

Committee Action:
Do Pass _____
Amend & Do Pass _____
Other _____

Assembly Committee on Commerce and Labor

This measure may be considered for action during today's work session.

May 13, 2015

SENATE BILL 68 (R1)

Revises provisions governing professions. (BDR 54-290)

Sponsored by: Senate Committee on Commerce, Labor and Energy (On Behalf of the Office of Economic Development)

Date Heard: April 27, 2015

Fiscal Impact: Effect on Local Government: No.
Effect on the State: No.

Senate Bill 68 authorizes certain qualified physicians, osteopaths, podiatrists, and other providers of health care and professionals to obtain a license by endorsement to practice in Nevada if they hold a valid and unrestricted license to practice in the District of Columbia or another state or territory of the United States; are certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association, as applicable; and meet certain other requirements. The measure also requires, with limited exceptions, the Board of Medical Examiners and the State Board of Osteopathic Medicine to issue a limited license to practice medicine as a resident physician to an applicant who meets certain requirements.

Amendments: Several amendments were proposed during the hearing. The first amendment, submitted by Committee staff, is intended to resolve conflicts with Assembly Bill 89. It addresses malpractice as well as specialties certified by the American Osteopathic Association.

The second amendment is from the Nevada Psychiatric Association. The amendment is intended to ensure physicians who have been investigated, but not disciplined, are not precluded from licensure by endorsement.

The third amendment is from the Nevada State Board of Optometry. The amendment would require the Board to issue a license by endorsement to practice optometry under certain circumstances.

The fourth amendment is from the State Board of Podiatry. The amendment revises Section 11 of the bill to provide the Board with additional time to process an application for license by endorsement based on the submission of an applicant's fingerprints.

The fifth amendment is from the Board of Examiners for Social Workers. The amendment modifies Sections 45 through 47 to allow the Board to ensure applicants for a license by endorsement are qualified and to collect fees for issuance of such a license.

Committee Amendment to SB 68:

Conceptual Amendment:

1. Revise subsection 2 of each licensure by endorsement section in the bill as follows:

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ; [more than once;]

2. Revise sec. 7(1)(b) (Osteopaths) as follows:

(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association.

Intent:

1. The committee struck this phrase from similar provisions in AB 89 and the intent is to resolve any resulting conflict between the bills.
2. The American Osteopathic Association also certifies specialists in the field of Osteopathic Medicine.

SB68
Proposed Amendment

Committee: Assembly Commerce and Labor

Submitted by: Jeanette Belz on behalf of the Nevada Psychiatric Association

Contact: Jeanette Belz

Phone #: 775-232-1662

E-mail: jb@jkbels.com

Date: April 24, 2015

Intent: To amend the bill to ensure that physicians who have been investigated, but not disciplined, are not precluded from license by endorsement.

Amend Section 1, Subsection 1.3 as follows:

Section 1. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act:

1. *Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:*
 - (a) *Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and*
 - (b) *Is certified in a specialty recognized by the American Board of Medical Specialties.*
2. *An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:*
 - (a) *Proof satisfactory to the Board that the applicant:*
 - (1) *Satisfies the requirements of subsection 1;*
 - (2) *Is a citizen of the United States or otherwise has the legal right to work in the United States;*
 - (3) *Has not been disciplined ~~or investigated~~ or is not currently under investigation by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice medicine; and*
 - (4) *Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;*
 - (b) *A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167.*
 - (c) *An affidavit stating that the information contained in the application and any accompanying material is true and correct; and*
 - (d) *Any other information required by the Board.*
3. *Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:*
 - (a) *Forty-five days after receiving the application; or*
 - (b) *Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints, whichever occurs later.*
4. *A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.*

Amend Section 7, Subsection 1 as follows:

Sec. 7. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:*
 - (a) *Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States; and*
 - (b) *Is certified in a specialty recognized by the American Board of Medical Specialties.*
2. *An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:*
 - (a) *Proof satisfactory to the Board that the applicant:*
 - (1) *Satisfies the requirements of subsection 1;*
 - (2) *Is a citizen of the United States or otherwise has the legal right to work in the United States;*
 - (3) *Has not been disciplined ~~or investigated~~ or is not currently under investigation by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a physician assistant; and*
 - (4) *Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;*
 - (b) *A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;*
 - (c) *An affidavit stating that the information contained in the application and any accompanying material is true and correct;*
 - (d) *The application and initial license fee specified in this chapter; and*
 - (e) *Any other information required by the Board.*
3. *Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:*
 - (c) *Forty-five days after receiving the application; or*
 - (d) *Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints, whichever occurs later.*
4. *A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.*

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed 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) ~~orangedouble underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

AMENDMENT TO SB 68
PROPOSED BY
THE NEVADA STATE BOARD OF OPTOMETRY

Sec. 13.5. Chapter 636 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall, except for good cause, issue a license by endorsement to a person who has been issued a license to practice optometry by the District of Columbia or any state or territory of the United States if:

(a) At the time the person files an application with the Board, the license is in effect and unrestricted; and

(b) The applicant:

(1) Has had no adverse actions reported to the National Practitioner Data Bank or taken by his or her licensing body in any other state in which the person is licensed to practice optometry within the past 5 years;

(2) Has been continuously and actively engaged in the practice of optometry for the past 5 years;

(3) Is not under investigation for or is otherwise involved in any pending disciplinary action concerning a license to practice optometry in the District of Columbia or any state or territory of the United States;

(4) Provides information on all the malpractice claims brought against him or her, without regard to when the claims were filed or how the claims were resolved; and

(5) Meets all statutory requirements to obtain a license to practice optometry in this State except that the applicant is not required to meet the requirement set forth in subsection (3) of NRS 634.150.

2. Any person applying for a license pursuant to this section shall pay in advance to the Board the application and initial license fee specified in this chapter.

3. A license by endorsement may be issued at a meeting of the Board or between its meetings by its President and Executive Director. Such action shall be deemed to be an action of the Board.

4. Not later than 15 business days after receiving an application for a license by endorsement to practice osteopathic medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice osteopathic medicine to the applicant not later than forty-five days after receiving the application.

•

Proposed Amendment to SB 68
On behalf of the Nevada State Board of Podiatry

Stacey Whittaker, Executive Director
Jenny Reese, Carrara Nevada
775-762-2966

Sec. 11. 1. Except as otherwise provided in NRS 635.073, the Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States.

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

- (a) Proof satisfactory to the Board that the applicant:
 - (1) Satisfies the requirements of subsection 1;
 - (2) Is a citizen of the United States or otherwise has the legal right to work in the United States;
 - (3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice podiatry; and
 - (4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;
- (b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;
- (c) A fee in the amount of the fee for an application for a license required pursuant to paragraph (a) of subsection 3 of NRS 635.050; and
- (d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice podiatry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice podiatry to the applicant not later than ~~45~~ :

- (a) Forty-five days after receiving the application; or
- (b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints, whichever occurs later.

4. A license by endorsement to practice podiatry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.



STATE OF NEVADA
BOARD OF EXAMINERS FOR SOCIAL WORKERS
4600 Kietzke Lane, Suite C121, Reno, Nevada 89502
775-688-2555

PROPOSED RECOMMENDATIONS TO SENATE BILL 68

Sec. 45. Chapter 641B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Board may issue a license by endorsement to engage in social work to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to engage in social work in the District of Columbia or any state or territory of the United States.*

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

(a) *Proof satisfactory to the Board that the applicant:*

(1) *Satisfies the requirements of subsection 1;*

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

(3) *Has not been disciplined or investigated by ~~the~~ a corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds or has held a license to engage in social work; ~~and~~*

(4) *Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; ~~more than once; and~~*

(5) *Has maintained continuous social work practice under the social work license considered for endorsement, pursuant to section 1;*

(b) *A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641B.202;*

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

(d) *Any other information required by the Board.*

3. *Not later than 15 business days after receiving an application for a license by endorsement to engage in social work pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in social work to the applicant not later than:*

(a) *Forty-five days after receiving the completed application and all items as requested in subsection 3; or*

(b) *Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,
→ whichever occurs later.*

4. *A license by endorsement to engage in social work may be issued at a meeting of the Board or between its meetings by ~~the President of the Board~~ appointed Board staff. Such an action shall be deemed to be an action of the Board.*

Sec. 46. NRS 641B.250 is hereby amended to read as follows:

641B.250 1. Except as otherwise provided in NRS **641B.270 and** 641B.275, **and section 45 of this act**, before the issuance of a license, each applicant, otherwise eligible for licensure, who has paid the fee and presented the required credentials, other than an applicant for a license to engage in social work as an

associate in social work, must appear personally and pass an examination concerning his or her knowledge of the practice of social work.

2. Any such examination must be fair and impartial, practical in character with questions designed to discover the applicant's fitness.

3. The Board may employ specialists and other professional consultants or examining services in conducting the examination.

4. The member of the Board who is the representative of the general public shall not participate in the grading of the examination. The Board shall examine applicants for licensure at least twice a year.

Sec. 47. NRS 641B.300 is hereby amended to read as follows:

641B.300 **1.** The Board shall charge and collect fees not to exceed the following amounts for:

Initial application	\$40
Provisional license	75
Initial issuance of a license, <i>including a license by endorsement</i>	100
Annual renewal of a license	150
Restoration of a suspended license or reinstatement of a revoked license	150
Restoration of an expired license	200
Renewal of a delinquent license	100
Reciprocal <i>Endorsement of a</i> license without examination	100

2. If an applicant submits an application for a license by endorsement pursuant to section 45 of this act, the Board shall charge and collect not more than the fees specified in subsection 1 for the initial application for and initial issuance of a license.