as authorized by law.

12 (d) Performing, assisting or advising the injection of any
13 substance containing liquid silicone into the human body, except for
14 the use of silicone oil to repair a retinal detachment.

15 (e) Practicing or offering to practice beyond the scope permitted
16 by law or performing services which the licensee knows or has
17 reason to know that he or she is not competent to perform or which
18 are beyond the scope of his or her training.

19 (f) Performing, without first obtaining the informed consent of
20 the patient or the patient's family, any procedure or prescribing any
21 therapy which by the current standards of the practice of medicine is
22 experimental.

23 (g) Continual failure to exercise the skill or diligence or use the
24 methods ordinarily exercised under the same circumstances by
25 physicians in good standing practicing in the same specialty or field.

26 (h) Having an alcohol or other substance use disorder.

27 (i) Making or filing a report which the licensee or applicant
28 knows to be false or failing to file a record or report as required by
29 law or regulation.

30 (j) Failing to comply with the requirements of NRS 630.254.

31 (k) Failure by a licensee or applicant to report in writing, within
32 30 days, any disciplinary action taken against the licensee or
33 applicant by another state, the Federal Government or a foreign
34 country, including, without limitation, the revocation, suspension or
35 surrender of a license to practice medicine in another jurisdiction.
36 The provisions of this paragraph do not apply to any disciplinary
37 action taken by the Board or taken because of any disciplinary
38 action taken by the Board.

39 (l) Failure by a licensee or applicant to report in writing, within
40 30 days, any criminal action taken or conviction obtained against the
41 licensee or applicant, other than a minor traffic violation, in this
42 State or any other state or by the Federal Government, a branch of
43 the Armed Forces of the United States or any local or federal
44 jurisdiction of a foreign country.



1 (m) Failure to be found competent to practice medicine as a
2 result of an examination to determine medical competency pursuant
3 to NRS 630.318.

4 (n) Operation of a medical facility at any time during which:

5 (1) The license of the facility is suspended or revoked; or

6 (2) An act or omission occurs which results in the suspension
7 or revocation of the license pursuant to NRS 449.160.

8 ↪ This paragraph applies to an owner or other principal responsible
9 for the operation of the facility.

10 (o) Failure to comply with the requirements of NRS 630.373.

11 (p) Engaging in any act that is unsafe or unprofessional conduct
12 in accordance with regulations adopted by the Board.

13 (q) Knowingly or willfully procuring or administering a
14 controlled substance or a dangerous drug as defined in chapter 454
15 of NRS that is not approved by the United States Food and Drug
16 Administration, unless the unapproved controlled substance or
17 dangerous drug:

18 (1) Was procured through a retail pharmacy licensed
19 pursuant to chapter 639 of NRS;

20 (2) Was procured through a Canadian pharmacy which is
21 licensed pursuant to chapter 639 of NRS and which has been
22 recommended by the State Board of Pharmacy pursuant to
23 subsection 4 of NRS 639.2328;

24 (3) Is cannabis being used for medical purposes in
25 accordance with chapter 678C of NRS; or

26 (4) Is an investigational drug or biological product prescribed
27 to a patient pursuant to NRS 630.3735 or 633.6945.

28 (r) Failure to supervise adequately a medical assistant pursuant
29 to the regulations of the Board.

30 (s) Failure to comply with the provisions of NRS 630.3745.

31 (t) Failure to obtain any training required by the Board pursuant
32 to NRS 630.2535.

33 (u) Failure to comply with the provisions of NRS 454.217 or
34 629.086.

35 (v) Failure to comply with the provisions of NRS 441A.315 or
36 any regulations adopted pursuant thereto.

37 (w) Performing or supervising the performance of a pelvic
38 examination in violation of NRS 629.085.

39 *(x) Refusing to provide services to a patient based solely on*
40 *whether the patient has received a vaccine developed for COVID-*
41 *19 or any mRNA vaccine.*

42 2. As used in this section ~~[, "investigational"]~~:

43 *(a) "COVID-19" has the meaning ascribed to it in section 1 of*
44 *this act.*



1 (b) *“Investigational* drug or biological product” has the
2 meaning ascribed to it in NRS 454.351.

3 (c) *“mRNA vaccine” has the meaning ascribed to it in section*
4 *1 of this act.*

5 **Sec. 16.** NRS 630A.340 is hereby amended to read as follows:

6 630A.340 The following acts, among others, constitute
7 grounds for initiating disciplinary action or denying the issuance of
8 a license or certificate:

9 1. Unprofessional conduct.

10 2. Conviction of:

11 (a) A violation of any federal or state law regulating the
12 possession, distribution or use of any controlled substance or any
13 dangerous drug as defined in chapter 454 of NRS;

14 (b) A violation of any of the provisions of NRS 616D.200,
15 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to
16 616D.440, inclusive;

17 (c) Any offense involving moral turpitude; or

18 (d) Any offense relating to the practice of homeopathic medicine
19 or the ability to practice homeopathic medicine or the practice, or
20 the ability to practice, as an advanced practitioner of homeopathy or
21 as a homeopathic assistant.

22 ↪ A plea of nolo contendere to any offense listed in this subsection
23 shall be deemed a conviction.

24 3. The suspension, modification or limitation of a license or
25 certificate to practice any type of medicine or to perform any type of
26 medical services by any other jurisdiction.

27 4. The surrender of a license or certificate to practice any type
28 of medicine or to perform any type of medical services or the
29 discontinuance of the practice of medicine while under investigation
30 by any licensing or certifying authority, medical facility, facility for
31 the dependent, branch of the Armed Forces of the United States,
32 insurance company, agency of the Federal Government or employer.

33 5. Gross or repeated malpractice, which may be evidenced by
34 claims of malpractice settled against a homeopathic physician,
35 advanced practitioner of homeopathy or homeopathic assistant.

36 6. Professional incompetence.

37 7. *Refusing to provide services to a patient based solely on*
38 *whether the patient has received a vaccine developed for COVID-*
39 *19 or any mRNA vaccine. As used in this subsection:*

40 (a) *“COVID-19” has the meaning ascribed to it in section 1 of*
41 *this act.*

42 (b) *“mRNA vaccine” has the meaning ascribed to it in section*
43 *1 of this act.*



1 **Sec. 17.** NRS 631.3475 is hereby amended to read as follows:
2 631.3475 **1.** The following acts, among others, constitute
3 unprofessional conduct:

4 ~~[1.]~~ **(a)** Malpractice;

5 ~~[2.]~~ **(b)** Professional incompetence;

6 ~~[3.]~~ **(c)** Suspension or revocation of a license to practice
7 dentistry, the imposition of a fine or other disciplinary action by any
8 agency of another state authorized to regulate the practice of
9 dentistry in that state;

10 ~~[4.]~~ **(d)** More than one act by the dentist, dental hygienist or
11 dental therapist constituting substandard care in the practice of
12 dentistry, dental hygiene or dental therapy;

13 ~~[5.]~~ **(e)** Administering, dispensing or prescribing any controlled
14 substance or any dangerous drug as defined in chapter 454 of NRS,
15 if it is not required to treat the dentist's patient;

16 ~~[6.]~~ **(f)** Knowingly procuring or administering a controlled
17 substance or a dangerous drug as defined in chapter 454 of NRS that
18 is not approved by the United States Food and Drug Administration,
19 unless the unapproved controlled substance or dangerous drug:

20 ~~[(a)]~~ **(1)** Was procured through a retail pharmacy licensed
21 pursuant to chapter 639 of NRS;

22 ~~[(b)]~~ **(2)** Was procured through a Canadian pharmacy which is
23 licensed pursuant to chapter 639 of NRS and which has been
24 recommended by the State Board of Pharmacy pursuant to
25 subsection 4 of NRS 639.2328; or

26 ~~[(c)]~~ **(3)** Is cannabis being used for medical purposes in
27 accordance with chapter 678C of NRS;

28 ~~[7.]~~ **(g)** Having an alcohol or other substance use disorder to
29 such an extent as to render the person unsafe or unreliable as a
30 practitioner, or such gross immorality as tends to bring reproach
31 upon the dental profession;

32 ~~[8.]~~ **(h)** Conviction of a felony or misdemeanor involving moral
33 turpitude or which relates to the practice of dentistry in this State, or
34 conviction of any criminal violation of this chapter;

35 ~~[9.]~~ **(i)** Conviction of violating any of the provisions of NRS
36 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
37 inclusive;

38 ~~[10.]~~ **(j)** Failure to comply with the provisions of NRS 453.163,
39 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to
40 639.23916, inclusive, and any regulations adopted by the State
41 Board of Pharmacy pursuant thereto.

42 ~~[11.]~~ **(k)** Fraudulent, illegal, unauthorized or otherwise
43 inappropriate prescribing, administering or dispensing of a
44 controlled substance listed in schedule II, III or IV;



1 ~~[12.]~~ (l) Failure to comply with the provisions of NRS 454.217
2 or 629.086;

3 ~~[13.]~~ (m) Failure to obtain any training required by the Board
4 pursuant to NRS 631.344;

5 ~~[14.]~~ (n) The performance or supervision of the performance of
6 a pelvic examination in violation of NRS 629.085; ~~for~~

7 ~~—15.]~~ (o) *Refusal to provide services to a patient based solely on
8 whether the patient has received a vaccine developed for COVID-
9 19 or any mRNA vaccine; or*

10 (p) Operation of a medical facility, as defined in NRS 449.0151,
11 at any time during which:

12 ~~[(a)]~~ (1) The license of the facility is suspended or revoked; or

13 ~~[(b)]~~ (2) An act or omission occurs which results in the
14 suspension or revocation of the license pursuant to NRS 449.160.

15 ➔ This ~~[subsection]~~ *paragraph* applies to an owner or other
16 principal responsible for the operation of the facility.

