

ASSEMBLY BILL NO. 295—ASSEMBLYMAN
KIRNER (BY REQUEST)

MARCH 13, 2015

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to the provision of certain health care services. (BDR 54-698)

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: No.

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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 healing arts; limiting the scope of services which may be performed by providers of complementary and alternative health care; requiring certain disclosures by such providers; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law regulates the licensing, certification and registration of various
2 providers of health care, including, without limitation, physicians, homeopathic
3 physicians, osteopathic physicians, chiropractic physicians, doctors of Oriental
4 medicine and podiatric physicians. (Chapters 630, 630A, 633, 634, 643A and 635
5 of NRS) However, **section 2** of this bill finds that there are numerous practitioners
6 of healing arts, commonly referred to as alternative medicine, complementary
7 medicine or natural healing, doing business in this State who are not regulated by
8 the State. **Section 3** of this bill limits the scope of these practitioners by prohibiting
9 such practitioners from providing certain services which may only be provided by a
10 licensed provider of health care. **Section 3** also requires these practitioners to make
11 certain disclosures to their clients.

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

1 **Section 1.** Chapter 629 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *The Legislature hereby finds and declares that:*



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1 1. *A July 2009 report from the National Institutes of Health,*
2 *which was based on 2007 survey data, 38 percent of adults in the*
3 *United States used complementary and alternative medicine. The*
4 *report also stated that almost \$34 billion was spent out-of-pocket*
5 *for these services. Although many complementary and alternative*
6 *medicine practitioners are not licensed, registered or certified by*
7 *this State, it is evident from this data, that thousands of persons*
8 *are presently receiving a substantial amount of health care from*
9 *such practitioners.*

10 2. *Reports, studies and research data also show that persons*
11 *from a wide variety of age, ethnic, socioeconomic and other*
12 *demographic categories utilize these health services, often referred*
13 *to as complementary and alternative health care practices or*
14 *natural healing therapies and modalities.*

15 3. *Notwithstanding the widespread utilization of these health*
16 *care services by residents of this State, the provision of such*
17 *services may be in violation of the professional practice laws*
18 *governing licensed providers of health care in this State.*

19 4. *As a result, a practitioner of the healing arts who is not*
20 *licensed by this State as a provider of health care could be subject*
21 *to fines, penalties and the restriction of his or her practice,*
22 *although his or her practice may not cross the threshold of State*
23 *regulatory concern for the public.*

24 **Sec. 3. 1.** *Notwithstanding any other provision of law, a*
25 *person who provides health care services in accordance with this*
26 *section, but who is not licensed, certified or registered in this State*
27 *as a provider of health care, is not in violation of any law based on*
28 *the unlicensed practice of health care services or a health care*
29 *profession unless the person:*

30 (a) *Performs surgery or any other procedure which punctures*
31 *the skin of any person;*

32 (b) *Sets a fracture of any bone of any person;*

33 (c) *Prescribes or administers X-ray radiation to any person;*

34 (d) *Prescribes or administers a prescription drug or device or a*
35 *controlled substance to any person;*

36 (e) *Recommends to a client that he or she discontinue current*
37 *medical treatment prescribed by a provider of health care licensed,*
38 *certified or registered in this State;*

39 (f) *Makes a diagnosis of a medical disease of any person;*

40 (g) *Performs a chiropractic adjustment of the articulations of*
41 *joints or the spine of any person;*

42 (h) *Diagnoses or treats a person's health condition in a*
43 *manner that intentionally causes that person recognizable and*
44 *imminent risk of significant and discernable physical or mental*
45 *harm; or*



1 (i) Holds out, states, indicates, advertises or implies to any
2 person that he or she is a provider of health care licensed, certified
3 or registered in this State.

4 2. Any person providing health care services in this State who
5 is not licensed, certified or registered in this State as a provider of
6 health care and who is advertising or charging a fee for health
7 care services shall, before providing those services, disclose to
8 each client in a plainly worded written statement:

9 (a) The person's name, business address and telephone
10 number;

11 (b) The fact that he or she is not licensed, certified or
12 registered as a provider of health care in this State;

13 (c) The nature of the health care services to be provided;

14 (d) The degrees, training, experience, credentials and other
15 qualifications of the person regarding the health care services to
16 be provided; and

17 (e) A statement recommending that the client notify his or her
18 other providers of health care of the health care services he or she
19 is to receive.

20 3. A written copy of the statement required by subsection 2
21 must be posted in a prominent place in the treatment location of
22 the person providing the health care services in at least 12-point
23 font. Reasonable accommodations must be made for clients who:

24 (a) Are unable to read;

25 (b) Are blind or visually impaired;

26 (c) Have communication impairments; or

27 (d) Do not read or speak English or any other language in
28 which the statement is written.

29 4. Any advertisement for health care services authorized
30 pursuant to this section must disclose that the provider of those
31 services is not licensed, certified or registered as a provider of
32 health care in this State.

33 5. A person who violates any provision of this section is guilty
34 of a misdemeanor. Before a criminal proceeding is commenced
35 against a person for a violation of a provision of this section, a
36 notification, educational or mediative approach must be utilized by
37 the regulatory body enforcing the provisions of this section to
38 bring the person into compliance with such provisions.

39 6. This section does not apply to or control:

40 (a) Any health care practice by a provider of health care
41 pursuant to the professional practice laws of this State, or prevent
42 such a health care practice from being performed.

43 (b) Any health care practice if the practice is exempt from the
44 professional practice laws of this State, or prevent such a health
45 care practice from being performed.



1 *(c) A person who provides health care services if the person is*
2 *exempt from the professional practice laws of this State, or prevent*
3 *the person from performing such a health care service.*

4 *7. As used in this section, "health care services" means*
5 *health care and healing arts therapies and methods that are based*
6 *on complementary and alternative medicine and which are not*
7 *prohibited by subsection 1.*

8 **Sec. 4.** This act becomes effective on July 1, 2015.

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