

Amendment No. 656

Senate Amendment to Assembly Bill No. 364 First Reprint	(BDR 54-148)
Proposed by: Senate Committee on Commerce and Labor	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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

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

DAN/EWR



Date: 5/22/2023

A.B. No. 364—Revises provisions governing physician assistants. (BDR 54-148)



ASSEMBLY BILL NO. 364—ASSEMBLYMEN COHEN, O’NEILL; ANDERSON, BROWN-
MAY, DICKMAN, D’SILVA AND GORELOW

MARCH 21, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing ~~physician assistants;~~ **the Board of Medical Examiners.** (BDR 54-148)

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

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

AN ACT relating to ~~physician assistants; prescribing the settings in which a physician assistant is authorized to practice;~~ **medicine;** revising the membership of the Board of Medical Examiners; ~~authorizing physician assistants to perform medical services without the supervision of a physician; authorizing a physician assistant to perform certain medical services under certain circumstances; eliminating provisions governing the testing or examination of applicants for licensure as a physician assistant; prescribing certain authority and duties of a physician assistant and an advanced practice registered nurse; authorizing certain unlicensed persons to use the title “inactive physician assistant”;~~ removing the requirement that a rural clinic be supervised by a physician; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 ~~{Existing law: (1) provides for the licensure and regulation of physician assistants by the~~
2 ~~Board of Medical Examiners and the State Board of Osteopathic Medicine; and (2) requires a~~
3 ~~physician assistant to work under the supervision of a physician or osteopathic physician.~~
4 ~~(NRS 630.271, 630.275, 633.432-633.469) Sections 5, 10-12, 24 and 26-28 of this bill remove~~
5 ~~the requirement that a physician assistant be supervised by a physician or osteopathic~~
6 ~~physician. Sections 9, 21, 29, 30, 32, 35, 36, 81-84, 90, 98, 168, 169 and 204 of this bill~~
7 ~~remove references to supervision of a physician assistant by a physician or osteopathic~~
8 ~~physician. Sections 4 and 23 of this bill require a physician assistant who has practiced for~~
9 ~~less than 6,000 hours as a physician assistant or who has changed the field of medicine within~~
10 ~~which the physician assistant practices to enter into a collaborative agreement with a~~
11 ~~physician. Sections 4 and 23 also prescribe the settings in which a physician assistant is~~
12 ~~authorized to practice. Sections 10 and 26 of this bill: (1) require a physician assistant to~~
13 ~~obtain the informed consent of a patient before providing any medical service; (2) prescribe~~
14 ~~medical services that a physician assistant is authorized to perform; and (3) require a~~
15 ~~physician assistant to only perform such services within his or her scope of practice and which~~

16 he or she has the necessary education, training and experience to competently perform.
 17 Sections 12 and 28 of this bill remove a requirement that the Board of Medical Examiners and
 18 the State Board of Osteopathic Medicine adopt regulations governing the testing or
 19 examination of applicants for licensure as a physician assistant and the services which a
 20 physician assistant may perform. Section 30 makes a technical revision concerning the
 21 renewal of a license as an osteopathic physician assistant. Sections 13, 13-16, 18-20, 22, 25,
 22 31-34, 37-80, 85-89, 91-97, 99-127, 129-167 and 170-201 of this bill make various changes so
 23 that physician assistants have similar authority and duties to other providers of health care
 24 who provide medical services independently and are otherwise treated in the same manner as
 25 other such providers of health care. Sections 54, 56, 70, 126, 142 and 178 of this bill also add
 26 advanced practice registered nurses to certain provisions to ensure that physician assistants
 27 and advanced practice registered nurses have similar authority.]

28 Existing law provides that the Board of Medical Examiners consists of: (1) six licensed
 29 physicians; (2) one representative of the interests of persons or agencies that regularly provide
 30 health care to persons who are indigent, uninsured or unable to afford health care; and (3) two
 31 residents of this State who are not affiliated with the healing arts. (NRS 631.050) [Existing
 32 law also authorizes the Board to select physicians and members of the public to serve as
 33 advisory members of the Board. (NRS 630.075)] **Section 1 of this bill increases the size of**
 34 **the Board of Medical Examiners from 9 members to 11 members. Sections [7 and 202] 2**
 35 **and 3** of this bill revise the membership of the Board to [eliminate one member who is a
 36 licensed physician and instead] require the appointment of one member who is a physician
 37 assistant [.] Section 8 of this bill authorizes the Board to select physician assistants to serve as
 38 advisory members of the Board.