17 2. *As used in this section:*

18 (a) *“COVID-19” has the meaning ascribed to it in section 1 of
19 this act.*

20 (b) *“mRNA vaccine” has the meaning ascribed to it in section
21 1 of this act.*

22 **Sec. 18.** Chapter 632 of NRS is hereby amended by adding
23 thereto a new section to read as follows:

24 1. *An advanced practice registered nurse may prescribe or
25 dispense a drug product for off-label use if the drug product has
26 been approved by the United States Food and Drug
27 Administration and the advanced practice registered nurse has:*

28 (a) *Informed the patient that the prescription is for off-label
29 use; and*

30 (b) *Obtained the informed consent of the patient and
31 documented that consent in the record of the patient using a form
32 prescribed by the Board.*

33 2. *As used in this section:*

34 (a) *“Drug product” means any drug, biological product or
35 device that may be dispensed to an ultimate user only pursuant to
36 a prescription, including, without limitation, a prescription drug,
37 as defined in NRS 453.3628.*

38 (b) *“Labeling” means any original written material that
39 accompanies, supplements or explains a drug product.*

40 (c) *“Off-label use” means the use of a drug product, when
41 intended for medical purposes, for an indication or dose that is not
42 set forth in the labeling of the original drug product.*

43 **Sec. 19.** NRS 632.347 is hereby amended to read as follows:

44 632.347 1. The Board may deny, revoke or suspend any
45 license or certificate applied for or issued pursuant to this chapter, or



1 take other disciplinary action against a licensee or holder of a
2 certificate, upon determining that the licensee or certificate holder:

3 (a) Is guilty of fraud or deceit in procuring or attempting to
4 procure a license or certificate pursuant to this chapter.

5 (b) Is guilty of any offense:

6 (1) Involving moral turpitude; or

7 (2) Related to the qualifications, functions or duties of a
8 licensee or holder of a certificate,

9 ➔ in which case the record of conviction is conclusive evidence
10 thereof.

11 (c) Has been convicted of violating any of the provisions of
12 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
13 inclusive.

14 (d) Is unfit or incompetent by reason of gross negligence or
15 recklessness in carrying out usual nursing functions.

16 (e) Uses any controlled substance, dangerous drug as defined in
17 chapter 454 of NRS, or intoxicating liquor to an extent or in a
18 manner which is dangerous or injurious to any other person or
19 which impairs his or her ability to conduct the practice authorized
20 by the license or certificate.

21 (f) Is a person with mental incompetence.

22 (g) Is guilty of unprofessional conduct, which includes, but is
23 not limited to, the following:

24 (1) Conviction of practicing medicine without a license in
25 violation of chapter 630 of NRS, in which case the record of
26 conviction is conclusive evidence thereof.

27 (2) Impersonating any applicant or acting as proxy for an
28 applicant in any examination required pursuant to this chapter for
29 the issuance of a license or certificate.

30 (3) Impersonating another licensed practitioner or holder of a
31 certificate.

32 (4) Permitting or allowing another person to use his or her
33 license or certificate to practice as a licensed practical nurse,
34 registered nurse, nursing assistant or medication aide - certified.

35 (5) Repeated malpractice, which may be evidenced by claims
36 of malpractice settled against the licensee or certificate holder.

37 (6) Physical, verbal or psychological abuse of a patient.

38 (7) Conviction for the use or unlawful possession of a
39 controlled substance or dangerous drug as defined in chapter 454 of
40 NRS.

41 (h) Has willfully or repeatedly violated the provisions of this
42 chapter. The voluntary surrender of a license or certificate issued
43 pursuant to this chapter is prima facie evidence that the licensee or
44 certificate holder has committed or expects to commit a violation of
45 this chapter.



1 (i) Is guilty of aiding or abetting any person in a violation of this
2 chapter.

3 (j) Has falsified an entry on a patient's medical chart concerning
4 a controlled substance.

5 (k) Has falsified information which was given to a physician,
6 pharmacist, podiatric physician or dentist to obtain a controlled
7 substance.

8 (l) Has knowingly procured or administered a controlled
9 substance or a dangerous drug as defined in chapter 454 of NRS that
10 is not approved by the United States Food and Drug Administration,
11 unless the unapproved controlled substance or dangerous drug:

12 (1) Was procured through a retail pharmacy licensed
13 pursuant to chapter 639 of NRS;

14 (2) Was procured through a Canadian pharmacy which is
15 licensed pursuant to chapter 639 of NRS and which has been
16 recommended by the State Board of Pharmacy pursuant to
17 subsection 4 of NRS 639.2328;

18 (3) Is cannabis being used for medical purposes in
19 accordance with chapter 678C of NRS; or

20 (4) Is an investigational drug or biological product prescribed
21 to a patient pursuant to NRS 630.3735 or 633.6945.

22 (m) Has been disciplined in another state in connection with a
23 license to practice nursing or a certificate to practice as a nursing
24 assistant or medication aide - certified, or has committed an act in
25 another state which would constitute a violation of this chapter.

26 (n) Has engaged in conduct likely to deceive, defraud or
27 endanger a patient or the general public.

28 (o) Has willfully failed to comply with a regulation, subpoena or
29 order of the Board.

30 (p) Has operated a medical facility at any time during which:

31 (1) The license of the facility was suspended or revoked; or

32 (2) An act or omission occurred which resulted in the
33 suspension or revocation of the license pursuant to NRS 449.160.

34 ➤ This paragraph applies to an owner or other principal responsible
35 for the operation of the facility.

36 (q) Is an advanced practice registered nurse who has failed to
37 obtain any training required by the Board pursuant to
38 NRS 632.2375.

39 (r) Is an advanced practice registered nurse who has failed to
40 comply with the provisions of NRS 453.163, 453.164, 453.226,
41 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and
42 any regulations adopted by the State Board of Pharmacy pursuant
43 thereto.



1 (s) Has engaged in the fraudulent, illegal, unauthorized or
2 otherwise inappropriate prescribing, administering or dispensing of
3 a controlled substance listed in schedule II, III or IV.

4 (t) Has violated the provisions of NRS 454.217 or 629.086.

5 (u) Has performed or supervised the performance of a pelvic
6 examination in violation of NRS 629.085.

7 (v) Has failed to comply with the provisions of NRS 441A.315
8 or any regulations adopted pursuant thereto.

9 *(w) Has refused to provide services to a patient based solely on
10 whether the patient has received a vaccine developed for COVID-
11 19 or any mRNA vaccine.*

12 2. For the purposes of this section, a plea or verdict of guilty or
13 guilty but mentally ill or a plea of nolo contendere constitutes a
14 conviction of an offense. The Board may take disciplinary action
15 pending the appeal of a conviction.

16 3. A licensee or certificate holder is not subject to disciplinary
17 action solely for administering auto-injectable epinephrine pursuant
18 to a valid order issued pursuant to NRS 630.374 or 633.707.

19 4. As used in this section ~~[, “investigational”]~~:

20 *(a) “COVID-19” has the meaning ascribed to it in section 1 of
21 this act.*

22 *(b) “Investigational drug or biological product” has the
23 meaning ascribed to it in NRS 454.351.*

24 *(c) “mRNA vaccine” has the meaning ascribed to it in section
25 1 of this act.*

26 **Sec. 20.** Chapter 633 of NRS is hereby amended by adding
27 thereto a new section to read as follows:

28 *1. An osteopathic physician or physician assistant may
29 prescribe or dispense a drug product for an off-label use if the
30 drug product has been approved by the United States Food and
31 Drug Administration and the osteopathic physician or physician
32 assistant has:*

33 *(a) Informed the patient that the prescription is for an off-label
34 use; and*

35 *(b) Obtained the informed consent of the patient and
36 documented that consent in the record of the patient using a form
37 prescribed by the Board.*

38 2. As used in this section:

39 *(a) “Drug product” means any drug, biological product or
40 device that may be dispensed to an ultimate user only pursuant to
41 a prescription, including, without limitation, a prescription drug,
42 as defined in NRS 453.3628.*

43 *(b) “Labeling” means any original written material that
44 accompanies, supplements or explains a drug product.*



1 (c) *“Off-label use” means the use of a drug product, when*
2 *intended for medical purposes, for an indication or dose that is not*
3 *set forth in the labeling for the drug product.*

4 **Sec. 21.** NRS 633.511 is hereby amended to read as follows:

5 633.511 1. The grounds for initiating disciplinary action
6 pursuant to this chapter are:

7 (a) Unprofessional conduct.

8 (b) Conviction of:

9 (1) A violation of any federal or state law regulating the
10 possession, distribution or use of any controlled substance or any
11 dangerous drug as defined in chapter 454 of NRS;

12 (2) A felony relating to the practice of osteopathic medicine
13 or practice as a physician assistant;

14 (3) A violation of any of the provisions of NRS 616D.200,
15 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

16 (4) Murder, voluntary manslaughter or mayhem;

17 (5) Any felony involving the use of a firearm or other deadly
18 weapon;

19 (6) Assault with intent to kill or to commit sexual assault or
20 mayhem;

21 (7) Sexual assault, statutory sexual seduction, incest,
22 lewdness, indecent exposure or any other sexually related crime;

23 (8) Abuse or neglect of a child or contributory delinquency;
24 or

25 (9) Any offense involving moral turpitude.

26 (c) The suspension of a license to practice osteopathic medicine
27 or to practice as a physician assistant by any other jurisdiction.

28 (d) Malpractice or gross malpractice, which may be evidenced
29 by a claim of malpractice settled against a licensee.

30 (e) Professional incompetence.

31 (f) Failure to comply with the requirements of NRS 633.527.

32 (g) Failure to comply with the requirements of subsection 3 of
33 NRS 633.471.

34 (h) Failure to comply with the provisions of NRS 633.694.

