

Assembly Bill No. 311—Assemblymen Bilbray-Axelrod; Gray,
Taylor and Thomas

CHAPTER.....

AN ACT relating to health care; authorizing a hospital to enter into an agreement with the Armed Forces of the United States for the provision of care by a person who is not licensed to provide care under certain circumstances; exempting certain federal employees who provide care within the scope of their official duties from requirements governing the licensure and regulation of certain health professionals; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes a hospital in this State to enter into an agreement with the Armed Forces of the United States to authorize a medical officer to provide medical care in the hospital if: (1) the medical officer holds a valid license in the District of Columbia or any state or territory of the United States; and (2) the medical care is provided as part of a training or educational program for the medical officer. (NRS 449.2455) **Section 2** of this bill additionally authorizes a hospital to enter into an agreement with the Armed Forces of the United States to authorize an unlicensed person who provides care under authority granted by the Federal Government to provide such care in the hospital: (1) in his or her official capacity; (2) within the scope of practice authorized by the Federal Government; and (3) as part of a training or educational program. **Sections 1 and 2** of this bill additionally authorize a hospital to enter into an agreement with the Armed Forces of the United States to authorize a surgical technologist who does not meet the requirements to practice surgical technology in this State to practice surgical technology in the hospital under similar circumstances. **Sections 3-7** of this bill exempt a person who provides care as part of his or her official duties as a federal employee, including a person providing care in a hospital under an agreement with the Armed Forces of the United States pursuant to **section 2**, from provisions governing the licensure and regulation of certain health professionals in this State.

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

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

Section 1. NRS 449.24185 is hereby amended to read as follows:

449.24185 Except as otherwise provided in this section and NRS 449.0301, ~~and~~ 449.24195 ~~and~~ **and 449.2455:**

1. A health care facility may not employ or otherwise allow a person to engage in the practice of surgical technology at the health care facility unless the person has:

(a) Successfully completed a program for surgical technologists that is accredited by a national accrediting organization and is



certified as a Certified Surgical Technologist by the National Board of Surgical Technology and Surgical Assisting or a successor organization;

(b) Successfully completed a training program for surgical technologists administered by the United States Public Health Service, Army, Navy, Air Force, Marine Corps or Coast Guard; or

(c) Engaged in the practice of surgical technology in a health care facility before January 1, 2018.

2. A health care facility may employ or otherwise allow a person who has successfully completed a program for surgical technologists that is accredited by a national accrediting organization but who is not certified as a Certified Surgical Technologist pursuant to paragraph (a) of subsection 1 to engage in the practice of surgical technology at the health care facility for 180 days after the date on which the person successfully completed the program.

3. A health care facility may employ a person who does not possess the qualifications prescribed by subsection 1 to engage in the practice of surgical technology at the health care facility if, after conducting a thorough and diligent search, the health care facility is unable to employ a sufficient number of surgical technologists who possess such qualifications. A health care facility may continue to employ such a person after the health care facility determines it is able to employ a sufficient number of surgical technologists who possess such qualifications.

Sec. 2. NRS 449.2455 is hereby amended to read as follows:

449.2455 1. A hospital may enter into an agreement with the Armed Forces of the United States to authorize ~~[(a)]~~ :

~~[(a)]~~ (a) A medical officer to provide medical care in the hospital if:

~~[(a)]~~ (1) The medical officer holds a valid license in good standing to provide such medical care in the District of Columbia or any state or territory of the United States;

~~[(b)]~~ (2) The medical care is provided as part of a training or educational program designed to further the employment of the medical officer; and

~~[(e)]~~ (3) The agreement complies with the provisions of 10 U.S.C. § 1094 and any regulations or guidelines adopted pursuant thereto.

(b) An unlicensed federal medical provider to provide care for which a license, certificate or registration is otherwise required pursuant to chapter 630, 631, 632, 633, 635, 639, 640, 652 or 653 of NRS at the hospital:



(1) In his or her official capacity and within the scope of practice authorized by the Federal Government; and

(2) As part of a training or educational program.

(c) A federal surgical technologist who does not meet the requirements of NRS 449.24185 to engage in the practice of surgical technology at the hospital:

(1) In his or her official capacity and within the scope of practice authorized by the Federal Government; and

(2) As part of a training or educational program.

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

(a) "Federal surgical technologist" means a surgical technologist who engages in the practice of surgical technology pursuant to authority granted by the Federal Government.

(b) "Medical officer" includes any physician, nurse, dentist or other health care professional who is employed by the Armed Forces of the United States or a reserve component thereof.

(c) "Practice of surgical technology" has the meaning ascribed to it in NRS 449.2417.

(d) "Surgical technologist" has the meaning ascribed to it in NRS 449.24175.

(e) "Unlicensed federal medical provider" means a pharmaceutical technician who is not registered pursuant to chapter 639 of NRS and provides care pursuant to authority granted by the Federal Government or a person who does not hold a license or certificate issued pursuant to chapter 630, 631, 632, 633, 635, 640, 652 or 653 of NRS and provides care pursuant to such authority. The term:

(1) Includes, without limitation, a person who does not hold any license or certificate issued by a licensing authority in the District of Columbia or any state or territory of the United States.

