

SENATE BILL NO. 365—SENATOR TITUS

MARCH 22, 2023

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to training for agents and employees of certain health facilities. (BDR 40-518)

FISCAL NOTE: Effect on Local Government: No.
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 health care; revising requirements governing training in cultural competency for agents and employees of certain health facilities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires each agent or employee of a medical facility, facility for
2 the dependent or other licensed health facility that provides care to patients to
3 receive training in cultural competency that: (1) meets the requirements prescribed
4 by regulation of the State Board of Health; and (2) is through a course or program
5 that is approved by the Department of Health and Human Services. (NRS 449.103)

6 **Section 1** of this bill limits the requirement to receive such training to agents and
7 employees who: (1) provide clinical, administrative or support services and
8 regularly have direct patient contact as part of their regular job duties; or (2)
9 oversee such agents or employees. **Section 1** also prohibits the Board from
10 requiring such an agent or employee to receive more than 2 hours of training in
11 cultural competency each biennium.

12 Existing law requires certain providers of behavioral health care to receive at
13 least 1 hour of continuing education each year relating to cultural competency and
14 diversity, equity and inclusion. Existing law authorizes such a provider who is an
15 agent or employee of a medical facility, facility for the dependent or other licensed
16 health facility to use the training relating to cultural competency that he or she
17 receives as an agent or employee of such a facility to fulfill that requirement. (NRS
18 630.253, 632.343, 633.471, 641.220, 641A.260, 641B.280, 641C.450, 641D.360)

19 **Section 2** of this bill additionally authorizes any provider of health care who is an
20 agent or employee of a medical facility, facility for the dependent or other licensed
21 health facility to use such training to fulfill any other continuing education
22 requirement, except for a requirement to complete continuing education relating to
23 ethics.



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

1 **Section 1.** NRS 449.103 is hereby amended to read as follows:

2 449.103 1. To enable an agent or employee of a medical
3 facility, facility for the dependent or facility which is otherwise
4 required by regulations adopted by the Board pursuant to NRS
5 449.0303 to be licensed ~~[who provides care to a patient or resident~~
6 ~~of the facility]~~ *described in subsection 2* to more effectively treat
7 patients or care for residents, as applicable, the Board shall, by
8 regulation, require such a facility to conduct training relating
9 specifically to cultural competency for any agent or employee of the
10 facility ~~[who provides care to a patient or resident of the facility]~~
11 *described in subsection 2* so that such an agent or employee may
12 better understand patients or residents who have different cultural
13 backgrounds, including, without limitation, patients or residents
14 who are:

- 15 (a) From various racial and ethnic backgrounds;
16 (b) From various religious backgrounds;
17 (c) Persons with various sexual orientations and gender
18 identities or expressions;
19 (d) Children and senior citizens;
20 (e) Persons with a mental or physical disability; and
21 (f) Part of any other population that such an agent or employee
22 may need to better understand, as determined by the Board.

23 2. *The requirements of subsection 1 apply to any agent or*
24 *employee of a medical facility, facility for the dependent or facility*
25 *which is otherwise required by regulations adopted by the Board*
26 *pursuant to NRS 449.0303 to be licensed who:*

27 (a) *Provides clinical, administrative or support services and*
28 *has direct patient contact at least once each week on average as a*
29 *part of his or her regular job duties; or*

30 (b) *Oversees an agent or employee described in paragraph (a).*

31 3. *The regulations adopted pursuant to subsection 1 must not*
32 *require, or have the effect of requiring, an agent or employee of a*
33 *medical facility, facility for the dependent or facility which is*
34 *otherwise required by regulations adopted by the Board pursuant*
35 *to NRS 449.0303 to be licensed to receive more than 2 hours of*
36 *training in a biennium.*

37 4. The training relating specifically to cultural competency
38 conducted by a medical facility, facility for the dependent or facility
39 which is otherwise required by regulations adopted by the Board
40 pursuant to NRS 449.0303 to be licensed pursuant to subsection 1
41 must be provided through a course or program that is approved by
42 the Department of Health and Human Services.



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

2 (a) *“Direct patient contact” means direct contact with a patient*
3 *or resident of a medical facility, facility for the dependent or*
4 *facility which is otherwise required by regulations adopted by the*
5 *Board pursuant to NRS 449.0303 to be licensed in person or using*
6 *telephone, electronic mail, telehealth or other electronic means,*
7 *except that the term does not include incidental contact.*

8 (b) *“Telehealth” has the meaning ascribed to it in*
9 *NRS 629.515.*

10 **Sec. 2.** NRS 629.093 is hereby amended to read as follows:

11 629.093 **1.** Unless a specific statute or regulation requires or
12 authorizes a greater number of hours, a provider of health care may
13 use credit earned for continuing education relating to Alzheimer’s
14 disease in place of not more than 2 hours each year of the continuing
15 education that the provider of health care is required to complete,
16 other than any continuing education relating to ethics that the
17 provider of health care is required to complete.

18 **2.** *In addition to credit specifically authorized by NRS*
19 *630.253, 632.343, 633.471, 641.220, 641A.260, 641B.280,*
20 *641C.450 and 641D.360, a provider of health care may use*
21 *training in cultural competency completed pursuant to NRS*
22 *449.103 for credit toward any other continuing education that the*
23 *provider of health care is required to complete, except for any*
24 *continuing education relating to ethics that the provider of health*
25 *care is required to complete.*

26 **Sec. 3.** Sections 14 to 18, inclusive, of LCB File No. R016-20,
27 adopted by the State Board of Health, are hereby declared void. In
28 preparing the supplements to the Nevada Administrative Code on or
29 after January 1, 2024, the Legislative Counsel shall remove those
30 regulations.

31 **Sec. 4.** **1.** This section becomes effective upon passage and
32 approval.

33 **2.** Sections 1, 2 and 3 of this act become effective:

34 (a) Upon passage and approval for the purpose of adopting any
35 regulations and performing any other preparatory administrative
36 tasks that are necessary to carry out the provisions of this act; and

37 (b) On January 1, 2024, for all other purposes.