35 (i) Operation of a medical facility, as defined in NRS 449.0151,
36 at any time during which:

37 (1) The license of the facility is suspended or revoked; or

38 (2) An act or omission occurs which results in the suspension
39 or revocation of the license pursuant to NRS 449.160.

40 ➤ This paragraph applies to an owner or other principal responsible
41 for the operation of the facility.

42 (j) Failure to comply with the provisions of subsection 2 of
43 NRS 633.322.

44 (k) Signing a blank prescription form.



1 (l) Knowingly or willfully procuring or administering a
2 controlled substance or a dangerous drug as defined in chapter 454
3 of NRS that is not approved by the United States Food and Drug
4 Administration, unless the unapproved controlled substance or
5 dangerous drug:

6 (1) Was procured through a retail pharmacy licensed
7 pursuant to chapter 639 of NRS;

8 (2) Was procured through a Canadian pharmacy which is
9 licensed pursuant to chapter 639 of NRS and which has been
10 recommended by the State Board of Pharmacy pursuant to
11 subsection 4 of NRS 639.2328;

12 (3) Is cannabis being used for medical purposes in
13 accordance with chapter 678C of NRS; or

14 (4) Is an investigational drug or biological product prescribed
15 to a patient pursuant to NRS 630.3735 or 633.6945.

16 (m) Attempting, directly or indirectly, by intimidation, coercion
17 or deception, to obtain or retain a patient or to discourage the use of
18 a second opinion.

19 (n) Terminating the medical care of a patient without adequate
20 notice or without making other arrangements for the continued care
21 of the patient.

22 (o) In addition to the provisions of subsection 3 of NRS
23 633.524, making or filing a report which the licensee knows to be
24 false, failing to file a record or report that is required by law or
25 knowingly or willfully obstructing or inducing another to obstruct
26 the making or filing of such a record or report.

27 (p) Failure to report any person the licensee knows, or has
28 reason to know, is in violation of the provisions of this chapter,
29 except for a violation of NRS 633.4717, or the regulations of the
30 Board within 30 days after the date the licensee knows or has reason
31 to know of the violation.

32 (q) Failure by a licensee or applicant to report in writing, within
33 30 days, any criminal action taken or conviction obtained against the
34 licensee or applicant, other than a minor traffic violation, in this
35 State or any other state or by the Federal Government, a branch of
36 the Armed Forces of the United States or any local or federal
37 jurisdiction of a foreign country.

38 (r) Engaging in any act that is unsafe in accordance with
39 regulations adopted by the Board.

40 (s) Failure to comply with the provisions of NRS 629.515.

41 (t) Failure to supervise adequately a medical assistant pursuant
42 to the regulations of the Board.

43 (u) Failure to obtain any training required by the Board pursuant
44 to NRS 633.473.

45 (v) Failure to comply with the provisions of NRS 633.6955.



1 (w) Failure to comply with the provisions of NRS 453.163,
2 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to
3 639.23916, inclusive, and any regulations adopted by the State
4 Board of Pharmacy pursuant thereto.

5 (x) Fraudulent, illegal, unauthorized or otherwise inappropriate
6 prescribing, administering or dispensing of a controlled substance
7 listed in schedule II, III or IV.

8 (y) Failure to comply with the provisions of NRS 454.217 or
9 629.086.

10 (z) Failure to comply with the provisions of NRS 441A.315 or
11 any regulations adopted pursuant thereto.

12 (aa) Performing or supervising the performance of a pelvic
13 examination in violation of NRS 629.085.

14 *(bb) Failure to provide services to a patient based solely on*
15 *whether the patient has received a vaccine developed for COVID-*
16 *19 or any mRNA vaccine.*

17 2. As used in this section ~~[, “investigational”]~~:

18 *(a) “COVID-19” has the meaning ascribed to it in section 1 of*
19 *this act.*

20 *(b) “Investigational drug or biological product” has the*
21 *meaning ascribed to it in NRS 454.351.*

22 *(c) “mRNA vaccine” has the meaning ascribed to it in section*
23 *1 of this act.*

24 **Sec. 22.** NRS 634.140 is hereby amended to read as follows:

25 634.140 The following acts, as applied to a licensee, an officer
26 or director of a registrant or a person who provides or supervises the
27 provision of chiropractic services at the facility of a registrant, are
28 grounds for initiating disciplinary action against a licensee or
29 registrant pursuant to this chapter:

30 1. Unprofessional conduct.

31 2. Incompetence or negligence in the practice of chiropractic.

32 3. Conviction of:

33 (a) A violation of any federal or state law regulating the
34 possession, distribution or use of any controlled substance or any
35 dangerous drug as defined in chapter 454 of NRS;

36 (b) A crime relating to the practice of chiropractic;

37 (c) A violation of any of the provisions of NRS 616D.200,
38 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

39 (d) Any offense involving moral turpitude.

40 4. Suspension or revocation of the license to practice
41 chiropractic by any other jurisdiction.

42 5. Referring, in violation of NRS 439B.425, a patient to a
43 health facility, medical laboratory or commercial establishment in
44 which the licensee, officer, director or person providing or



1 supervising the provision of chiropractic services has a financial
2 interest.

3 6. Operation of a medical facility, as defined in NRS 449.0151,
4 at any time during which:

- 5 (a) The license of the facility is suspended or revoked; or
- 6 (b) An act or omission occurs which results in the suspension or
7 revocation of the license pursuant to NRS 449.160.

8 ↪ This subsection applies to an owner or other principal responsible
9 for the operation of the facility.

10 7. The performance or supervision of the performance of a
11 pelvic examination in violation of NRS 629.085.

12 8. *Refusing to provide services to a patient based solely on*
13 *whether the patient has received a vaccine developed for COVID-*
14 *19 or any mRNA vaccine. As used in this subsection:*

15 (a) *“COVID-19 has the meaning ascribed to it in section 1 of*
16 *this act.*

17 (b) *“mRNA vaccine” has the meaning ascribed to it in section*
18 *1 of this act.*

19 **Sec. 23.** NRS 634A.170 is hereby amended to read as follows:

20 634A.170 1. The Board may refuse to issue or may suspend
21 or revoke any license for any one or any combination of the
22 following causes:

23 ~~{1}~~ (a) Conviction of:

24 ~~{a}~~ (1) A felony relating to the practice of Oriental medicine;

25 ~~{b}~~ (2) Any offense involving moral turpitude;

26 ~~{c}~~ (3) A violation of any state or federal law regulating the
27 possession, distribution or use of any controlled substance, as shown
28 by a certified copy of the record of the court; or

29 ~~{d}~~ (4) A violation of any of the provisions of NRS 616D.200,
30 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

31 ~~{2}~~ (b) The obtaining of or any attempt to obtain a license or
32 practice in the profession for money or any other thing of value, by
33 fraudulent misrepresentations;

34 ~~{3}~~ (c) Gross or repeated malpractice, which may be evidenced
35 by claims of malpractice settled against a practitioner;

36 ~~{4}~~ (d) Advertising by means of a knowingly false or deceptive
37 statement;

38 ~~{5}~~ (e) Advertising, practicing or attempting to practice under a
39 name other than one's own;

40 ~~{6}~~ (f) Habitual drunkenness or habitual addiction to the use of
41 a controlled substance;

42 ~~{7}~~ (g) Using any false, fraudulent or forged statement or
43 document, or engaging in any fraudulent, deceitful, dishonest or
44 immoral practice in connection with the licensing requirements of
45 this chapter;



1 ~~{8.}~~ (h) Sustaining a physical or mental disability which renders
2 further practice dangerous;

3 ~~{9.}~~ (i) Engaging in any dishonorable, unethical or
4 unprofessional conduct which may deceive, defraud or harm the
5 public, or which is unbecoming a person licensed to practice under
6 this chapter;

7 ~~{10.}~~ (j) Using any false or fraudulent statement in connection
8 with the practice of Oriental medicine or any branch thereof;

9 ~~{11.}~~ (k) Violating or attempting to violate, or assisting or
10 abetting the violation of, or conspiring to violate any provision of
11 this chapter;

12 ~~{12.}~~ (l) Being adjudicated incompetent or insane;

13 ~~{13.}~~ (m) Advertising in an unethical or unprofessional manner;

14 ~~{14.}~~ (n) Obtaining a fee or financial benefit for any person by
15 the use of fraudulent diagnosis, therapy or treatment;

16 ~~{15.}~~ (o) Willful disclosure of a privileged communication;

17 ~~{16.}~~ (p) Failure of a licensee to designate the nature of his or
18 her practice in the professional use of his or her name by the term
19 doctor of Oriental medicine;

20 ~~{17.}~~ (q) Willful violation of the law relating to the health,
21 safety or welfare of the public or of the regulations adopted by the
22 State Board of Health;

23 ~~{18.}~~ (r) Administering, dispensing or prescribing any
24 controlled substance, except for the prevention, alleviation or cure
25 of disease or for relief from suffering;

26 ~~{19.}~~ (s) Performing, assisting or advising in the injection of
27 any liquid silicone substance into the human body;

28 ~~{20.}~~ (t) Performing or supervising the performance of a pelvic
29 examination in violation of NRS 629.085; ~~and~~

30 ~~{21.}~~ (u) *Refusing to provide services to a patient based solely*
31 *on whether the patient has received a vaccine developed for*
32 *COVID-19 or any mRNA vaccine; and*

33 (v) Operation of a medical facility, as defined in NRS 449.0151,
34 at any time during which:

35 ~~{(a)}~~ (1) The license of the facility is suspended or revoked; or

36 ~~{(b)}~~ (2) An act or omission occurs which results in the
37 suspension or revocation of the license pursuant to NRS 449.160.

38 ↪ This ~~{subsection}~~ *paragraph* applies to an owner or other
39 principal responsible for the operation of the facility.