39 — Existing law prohibits a person who is not licensed as a physician assistant from holding
 40 himself or herself out as a physician assistant. (NRS 630.400, 633.741) Sections 17 and 32 of
 41 this bill authorize an unlicensed person who meets the requirements for licensure as a
 42 physician assistant to refer to himself or herself as an “inactive physician assistant.”

43 — Existing law requires the State Board of Pharmacy to adopt regulations governing the: (1)
 44 administration, possession, dispensing, storage, security, recordkeeping and transportation of
 45 controlled substances by a physician assistant; and (2) administration, possession,
 46 prescription, dispensing, storage, security, recordkeeping and transportation of dangerous
 47 drugs, poisons and devices by a physician assistant. (NRS 639.1373) Section 36 removes a
 48 requirement that the Board consider the experience and training of the physician assistant
 49 when adopting those regulations.

50 — Existing law establishes a rural clinic as a medical facility in a rural area where medical
 51 services are provided by a physician assistant or advanced practice registered nurse under the
 52 supervision of a physician. (NRS 449.0175) Section 128 of this bill removes the requirement
 53 that a rural clinic be supervised by a physician.] **and one member who is a practitioner of**
 54 **respiratory care.**

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

1 **Delete existing sections 1 through 205 of this bill and replace with the following**
 2 **new sections 1 through 4:**

3
 4 **Section 1. NRS 630.050 is hereby amended to read as follows:**

5 630.050 1. The Board of Medical Examiners consists of ~~nine~~ **11** members
 6 appointed by the Governor.

7 2. No person may be appointed as a member of the Board to serve for more
 8 than two consecutive full terms, but a person may be reappointed after the lapse of
 9 4 years.

10 **Sec. 2. NRS 630.060 is hereby amended to read as follows:**

11 630.060 1. Six members of the Board must be persons who are licensed to
 12 practice medicine in this State, are actually engaged in the practice of medicine in

1 this State and have resided and practiced medicine in this State for at least 5 years
2 preceding their respective appointments.

3 2. One member of the Board must be a person who is licensed to practice as
4 a physician assistant in this State, is actually engaged in practice as a physician
5 assistant in this State and has resided and practiced as a physician assistant in
6 this State for at least 5 years preceding his or her appointment.

7 3. One member of the Board must be a person who is licensed to engage in
8 the practice of respiratory care in this State, is actually engaged in the practice of
9 respiratory care in this State and has resided and practiced respiratory care in
10 this State for at least 5 years preceding his or her appointment.

11 4. One member of the Board must be a person who has resided in this State
12 for at least 5 years and who represents the interests of persons or agencies that
13 regularly provide health care to patients who are indigent, uninsured or unable to
14 afford health care. This member must not be licensed under the provisions of this
15 chapter.

16 ~~4.1~~ 5. The remaining two members of the Board must be persons who have
17 resided in this State for at least 5 years and who:

18 (a) Are not licensed in any state to practice any healing art;

19 (b) Are not the spouse or the parent or child, by blood, marriage or adoption, of
20 a person licensed in any state to practice any healing art;

21 (c) Are not actively engaged in the administration of any facility for the
22 dependent as defined in chapter 449 of NRS, medical facility or medical school;
23 and

24 (d) Do not have a pecuniary interest in any matter pertaining to the healing
25 arts, except as a patient or potential patient.

26 ~~4.1~~ 6. The members of the Board must be selected without regard to their
27 individual political beliefs.

28 Sec. 3. The amendatory provisions of sections 1 and 2 of this act do not
29 affect the current term of appointment of any person who, before the effective
30 date of this act, is a member of the Board of Medical Examiners, and each
31 member continues to serve until the expiration of his or her term or until the
32 member vacates his or her office, whichever occurs first. On and after the
33 effective date of this act, the Governor shall make appointments to the Board
34 of Medical Examiners in accordance with NRS 630.060, as amended by section
35 2 of this act.

36 Sec. 4. This act becomes effective upon passage and approval.