(2) Does not include a health-care professional, as defined in 10 U.S.C. § 1094.

Sec. 3. NRS 632.316 is hereby amended to read as follows:

632.316 The provisions of NRS 632.315 do not prohibit:

1. Gratuitous nursing by friends or by members of the family of a patient.

2. The incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.

3. Nursing assistance in the case of an emergency.

4. The practice of nursing by students enrolled in accredited schools of nursing or by graduates of those schools or courses pending the results of the first licensing examination scheduled by



the Board following graduation. A student or graduate may not work as a nursing assistant unless the student or graduate is certified to practice as a nursing assistant pursuant to the provisions of this chapter.

5. The practice of nursing in this State by any legally qualified nurse or nursing assistant of another state whose engagement requires the nurse or nursing assistant to accompany and care for a patient temporarily residing in this State during the period of one such engagement, not to exceed 6 months, if the person does not represent or hold himself or herself out as a nurse licensed to practice in this State or as a nursing assistant who holds a certificate to practice in this State.

6. The practice of ~~any legally qualified nurse of another state~~ *nursing by any person* who is employed by the United States Government, or any bureau, division or agency thereof, while in the discharge of his or her official duties in this State, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

7. Nonmedical nursing for the care of the sick, with or without compensation, if done by the adherents of, or in connection with, the practice of the religious tenets of any well-recognized church or religious denomination, if that nursing does not amount to the practice of practical or professional nursing as defined in NRS 632.017 and 632.018, respectively.

8. A personal assistant from performing services for a person with a disability pursuant to NRS 629.091.

9. A natural person from providing community-based living arrangement services if:

(a) That person has been issued a license pursuant to chapter 449 of NRS and the regulations adopted pursuant thereto; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a license pursuant to chapter 449 of NRS and the regulations adopted pursuant thereto.

↳ As used in this subsection, “community-based living arrangement services” has the meaning ascribed to it in NRS 449.0026.

10. A natural person from providing supported living arrangement services if:

(a) That person has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive; or



(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive.

↳ As used in this subsection, “supported living arrangement services” has the meaning ascribed to it in NRS 435.3315.

Sec. 4. NRS 639.018 is hereby amended to read as follows:

639.018 1. The provisions of this chapter and any regulations adopted pursuant thereto do not apply to ~~(a)~~:

(a) A veterinary biologic product that is:

~~(a)~~ (1) Licensed for production under a product license; and

~~(b)~~ (2) Directly marketed by a manufacturing facility holding an establishment license for administration to livestock.

(b) A pharmaceutical technician of the Armed Forces of the United States or a pharmaceutical technician of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

2. As used in this section:

(a) “Establishment license” means a U. S. Veterinary Biologics Establishment License issued by the Administrator of the Animal and Plant Health Inspection Service of the United States Department of Agriculture pursuant to the Virus-Serum-Toxin Act, 21 U.S.C. §§ 151 to 159, inclusive, and any amendments to or replacements of the Act, and any regulations adopted pursuant to the Act.

(b) “Livestock” has the meaning ascribed to it in subsections 1 and 3 to 6, inclusive, of NRS 571.022.

(c) “Product license” means a U. S. Veterinary Biological Product License issued by the Administrator of the Animal and Plant Health Inspection Service of the United States Department of Agriculture pursuant to the Virus-Serum-Toxin Act, 21 U.S.C. §§ 151 to 159, inclusive, and any amendments to or replacements of the Act, and any regulations adopted pursuant to the Act.

(d) “Veterinary biologic product” has the meaning ascribed to “biological product” in 9 C.F.R. § 101.2.

Sec. 5. NRS 640.029 is hereby amended to read as follows:

640.029 1. This chapter does not apply to:

(a) A provider of health care who:

(1) Is licensed to practice in this state;

(2) Practices within the scope of that license; and



(3) Does not use any letters, words or insignia listed in NRS 640.170 or 640.175 in connection with his or her name or otherwise represent that he or she is a physical therapist or physical therapist assistant, or that he or she practices physical therapy; ~~[or]~~

(b) A physical therapist who is temporarily exempt from licensure pursuant to NRS 640.135 and is practicing physical therapy within the scope of the exemption ~~[or]~~; *or*

(c) A physical therapist, physical therapist assistant or physical therapist technician of the Armed Forces of the United States or a physical therapist, physical therapist assistant or physical therapist technician of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

2. As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 6. Chapter 652 of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of this chapter do not apply to a laboratory director or laboratory personnel of the Armed Forces of the United States or a laboratory director or laboratory personnel of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

Sec. 7. NRS 653.430 is hereby amended to read as follows:

653.430 The provisions of this chapter do not apply to:

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

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

3. A chiropractic physician or chiropractic assistant licensed pursuant to chapter 634 of NRS.

4. A person training to become a chiropractic assistant or a student practicing in the preceptor program established by the Chiropractic Physicians’ Board of Nevada pursuant to NRS 634.1375.

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



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

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

8. Any employee of the Armed Forces of the United States or any division or department of the United States who engages in radiologic imaging or radiation therapy in the discharge of his or her official duties, including, without limitation, while providing care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

Sec. 8. This act becomes effective upon passage and approval.