40 2. *As used in this section:*

41 (a) *“COVID-19” has the meaning ascribed to it in section 1 of*
42 *this act.*

43 (b) *“mRNA vaccine” has the meaning ascribed to it in section*
44 *1 of this act.*



1 **Sec. 24.** NRS 635.130 is hereby amended to read as follows:
2 635.130 1. The Board, after notice and a hearing as required
3 by law, and upon any cause enumerated in subsection 2, may take
4 one or more of the following disciplinary actions:

5 (a) Deny an application for a license or refuse to renew a
6 license.

7 (b) Suspend or revoke a license.

8 (c) Place a licensee on probation.

9 (d) Impose a fine not to exceed \$5,000.

10 2. The Board may take disciplinary action against a licensee for
11 any of the following causes:

12 (a) The making of a false statement in any affidavit required of
13 the applicant for application, examination or licensure pursuant to
14 the provisions of this chapter.

15 (b) Lending the use of the holder's name to an unlicensed
16 person.

17 (c) If the holder is a podiatric physician, permitting an
18 unlicensed person in his or her employ to practice as a podiatry
19 hygienist.

20 (d) Having an alcohol or other substance use disorder which
21 impairs the intellect and judgment to such an extent as in the
22 opinion of the Board incapacitates the holder in the performance of
23 his or her professional duties.

24 (e) Conviction of a crime involving moral turpitude.

25 (f) Conviction of violating any of the provisions of NRS
26 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
27 inclusive.

28 (g) Conduct which in the opinion of the Board disqualifies the
29 licensee to practice with safety to the public.

30 (h) The commission of fraud by or on behalf of the licensee
31 regarding his or her license or practice.

32 (i) Gross incompetency.

33 (j) Affliction of the licensee with any mental or physical
34 disorder which seriously impairs his or her competence as a
35 podiatric physician or podiatry hygienist.

36 (k) False representation by or on behalf of the licensee regarding
37 his or her practice.

38 (l) Unethical or unprofessional conduct.

39 (m) Failure to comply with the requirements of subsection 1 of
40 NRS 635.118.

41 (n) Willful or repeated violations of this chapter or regulations
42 adopted by the Board.

43 (o) Willful violation of the regulations adopted by the State
44 Board of Pharmacy.



1 (p) Knowingly procuring or administering a controlled
2 substance or a dangerous drug as defined in chapter 454 of NRS that
3 is not approved by the United States Food and Drug Administration,
4 unless the unapproved controlled substance or dangerous drug:

5 (1) Was procured through a retail pharmacy licensed
6 pursuant to chapter 639 of NRS;

7 (2) Was procured through a Canadian pharmacy which is
8 licensed pursuant to chapter 639 of NRS and which has been
9 recommended by the State Board of Pharmacy pursuant to
10 subsection 4 of NRS 639.2328; or

11 (3) Is cannabis being used for medical purposes in
12 accordance with chapter 678C of NRS.

13 (q) Operation of a medical facility, as defined in NRS 449.0151,
14 at any time during which:

15 (1) The license of the facility is suspended or revoked; or

16 (2) An act or omission occurs which results in the suspension
17 or revocation of the license pursuant to NRS 449.160.

18 ➤ This paragraph applies to an owner or other principal responsible
19 for the operation of the facility.

20 (r) Failure to obtain any training required by the Board pursuant
21 to NRS 635.116.

22 (s) Failure to comply with the provisions of NRS 453.163,
23 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to
24 639.23916, inclusive, and any regulations adopted by the State
25 Board of Pharmacy pursuant thereto.

26 (t) Fraudulent, illegal, unauthorized or otherwise inappropriate
27 prescribing, administering or dispensing of a controlled substance
28 listed in schedule II, III or IV.

29 (u) Failure to comply with the provisions of NRS 454.217 or
30 629.086.

31 (v) Performing or supervising the performance of a pelvic
32 examination in violation of NRS 629.085.

33 *(w) Refusing to provide services to a patient based solely on*
34 *whether the patient has received a vaccine developed for COVID-*
35 *19 or any mRNA vaccine.*

36 **3. As used in this section:**

37 *(a) "COVID-19" has the meaning ascribed to it in section 1 of*
38 *this act.*

39 *(b) "mRNA vaccine" has the meaning ascribed to it in section*
40 *1 of this act.*

41 **Sec. 25.** NRS 636.295 is hereby amended to read as follows:

42 636.295 **1.** The following acts, conduct, omissions, or mental
43 or physical conditions, or any of them, committed, engaged in,
44 omitted, or being suffered by a licensee, constitute sufficient cause
45 for disciplinary action:



1 ~~11~~ (a) Commission by the licensee of a felony relating to the
2 practice of optometry or a gross misdemeanor involving moral
3 turpitude of which the licensee has been convicted and from which
4 he or she has been sentenced by a final judgment of a federal or
5 state court in this or any other state, the judgment not having been
6 reversed or vacated by a competent appellate court and the offense
7 not having been pardoned by executive authority.

8 ~~12~~ (b) Commission of fraud by or on behalf of the licensee in
9 obtaining a license or a renewal thereof, or in practicing optometry
10 thereunder.

11 ~~13~~ (c) An alcohol or other substance use disorder.

12 ~~14~~ (d) Gross incompetency.

13 ~~15~~ (e) Affliction with any mental or physical disorder or
14 disturbance seriously impairing his or her competency as an
15 optometrist.

16 ~~16~~ (f) Making false or misleading representations, by or on
17 behalf of the licensee, with respect to optometric materials or
18 services.

19 ~~17~~ (g) Practice by the licensee, or attempting or offering so to
20 do, while in an intoxicated condition.

21 ~~18~~ (h) Perpetration of unethical or unprofessional conduct in
22 the practice of optometry.

23 ~~19~~ (i) Any violation of the provisions of this chapter or any
24 regulations adopted pursuant thereto.

25 ~~20~~ (j) Operation of a medical facility, as defined in NRS
26 449.0151, at any time during which:

27 ~~21~~ (1) The license of the facility is suspended or revoked; or

28 ~~22~~ (2) An act or omission occurs which results in the
29 suspension or revocation of the license pursuant to NRS 449.160.

30 ➤ This ~~subsection~~ *paragraph* applies to an owner or other
31 principal responsible for the operation of the facility.

32 ~~23~~ (k) Failure to comply with the provisions of NRS 453.163,
33 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to
34 639.23916, inclusive, and any regulations adopted by the State
35 Board of Pharmacy pursuant thereto.

36 ~~24~~ (l) Fraudulent, illegal, unauthorized or otherwise
37 inappropriate prescribing, administering or dispensing of a
38 controlled substance listed in schedule III or IV.

39 ~~25~~ (m) Any violation of a state or federal law or regulation
40 relating to or involving the practice of optometry, including, without
41 limitation, a violation relating to:

42 ~~26~~ (1) The organizational structure or control of any
43 optometric practice or entity;

44 ~~27~~ (2) The maintenance, availability or distribution of any
45 medical record of a patient;



1 ~~(e)~~ (3) The improper disclosure of any protected information
2 of a patient; and

3 ~~(d)~~ (4) Fraud.

4 (n) *Refusing to provide services to a patient based solely on*
5 *whether the patient has received a vaccine developed for COVID-*
6 *19 or any mRNA vaccine.*

7 2. *As used in this section:*

8 (a) *“COVID-19” has the meaning ascribed to it in section 1 of*
9 *this act.*

10 (b) *“mRNA vaccine” has the meaning ascribed to it in section*
11 *1 of this act.*

12 **Sec. 26.** NRS 637.150 is hereby amended to read as follows:

13 637.150 1. If the Board finds, by a preponderance of the
14 evidence, that an applicant or holder of a license:

15 (a) Has been adjudicated insane;

16 (b) Habitually uses any controlled substance or intoxicant;

17 (c) Has been convicted of a crime involving moral turpitude;

18 (d) Has been convicted of violating any of the provisions of
19 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
20 inclusive;

21 (e) Has advertised in any manner which would tend to deceive,
22 defraud or mislead the public;

23 (f) Has presented to the Board any diploma, license or certificate
24 that has been signed or issued unlawfully or under fraudulent
25 representations, or obtains or has obtained a license to practice in
26 this State through fraud of any kind;

27 (g) Has been convicted of a violation of any federal or state law
28 relating to a controlled substance;

29 (h) Has, without proper verification, dispensed a lens, frame,
30 specially fabricated optical device or other ophthalmic device that
31 does not satisfy the minimum standards established by the Board
32 pursuant to NRS 637.073;

33 (i) Has violated any regulation of the Board;

34 (j) Has violated any provision of this chapter;

35 (k) Is incompetent;

36 (l) Is guilty of unethical or unprofessional conduct as
37 determined by the Board;

38 (m) Is guilty of repeated malpractice, which may be evidenced
39 by claims of malpractice settled against a practitioner;

40 (n) Is guilty of a fraudulent or deceptive practice as determined
41 by the Board; ~~(o)~~

42 (o) Has operated a medical facility, as defined in NRS 449.0151,
43 at any time during which:

44 (1) The license of the facility was suspended or revoked; or



1 (2) An act or omission occurred which resulted in the
2 suspension or revocation of the license pursuant to NRS 449.160 ~~;~~
3 ; or

4 (p) *Has refused to provide services to a person based solely on*
5 *whether the person has received a vaccine developed for COVID-*
6 *19 or any mRNA vaccine,*

7 ↪ the Board may, in the case of an applicant, refuse to grant the
8 applicant a license, or may, in the case of a holder of a license, place
9 the holder on probation, reprimand the holder publicly, require the
10 holder to pay an administrative fine of not more than \$10,000,
11 suspend or revoke the holder's license, or take any combination of
12 these disciplinary actions.

13 2. The Board shall not privately reprimand a holder of a
14 license.

15 3. An order that imposes discipline and the findings of fact and
16 conclusions of law supporting that order are public records.

17 4. The provisions of paragraph (o) of subsection 1 apply to an
18 owner or other principal responsible for the operation of the medical
19 facility.

20 5. As used in this section ~~;~~ **“preponderance”** :

21 (a) *“COVID-19” has the meaning ascribed to it in section 1 of*
22 *this act.*

23 (b) *“mRNA vaccine” has the meaning ascribed to it in section*
24 *1 of this act.*

25 (c) *“Preponderance of the evidence” has the meaning ascribed*
26 *to it in NRS 233B.0375.*

27 **Sec. 27.** NRS 637B.250 is hereby amended to read as follows:
28 637B.250 1. The grounds for initiating disciplinary action
29 pursuant to this chapter are:

30 (a) Unprofessional conduct.

31 (b) Conviction of:

32 (1) A violation of any federal or state law regarding the
33 possession, distribution or use of any controlled substance or any
34 dangerous drug as defined in chapter 454 of NRS;

35 (2) A felony or gross misdemeanor relating to the practice of
36 audiology, speech-language pathology or fitting and dispensing
37 hearing aids;

38 (3) A violation of any of the provisions of NRS 616D.200,
39 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

40 (4) Any offense involving moral turpitude.

41 (c) Gross or repeated malpractice, which may be evidenced by
42 claims of malpractice settled against a practitioner.

43 (d) Professional incompetence.

44 (e) Operation of a medical facility, as defined in NRS 449.0151,
45 at any time during which:



1 (1) The license of the facility is suspended or revoked; or
2 (2) An act or omission occurs which results in the suspension
3 or revocation of the license pursuant to NRS 449.160.

4 ➔ This paragraph applies to an owner or other principal responsible
5 for the operation of the facility.

6 2. As used in this section ~~["unprofessional"]~~ :

7 (a) *"COVID-19" has the meaning ascribed to it in section 1 of*
8 *this act.*

9 (b) *"mRNA vaccine" has the meaning ascribed to it in section*
10 *1 of this act.*

11 (c) *"Unprofessional conduct"* includes, without limitation:

12 ~~[(a)]~~ (1) Conduct that is harmful to the public health or safety;

13 ~~[(b)]~~ (2) Obtaining a license through fraud or misrepresentation
14 of a material fact;

15 ~~[(c)]~~ (3) Suspension or revocation of a license to engage in the
16 practice of audiology, speech-language pathology or fitting and
17 dispensing hearing aids; ~~and~~

18 ~~[(d)]~~ (4) A violation of any provision of:

19 ~~[(1)]~~ (I) Federal law concerning the practice of audiology,
20 speech-language pathology or fitting and dispensing hearing aids or
21 any regulations adopted pursuant thereto ; ~~["including, without~~
22 ~~limitation, 21 C.F.R. §§ 801.420 and 801.421;~~

23 ~~[(2)]~~ (II) NRS 597.264 to 597.2667, inclusive, or any
24 regulations adopted pursuant thereto; or

25 ~~[(3)]~~ (III) This chapter or any regulations adopted pursuant
26 thereto ~~["]; and~~

27 (5) *Refusing to provide services to a person based solely on*
28 *whether the person has received a vaccine developed for COVID-*
29 *19 or any mRNA vaccine.*

30 **Sec. 28.** NRS 639.210 is hereby amended to read as follows:

31 639.210 1. The Board may suspend or revoke any certificate,
32 license, registration or permit issued pursuant to this chapter, and
33 deny the application of any person for a certificate, license,
34 registration or permit, if the holder or applicant:

35 ~~[(1)]~~ (a) Is not of good moral character;

36 ~~[(2)]~~ (b) Is guilty of habitual intemperance;

37 ~~[(3)]~~ (c) Becomes or is intoxicated or under the influence of
38 liquor, any depressant drug or a controlled substance, unless taken
39 pursuant to a lawfully issued prescription, while on duty in any
40 establishment licensed by the Board;

41 ~~[(4)]~~ (d) Is guilty of unprofessional conduct or conduct contrary
42 to the public interest;

43 ~~[(5)]~~ (e) Has a substance use disorder;

44 ~~[(6)]~~ (f) Has been convicted of a violation of any law or
45 regulation of the Federal Government or of this or any other state



1 related to controlled substances, dangerous drugs, drug samples, or
2 the wholesale or retail distribution of drugs;

3 ~~{7-}~~ (g) Has been convicted of:

4 ~~{a-}~~ (1) A felony relating to holding a certificate, license,
5 registration or permit pursuant to this chapter;

6 ~~{b-}~~ (2) A felony pursuant to NRS 639.550 or 639.555; or

7 ~~{c-}~~ (3) Other crime involving moral turpitude, dishonesty or
8 corruption;

9 ~~{8-}~~ (h) Has been convicted of violating any of the provisions of
10 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
11 inclusive;

12 ~~{9-}~~ (i) Has willfully made to the Board or its authorized
13 representative any false statement which is material to the
14 administration or enforcement of any of the provisions of this
15 chapter;

16 ~~{10-}~~ (j) Has obtained any certificate, certification, license or
17 permit by the filing of an application, or any record, affidavit or
18 other information in support thereof, which is false or fraudulent;

19 ~~{11-}~~ (k) Has violated any provision of the Federal Food, Drug
20 and Cosmetic Act or any other federal law or regulation relating to
21 prescription drugs;

22 ~~{12-}~~ (l) Has violated, attempted to violate, assisted or abetted in
23 the violation of or conspired to violate any of the provisions of this
24 chapter or any law or regulation relating to drugs, the manufacture
25 or distribution of drugs or the practice of pharmacy, or has
26 knowingly permitted, allowed, condoned or failed to report a
27 violation of any of the provisions of this chapter or any law or
28 regulation relating to drugs, the manufacture or distribution of drugs
29 or the practice of pharmacy committed by the holder of a certificate,
30 license, registration or permit;

31 ~~{13-}~~ (m) Has failed to renew a certificate, license or permit by
32 failing to submit the application for renewal or pay the renewal fee
33 therefor;

34 ~~{14-}~~ (n) Has had a certificate, license or permit suspended or
35 revoked in another state on grounds which would cause suspension
36 or revocation of a certificate, license or permit in this State;

37 ~~{15-}~~ (o) Has, as a managing pharmacist, violated any provision
38 of law or regulation concerning recordkeeping or inventory in a
39 store over which he or she presides, or has knowingly allowed a
40 violation of any provision of this chapter or other state or federal
41 laws or regulations relating to the practice of pharmacy by personnel
42 of the pharmacy under his or her supervision;

43 ~~{16-}~~ (p) Has repeatedly been negligent, which may be
44 evidenced by claims of malpractice settled against him or her;



1 ~~[17.]~~ (q) Has failed to maintain and make available to a state or
2 federal officer any records in accordance with the provisions of this
3 chapter or chapter 453 or 454 of NRS;

4 ~~[18.]~~ (r) Has failed to file or maintain a bond or other security if
5 required by NRS 639.515;

6 ~~[19.]~~ (s) Has dispensed a self-administered hormonal
7 contraceptive under the protocol established pursuant to NRS
8 639.28077 without complying with NRS 639.28078; ~~[or]~~

9 (t) *Has refused to provide services to a patient based solely on
10 whether the patient has received a vaccine developed for COVID-
11 19 or any mRNA vaccine; or*

12 ~~[20.]~~ (u) Has operated a medical facility, as defined in NRS
13 449.0151, at any time during which:

14 ~~[(a)]~~ (1) The license of the facility was suspended or revoked;
15 or

16 ~~[(b)]~~ (2) An act or omission occurred which resulted in the
17 suspension or revocation of the license pursuant to NRS 449.160.

18 ➔ This ~~[subsection]~~ *paragraph* applies to an owner or other
19 principal responsible for the operation of the facility.

20 *2. The Board may not suspend, revoke or refuse to renew the
21 registration of a pharmacist because the pharmacist has dispensed
22 a drug product prescribed for an off-label use in accordance with
23 section 14, 18 or 20 of this act.*

24 *3. As used in this section:*

25 (a) *“COVID 19” has the meaning ascribed to it in section 1 of
26 this act.*

27 (b) *“mRNA vaccine” has the meaning ascribed to it in section
28 1 of this act.*

29 **Sec. 29.** NRS 640.160 is hereby amended to read as follows:

30 640.160 1. The Board, after notice and a hearing as required
31 by law, and upon any ground enumerated in subsection 2, may take
32 one or more of the following actions:

33 (a) Refuse to issue a license or temporary license to any
34 applicant.

35 (b) Refuse to renew the license or temporary license of any
36 person.

37 (c) Suspend or revoke the license or temporary license of any
38 person.

39 (d) Place any person who has been issued a license or temporary
40 license on probation.

41 (e) Impose an administrative fine which does not exceed \$5,000
42 on any person who has been issued a license.

43 2. The Board may take action pursuant to subsection 1 if an
44 applicant or person who has been licensed pursuant to this chapter:

45 (a) Has an alcohol or other substance use disorder.



1 (b) Has been convicted of violating any state or federal law
2 relating to controlled substances.

3 (c) Is, in the judgment of the Board, guilty of immoral or
4 unprofessional conduct.

5 (d) Has been convicted of any crime involving moral turpitude.

6 (e) Has been convicted of violating any of the provisions of
7 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
8 inclusive.

9 (f) Is guilty, in the judgment of the Board, of gross negligence in
10 his or her practice as a physical therapist which may be evidenced
11 by claims of malpractice settled against a practitioner.

12 (g) Has obtained or attempted to obtain a license by fraud or
13 material misrepresentation.

14 (h) Has been declared insane by a court of competent
15 jurisdiction and has not thereafter been lawfully declared sane.

16 (i) Has entered into any contract or arrangement which provides
17 for the payment of an unearned fee to any person following his or
18 her referral of a patient.

19 (j) Has employed as a physical therapist any unlicensed physical
20 therapist or physical therapist whose license has been suspended.

21 (k) Has had a license to practice physical therapy suspended,
22 revoked or in any way limited by another jurisdiction.

23 (l) Is determined to be professionally incompetent by the Board.

24 (m) Has violated any provision of this chapter or the Board's
25 regulations.

26 (n) Has operated a medical facility, as defined in NRS 449.0151,
27 at any time during which:

28 (1) The license of the facility was suspended or revoked; or

29 (2) An act or omission occurred which resulted in the
30 suspension or revocation of the license pursuant to NRS 449.160.

31 ➤ This paragraph applies to an owner or other principal responsible
32 for the operation of the facility.

33 (o) Has performed or supervised the performance of a pelvic
34 examination in violation of NRS 629.085.

35 *(p) Has refused to provide services to a patient based solely on
36 whether the patient has received a vaccine developed for COVID-
37 19 or any mRNA vaccine.*

38 **3. As used in this section:**

39 *(a) "COVID-19" has the meaning ascribed to it in section 1 of
40 this act.*

41 *(b) "mRNA vaccine" has the meaning ascribed to it in section
42 1 of this act.*

43 **Sec. 30.** NRS 640A.200 is hereby amended to read as follows:

44 640A.200 1. The Board may, after notice and a hearing as
45 required by law, suspend, revoke or refuse to issue or renew a



1 license to practice as an occupational therapist or occupational
2 therapy assistant, or may impose conditions upon the use of that
3 license, if the Board determines that the holder of or applicant for
4 the license is guilty of unprofessional conduct which has endangered
5 or is likely to endanger the public health, safety or welfare. The
6 Board may reinstate a revoked license pursuant to the provisions of
7 chapter 622A of NRS upon application by the person to whom the
8 license was issued.

9 2. Notwithstanding the provisions of chapter 622A of NRS, if
10 the Board receives a report pursuant to subsection 5 of NRS
11 228.420, a disciplinary proceeding regarding the report must be
12 commenced within 30 days after the Board receives the report.

13 3. An order that imposes discipline and the findings of fact and
14 conclusions of law supporting that order are public records.

15 4. As used in this section ~~["unprofessional"]~~ :

16 (a) *"COVID-19" has the meaning ascribed to it in section 1 of*
17 *this act.*

18 (b) *"mRNA vaccine" has the meaning ascribed to it in section*
19 *1 of this act.*

20 (c) "Unprofessional conduct" includes:

21 ~~[(a)]~~ (1) The obtaining of a license by fraud or through the
22 misrepresentation or concealment of a material fact;

23 ~~[(b)]~~ (2) The conviction of:

24 ~~[(1)]~~ (I) A felony or gross misdemeanor relating to the
25 practice of occupational therapy; or

26 ~~[(2)]~~ (II) Any crime involving moral turpitude;

27 ~~[(e)]~~ (3) The violation of any provision of this chapter or
28 regulation of the Board adopted pursuant to this chapter;

29 ~~[(d)]~~ (4) The performance or supervision of the performance of
30 a pelvic examination in violation of NRS 629.085; ~~and~~

31 ~~[(e)]~~ (5) *The refusal to provide services to a person based solely*
32 *on whether the person has received a vaccine developed for*
33 *COVID-19 or any mRNA vaccine; and*

34 (6) The operation of a medical facility, as defined in NRS
35 449.0151, at any time during which:

36 ~~[(1)]~~ (I) The license of the facility is suspended or revoked;

37 or

38 ~~[(2)]~~ (II) An act or omission occurs which results in the
39 suspension or revocation of the license pursuant to NRS 449.160.

40 ➔ This paragraph applies to an owner or other principal responsible
41 for the operation of the facility.

42 **Sec. 31.** NRS 640B.700 is hereby amended to read as follows:

43 640B.700 1. The Board may refuse to issue a license to an
44 applicant or may take disciplinary action against a licensee if, after



1 notice and a hearing as required by law, the Board determines that
2 the applicant or licensee:

3 (a) Has submitted false or misleading information to the Board
4 or any agency of this State, any other state, the Federal Government
5 or the District of Columbia;

6 (b) Has violated any provision of this chapter or any regulation
7 adopted pursuant thereto;

8 (c) Has been convicted of a felony, a crime relating to a
9 controlled substance or a crime involving moral turpitude;

10 (d) Has an alcohol or other substance use disorder;

11 (e) Has violated the provisions of NRS 200.5093, 432B.220 or
12 432C.110;

13 (f) Is guilty of gross negligence in his or her practice as an
14 athletic trainer;

15 (g) Is not competent to engage in the practice of athletic
16 training;

17 (h) Has failed to provide information requested by the Board
18 within 60 days after receiving the request;

19 (i) Has engaged in unethical or unprofessional conduct as it
20 relates to the practice of athletic training;

21 (j) Has been disciplined in another state, a territory or
22 possession of the United States, or the District of Columbia for
23 conduct that would be a violation of the provisions of this chapter or
24 any regulations adopted pursuant thereto if the conduct were
25 committed in this State;

26 (k) Has solicited or received compensation for services that he
27 or she did not provide;

28 (l) If the licensee is on probation, has violated the terms of the
29 probation;

30 (m) Has terminated professional services to a client in a manner
31 that detrimentally affected that client;

32 (n) Has performed or supervised the performance of a pelvic
33 examination in violation of NRS 629.085; ~~for~~

34 (o) *Has refused to provide services to a person based solely on
35 whether the person has received a vaccine developed for COVID-
36 19 or any mRNA vaccine; or*

37 (p) Has operated a medical facility, as defined in NRS 449.0151,
38 at any time during which:

39 (1) The license of the facility was suspended or revoked; or

40 (2) An act or omission occurred which resulted in the
41 suspension or revocation of the license pursuant to NRS 449.160.

42 ➔ This paragraph applies to an owner or other principal responsible
43 for the operation of the facility.



1 2. The Board may, if it determines that an applicant for a
2 license or a licensee has committed any of the acts set forth in
3 subsection 1, after notice and a hearing as required by law:

- 4 (a) Refuse to issue a license to the applicant;
5 (b) Refuse to renew or restore the license of the licensee;
6 (c) Suspend or revoke the license of the licensee;
7 (d) Place the licensee on probation;
8 (e) Impose an administrative fine of not more than \$5,000;
9 (f) Require the applicant or licensee to pay the costs incurred by
10 the Board to conduct the investigation and hearing; or
11 (g) Impose any combination of actions set forth in paragraphs
12 (a) to (f), inclusive.

13 3. The Board shall not issue a private reprimand to a licensee.

14 4. An order that imposes discipline and the findings of fact and
15 conclusions of law supporting that order are public records.

16 **5. *As used in this section:***

17 (a) *“COVID-19” has the meaning ascribed to it in section 1 of*
18 *this act.*

19 (b) *“mRNA vaccine” has the meaning ascribed to it in section*
20 *1 of this act.*

21 **Sec. 32.** NRS 640D.170 is hereby amended to read as follows:

22 640D.170 **1.** The Board may refuse to grant or may suspend
23 or revoke a license to practice music therapy for any of the
24 following reasons:

25 ~~[1-]~~ (a) Submitting false, fraudulent or misleading information
26 to the Board or any agency of this State, any other state, a territory
27 or possession of the United States, the District of Columbia or the
28 Federal Government.

29 ~~[2-]~~ (b) Violating any provision of this chapter or any regulation
30 adopted pursuant thereto.

31 ~~[3-]~~ (c) Conviction of a felony relating to the practice of music
32 therapy or of any offense involving moral turpitude, the record of
33 conviction being conclusive evidence thereof.

34 ~~[4-]~~ (d) Having an alcohol or other substance use disorder.

35 ~~[5-]~~ (e) Impersonating a licensed music therapist or allowing
36 another person to use his or her license.

37 ~~[6-]~~ (f) Using fraud or deception in applying for a license to
38 practice music therapy.

39 ~~[7-]~~ (g) Failing to comply with the “Code of Professional
40 Practice” of the Certification Board for Music Therapists or its
41 successor organization or committing any other unethical practices
42 contrary to the interest of the public as determined by the Board.

43 ~~[8-]~~ (h) Negligence, fraud or deception in connection with the
44 music therapy services a licensee is authorized to provide pursuant
45 to this chapter.



1 *(i) Refusing to provide services to a person based solely on*
2 *whether the person has received a vaccine developed for COVID-*
3 *19 or any mRNA vaccine.*

4 2. *As used in this section:*

5 (a) *“COVID-19” has the meaning ascribed to it in section 1 of*
6 *this act.*

7 (b) *“mRNA vaccine” has the meaning ascribed to it in section*
8 *1 of this act.*

9 **Sec. 33.** NRS 640E.270 is hereby amended to read as follows:

10 640E.270 1. The Board may deny, refuse to renew, revoke or
11 suspend any license applied for or issued pursuant to this chapter, or
12 take such other disciplinary action against a licensee as authorized
13 by regulations adopted by the Board, upon determining that the
14 licensee:

15 (a) Is guilty of fraud or deceit in procuring or attempting to
16 procure a license pursuant to this chapter.

17 (b) Is guilty of any offense:

18 (1) Involving moral turpitude; or

19 (2) Relating to the qualifications, functions or duties of a
20 licensee.

21 (c) Uses any controlled substance, dangerous drug as defined in
22 chapter 454 of NRS, or intoxicating liquor to an extent or in a
23 manner which is dangerous or injurious to any other person or
24 which impairs his or her ability to conduct the practice authorized
25 by the license.

26 (d) Is guilty of unprofessional conduct, which includes, without
27 limitation:

28 (1) Impersonating another licensed dietitian.

29 (2) Permitting or allowing another person to use his or her
30 license to engage in the practice of dietetics.

31 (3) Repeated malpractice, which may be evidenced by claims
32 of malpractice settled against the licensee.

33 (4) Physical, verbal or psychological abuse of a patient.

34 (5) Conviction for the use or unlawful possession of a
35 controlled substance or dangerous drug as defined in chapter 454 of
36 NRS.

37 (e) Has willfully or repeatedly violated any provision of this
38 chapter.

39 (f) Is guilty of aiding or abetting any person in violating any
40 provision of this chapter.

41 (g) Has been disciplined in another state in connection with the
42 practice of dietetics or has committed an act in another state which
43 would constitute a violation of this chapter.

44 (h) Has engaged in conduct likely to deceive, defraud or
45 endanger a patient or the general public.



1 (i) Has willfully failed to comply with a regulation, subpoena or
2 order of the Board.

3 (j) *Has refused to provide services to a patient based solely on*
4 *whether the patient has received a vaccine developed for COVID-*
5 *19 or any mRNA vaccine.*

6 2. In addition to any criminal or civil penalty that may be
7 imposed pursuant to this chapter, the Board may assess against and
8 collect from a licensee all costs incurred by the Board in connection
9 with any disciplinary action taken against the licensee, including,
10 without limitation, costs for investigators and stenographers,
11 attorney's fees and other costs of the hearing.

12 3. For the purposes of this section, a plea or verdict of guilty or
13 guilty but mentally ill or a plea of nolo contendere constitutes a
14 conviction of an offense. The Board may take disciplinary action
15 pending the appeal of a conviction.

16 4. *As used in this section:*

17 (a) *"COVID-19" has the meaning ascribed to it in section 1 of*
18 *this act.*

19 (b) *"mRNA vaccine" has the meaning ascribed to it in section*
20 *1 of this act.*

21 **Sec. 34.** NRS 641.230 is hereby amended to read as follows:

22 641.230 1. The Board may suspend or revoke a person's
23 license as a psychologist or registration as a psychological assistant,
24 psychological intern or psychological trainee, place the person on
25 probation, require remediation for the person or take any other
26 action specified by regulation if the Board finds by a preponderance
27 of the evidence that the person has:

28 (a) Been convicted of a felony relating to the practice of
29 psychology or to practicing as a psychological assistant,
30 psychological intern or psychological trainee.

31 (b) Been convicted of any crime or offense that reflects the
32 inability of the person to practice psychology or to practice as a
33 psychological assistant, psychological intern or psychological
34 trainee with due regard for the health and safety of others.

35 (c) Been convicted of violating any of the provisions of NRS
36 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
37 inclusive.

38 (d) Engaged in gross malpractice or repeated malpractice or
39 gross negligence in the practice of psychology or the practice as a
40 psychological assistant, psychological intern or psychological
41 trainee.

42 (e) Aided or abetted the practice of psychology or the practice as
43 a psychological assistant, psychological intern or psychological
44 trainee by a person not licensed or registered by the Board.

45 (f) Made any fraudulent or untrue statement to the Board.



1 (g) Violated a regulation adopted by the Board.

2 (h) Had a license to practice psychology or registration to
3 practice as a psychological assistant, psychological intern or
4 psychological trainee suspended or revoked or has had any other
5 disciplinary action taken against the person by another state or
6 territory of the United States, the District of Columbia or a foreign
7 country, if at least one of the grounds for discipline is the same or
8 substantially equivalent to any ground contained in this chapter.

9 (i) Failed to report to the Board within 30 days the revocation,
10 suspension or surrender of, or any other disciplinary action taken
11 against, a license or certificate to practice psychology or registration
12 to practice as a psychological assistant, psychological intern or
13 psychological trainee issued to the person by another state or
14 territory of the United States, the District of Columbia or a foreign
15 country.

16 (j) Violated or attempted to violate, directly or indirectly, or
17 assisted in or abetted the violation of or conspired to violate a
18 provision of this chapter.

19 (k) Performed or attempted to perform any professional service
20 while impaired by alcohol, drugs or by a mental or physical illness,
21 disorder or disease.

22 (l) Engaged in sexual activity with a patient or client.

23 (m) Been convicted of abuse or fraud in connection with any
24 state or federal program which provides medical assistance.

25 (n) Been convicted of submitting a false claim for payment to
26 the insurer of a patient or client.

27 (o) *Refused to provide services to a patient based solely on*
28 *whether the patient has received a vaccine developed for COVID-*
29 *19 or any mRNA vaccine.*

30 (p) Operated a medical facility, as defined in NRS 449.0151, at
31 any time during which:

32 (1) The license of the facility was suspended or revoked; or

33 (2) An act or omission occurred which resulted in the
34 suspension or revocation of the license pursuant to NRS 449.160.

35 ➔ This paragraph applies to an owner or other principal responsible
36 for the operation of the facility.

37 2. As used in this section ~~[~~“preponderance”]:

38 (a) *“COVID-19” has the meaning ascribed to it in section 1 of*
39 *this act.*

40 (b) *“mRNA vaccine” has the meaning ascribed to it in section*
41 *1 of this act.*

42 (c) *“Preponderance of the evidence” has the meaning ascribed*
43 *to it in NRS 233B.0375.*



1 **Sec. 35.** NRS 641A.310 is hereby amended to read as follows:
2 641A.310 **1.** The Board may refuse to grant a license or may
3 suspend or revoke a license for any of the following reasons:

4 ~~{1-}~~ **(a)** Conviction of a felony relating to the practice of
5 marriage and family therapy or clinical professional counseling or of
6 any offense involving moral turpitude, the record of conviction
7 being conclusive evidence thereof.

8 ~~{2-}~~ **(b)** Habitual drunkenness or addiction to the use of a
9 controlled substance.

10 ~~{3-}~~ **(c)** Impersonating a licensed marriage and family therapist,
11 marriage and family therapist intern, clinical professional counselor
12 or clinical professional counselor intern or allowing another person
13 to use his or her license.

14 ~~{4-}~~ **(d)** Using fraud or deception in applying for a license or in
15 passing the examination provided for in this chapter.

16 ~~{5-}~~ **(e)** Rendering or offering to render services outside the area
17 of his or her training, experience or competence.

18 ~~{6-}~~ **(f)** Committing unethical practices contrary to the interest
19 of the public as determined by the Board.

20 ~~{7-}~~ **(g)** Unprofessional conduct as determined by the Board.

21 ~~{8-}~~ **(h)** Negligence, fraud or deception in connection with
22 services he or she is licensed to provide pursuant to this chapter.

23 ~~{9-}~~ **(i)** Operation of a medical facility, as defined in NRS
24 449.0151, at any time during which:

25 ~~{(a)}~~ **(1)** The license of the facility is suspended or revoked; or

26 ~~{(b)}~~ **(2)** An act or omission occurs which results in the
27 suspension or revocation of the license pursuant to NRS 449.160.

28 ➔ This ~~{subsection}~~ **paragraph** applies to an owner or other
29 principal responsible for the operation of the facility.

30 ***(j) Refusing to provide services to a person based solely on
31 whether the person has received a vaccine developed for COVID-
32 19 or any mRNA vaccine.***

33 **2. As used in this section:**

34 ***(a) "COVID-19" has the meaning ascribed to it in section 1 of
35 this act.***

36 ***(b) "mRNA vaccine" has the meaning ascribed to it in section
37 1 of this act.***

38 **Sec. 36.** NRS 641B.400 is hereby amended to read as follows:

39 641B.400 **1.** The grounds for initiating disciplinary action
40 pursuant to this chapter are:

41 ~~{1-}~~ **(a)** Unprofessional conduct;

42 ~~{2-}~~ **(b)** Conviction of:

43 ~~{(a)}~~ **(1)** A felony relating to the practice of social work;

44 ~~{(b)}~~ **(2)** Any offense involving moral turpitude; or



1 ~~[(e)]~~ (3) A violation of any federal or state law regulating the
2 possession, distribution or use of any controlled substance or
3 dangerous drug as defined in chapter 454 of NRS;

4 ~~[3.]~~ (c) Use of fraud or deception in:

5 ~~[(a)]~~ (1) Applying for a license;

6 ~~[(b)]~~ (2) Undergoing the initial licensing examination; or

7 ~~[(e)]~~ (3) Rendering services as a social worker;

8 ~~[4.]~~ (d) Allowing unauthorized use of a license issued pursuant
9 to this chapter;

10 ~~[5.]~~ (e) Professional incompetence;

11 ~~[6.]~~ (f) Practicing social work without a license;

12 ~~[7.]~~ (g) Having an alcohol or other substance use disorder
13 which impairs the ability to practice social work; ~~and~~

14 ~~—8.]~~ (h) *Refusing to provide services to a person based solely on*
15 *whether the person has received a vaccine developed for COVID-*
16 *19 or any mRNA vaccine; and*

17 (i) Operation of a medical facility, as defined in NRS 449.0151,
18 at any time during which:

19 ~~[(a)]~~ (1) The license of the facility is suspended or revoked; or

20 ~~[(b)]~~ (2) An act or omission occurs which results in the
21 suspension or revocation of the license pursuant to NRS 449.160.

22 ↪ This ~~[subsection]~~ *paragraph* applies to an owner or other
23 principal responsible for the operation of the facility.

24 **2. As used in this section:**

25 (a) *“COVID-19” has the meaning ascribed to it in section 1 of*
26 *this act.*

27 (b) *“mRNA vaccine” has the meaning ascribed to it in section*
28 *1 of this act.*

29 **Sec. 37.** NRS 641C.700 is hereby amended to read as follows:

30 641C.700 **1.** The grounds for initiating disciplinary action
31 pursuant to the provisions of this chapter include:

32 ~~[1.]~~ (a) Conviction of:

33 ~~[(a)]~~ (1) A felony relating to the practice of counseling persons
34 with alcohol and other substance use disorders, the clinical practice
35 of counseling persons with alcohol and other substance use
36 disorders or the practice of counseling persons with an addictive
37 disorder related to gambling;

38 ~~[(b)]~~ (2) An offense involving moral turpitude; or

39 ~~[(e)]~~ (3) A violation of a federal or state law regulating the
40 possession, distribution or use of a controlled substance or
41 dangerous drug as defined in chapter 453 of NRS;

42 ~~[2.]~~ (b) Fraud or deception in:

43 ~~[(a)]~~ (1) Applying for a license or certificate;

44 ~~[(b)]~~ (2) Taking an examination for a license or certificate;



1 ~~[(e)]~~ (3) Documenting the continuing education required to
2 renew or reinstate a license or certificate;

3 ~~[(d)]~~ (4) Submitting a claim for payment to an insurer; or

4 ~~[(e)]~~ (5) The practice of counseling persons with alcohol and
5 other substance use disorders or the clinical practice of counseling
6 persons with alcohol and other substance use disorders;

7 ~~[(3)]~~ (c) Allowing the unauthorized use of a license or certificate
8 issued pursuant to this chapter;

9 ~~[(4)]~~ (d) Professional incompetence;

10 ~~[(5)]~~ (e) Any alcohol or other substance use disorder that impairs
11 the ability of a licensed or certified counselor or certified intern to
12 engage in the practice of counseling persons with alcohol and other
13 substance use disorders or the clinical practice of counseling persons
14 with alcohol and other substance use disorders;

15 ~~[(6)]~~ (f) Engaging in the practice of counseling persons with
16 alcohol and other substance use disorders, the practice of counseling
17 persons with an addictive disorder related to gambling or the clinical
18 practice of counseling persons with alcohol and other substance use
19 disorders with an inactive, expired, suspended or revoked license or
20 certificate;

21 ~~[(7)]~~ (g) Engaging in behavior that is contrary to the ethical
22 standards as set forth in the regulations of the Board; ~~and~~

23 ~~—8.]~~ (h) *Refusing to provide services to a person based solely on*
24 *whether the person has received a vaccine developed for COVID-*
25 *19 or any mRNA vaccine; and*

26 (i) The operation of a medical facility, as defined in NRS
27 449.0151, at any time during which:

28 ~~[(a)]~~ (1) The license of the facility is suspended or revoked; or

29 ~~[(b)]~~ (2) An act or omission occurs which results in the
30 suspension or revocation of the license pursuant to NRS 449.160.

31 ↪ This ~~[subsection]~~ *paragraph* applies to an owner or other
32 principal responsible for the operation of the facility.

33 *2. As used in this section:*

34 (a) *“COVID-19” has the meaning ascribed to it in section 1 of*
35 *this act.*

36 (b) *“mRNA vaccine” has the meaning ascribed to it in section*
37 *1 of this act.*

38 **Sec. 38.** NRS 641D.700 is hereby amended to read as follows:

39 641D.700 1. The Board may suspend or revoke a person’s
40 license as a behavior analyst or assistant behavior analyst or
41 registration as a registered behavior technician, place the person on
42 probation, require remediation for the person or take any other
43 action specified by regulation if the Board finds by a preponderance
44 of the evidence that the person has:



1 (a) Been convicted of a felony relating to the practice of applied
2 behavior analysis.

3 (b) Been convicted of any crime or offense that reflects the
4 inability of the person to practice applied behavior analysis with due
5 regard for the health and safety of others.

6 (c) Been convicted of violating any of the provisions of NRS
7 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
8 inclusive.

9 (d) Engaged in gross malpractice or repeated malpractice or
10 gross negligence in the practice of applied behavior analysis.

11 (e) Except as otherwise provided in NRS 641D.110 and
12 641D.130, aided or abetted practice as a behavior analyst, assistant
13 behavior analyst or registered behavior technician by a person who
14 is not licensed or registered, as applicable, pursuant to this chapter.

15 (f) Made any fraudulent or untrue statement to the Board.

16 (g) Violated a regulation adopted by the Board.

17 (h) Had a license, certificate or registration to practice applied
18 behavior analysis suspended or revoked or has had any other
19 disciplinary action taken against the person by another state or
20 territory of the United States, the District of Columbia, a foreign
21 country or the Behavior Analyst Certification Board, Inc., or its
22 successor organization, if at least one of the grounds for discipline is
23 the same or substantially equivalent to any ground contained in this
24 chapter.

25 (i) Failed to report to the Board within 30 days the revocation,
26 suspension or surrender of, or any other disciplinary action taken
27 against, a license, certificate or registration to practice applied
28 behavior analysis issued to the person by another state or territory of
29 the United States, the District of Columbia or a foreign country.

30 (j) Violated or attempted to violate, directly or indirectly, or
31 assisted in or abetted the violation of or conspired to violate a
32 provision of this chapter, including, without limitation, subsection 4
33 of NRS 641D.600.

34 (k) Performed or attempted to perform any professional service
35 while impaired by alcohol or other substance or by a mental or
36 physical illness, disorder or disease.

37 (l) Engaged in sexual activity with a patient or client.

38 (m) Been convicted of abuse or fraud in connection with any
39 state or federal program which provides medical assistance.

40 (n) Been convicted of submitting a false claim for payment to
41 the insurer of a patient or client.

42 (o) *Refused to provide services to a person based solely on*
43 *whether the person has received a vaccine developed for COVID-*
44 *19 or any mRNA vaccine.*



1 (p) Operated a medical facility, as defined in NRS 449.0151, at
2 any time during which:

- 3 (1) The license of the facility was suspended or revoked; or
4 (2) An act or omission occurred which resulted in the
5 suspension or revocation of the license pursuant to NRS 449.160.

6 ↪ This paragraph applies to an owner or other principal responsible
7 for the operation of the facility.

8 2. As used in this section ~~[, “preponderance”]~~ :

9 (a) *“COVID-19” has the meaning ascribed to it in section 1 of*
10 *this act.*

11 (b) *“mRNA vaccine” has the meaning ascribed to it in section*
12 *1 of this act.*

13 (c) *“Preponderance of the evidence” has the meaning ascribed*
14 *to it in NRS 233B.0375.*

15 **Sec. 39.** NRS 652.220 is hereby amended to read as follows:

16 652.220 1. A license may be denied, suspended or revoked if
17 the laboratory, laboratory director or any technical employee of the
18 laboratory:

19 ~~[1.]~~ (a) Violates any provision of this chapter;

20 ~~[2.]~~ (b) Makes any misrepresentation in obtaining a license;

21 ~~[3.]~~ (c) Has been convicted of a felony relating to the position
22 for which the applicant has applied or the licensee has been licensed
23 pursuant to this chapter;

24 ~~[4.]~~ (d) Has been convicted of violating any of the provisions of
25 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
26 inclusive;

27 ~~[5.]~~ (e) Is guilty of unprofessional conduct;

28 ~~[6.]~~ (f) Knowingly permits the use of the name of a licensed
29 laboratory or its director by an unlicensed laboratory; ~~[or]~~

30 ~~—7.]~~ (g) Fails to meet the minimum standards prescribed by the
31 Board ~~[;]~~ *or*

32 (h) *Refuses to provide services to a patient based solely on*
33 *whether the patient has received a vaccine developed for COVID-*
34 *19 or any mRNA vaccine.*

35 2. *As used in this section:*

36 (a) *“COVID-19” has the meaning ascribed to it in section 1 of*
37 *this act.*

38 (b) *“mRNA vaccine” has the meaning ascribed to it in section*
39 *1 of this act.*

40 **Sec. 40.** NRS 654.190 is hereby amended to read as follows:

41 654.190 1. The Board may, after notice and an opportunity
42 for a hearing as required by law, impose an administrative fine of
43 not more than \$10,000 for each violation on, recover reasonable
44 investigative fees and costs incurred from, suspend, revoke, deny
45 the issuance or renewal of or place conditions on the license of, and



1 place on probation or impose any combination of the foregoing on
2 any licensee who:

3 (a) Is convicted of a felony relating to the practice of
4 administering a nursing facility or residential facility or of any
5 offense involving moral turpitude.

6 (b) Has obtained his or her license by the use of fraud or deceit.

7 (c) Violates any of the provisions of this chapter.

8 (d) Aids or abets any person in the violation of any of the
9 provisions of NRS 449.029 to 449.2428, inclusive, *and section 1 of*
10 *this act*, as those provisions pertain to a facility for skilled nursing,
11 facility for intermediate care or residential facility for groups.

12 (e) Violates any regulation of the Board prescribing additional
13 standards of conduct for licensees, including, without limitation, a
14 code of ethics.

15 (f) Engages in conduct that violates the trust of a patient or
16 resident or exploits the relationship between the licensee and the
17 patient or resident for the financial or other gain of the licensee.

18 2. If a licensee requests a hearing pursuant to subsection 1, the
19 Board shall give the licensee written notice of a hearing pursuant to
20 NRS 233B.121 and 241.034. A licensee may waive, in writing, his
21 or her right to attend the hearing.

22 3. The Board may compel the attendance of witnesses or the
23 production of documents or objects by subpoena. The Board may
24 adopt regulations that set forth a procedure pursuant to which the
25 Chair of the Board may issue subpoenas on behalf of the Board.
26 Any person who is subpoenaed pursuant to this subsection may
27 request the Board to modify the terms of the subpoena or grant
28 additional time for compliance.

29 4. An order that imposes discipline and the findings of fact and
30 conclusions of law supporting that order are public records.

31 5. The expiration of a license by operation of law or by order
32 or decision of the Board or a court, or the voluntary surrender of a
33 license, does not deprive the Board of jurisdiction to proceed with
34 any investigation of, or action or disciplinary proceeding against, the
35 licensee or to render a decision suspending or revoking the license.

36 **Sec. 41.** The provisions of NRS 354.599 do not apply to any
37 additional expenses of a local government that are related to the
38 provisions of this act.

39 **Sec. 42.** This act becomes effective on July 1, 2023.

