

ASSEMBLY BILL NO. 156—ASSEMBLYMAN YEAGER

PREFILED FEBRUARY 13, 2017

Referred to Committee on Health and Human Services

SUMMARY—Authorizes public and private schools to obtain and use an albuterol inhaler in certain circumstances. (BDR 40-581)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 3) (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 public health; authorizing public and private schools to obtain and maintain an albuterol inhaler and certain other devices under certain conditions; requiring certain training relating to the storage and use of an albuterol inhaler; requiring public and private schools, to the extent feasible, to develop a comprehensive action plan relating to symptoms of respiratory distress; authorizing certain providers of health care to issue an order for an albuterol inhaler and certain other devices to a public or private school; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires each public school, including, without limitation, each  
2 charter school, to obtain an order from a provider of health care to acquire and  
3 maintain auto-injectable epinephrine at the public school for use in treating  
4 anaphylaxis. (NRS 386.870) Existing law also authorizes private schools to obtain  
5 and maintain auto-injectable epinephrine under similar circumstances. (NRS  
6 394.1995) **Section 3** of this bill requires each public school, including, without  
7 limitation, each charter school, to obtain an order from a provider of health care to  
8 maintain one albuterol inhaler and not less than two spacers or holding chambers  
9 designed for use with that albuterol inhaler at the school for the treatment of  
10 respiratory distress. **Section 9** of this bill similarly authorizes a private school to  
11 maintain these devices.

12 Existing law authorizes certain providers of health care, including physicians,  
13 osteopathic physicians, physician assistants and advanced practice registered



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14 nurses, to issue an order for auto-injectable epinephrine to be maintained at a public  
15 or private school for the treatment of anaphylaxis. (NRS 630.374, 632.239,  
16 633.707) **Sections 11, 12 and 14** of this bill similarly authorize physicians,  
17 osteopathic physicians, physician assistants and advanced practice registered nurses  
18 to issue an order for one albuterol inhaler and not less than two spacers or holding  
19 chambers designed for use with that albuterol inhaler to be maintained at a public  
20 or private school for the treatment of respiratory distress.

21 Existing law requires each public and private school, if a private school elects  
22 to maintain auto-injectable epinephrine at the school, to provide certain training  
23 relating to the storage and administration of auto-injectable epinephrine. (NRS  
24 386.870, 394.1995) Existing law also requires each public and private school, to the  
25 extent feasible, to develop a comprehensive action plan relating to anaphylaxis,  
26 including, without limitation, the signs and symptoms of this condition. (NRS  
27 386.875, 394.1997) **Section 1** of this bill authorizes a school nurse or other  
28 designated employee of a public or private school to possess and administer a dose  
29 of albuterol from an albuterol inhaler if the school nurse or other employee has  
30 received training in the proper storage and use of an albuterol inhaler. **Section 6** of  
31 this bill also requires a charter school to designate a school nurse or other employee  
32 of the school who is authorized to administer a dose of albuterol from an albuterol  
33 inhaler. **Sections 6, 7 and 9** of this bill require that training relating to the storage  
34 and administration of a dose of albuterol from an albuterol inhaler must be provided  
35 to certain authorized employees of a public or private school. **Sections 5 and 10** of  
36 this bill additionally require that each public school and private school, to the extent  
37 feasible, develop a comprehensive action plan relating to respiratory distress.

38 **Section 7** of this bill requires the chief nurse of a school district to provide  
39 certain coordination and training relating to albuterol inhalers to schools within the  
40 district. **Section 13** of this bill provides that a nurse is not subject to disciplinary  
41 action for administering a dose of albuterol from an albuterol inhaler pursuant to a  
42 valid order issued by a provider of health care pursuant to **sections 11, 12 or 14**.  
43 **Sections 11, 12 and 14** also provide immunity from liability to a physician,  
44 osteopathic physician, physician assistant and advanced practice registered nurse  
45 for certain actions relating to the acquisition, possession, provision and  
46 administration of a dose of albuterol from an albuterol inhaler maintained by a  
47 school. **Section 15** of this bill provides similar immunity to a pharmacist who  
48 dispenses an albuterol inhaler or spacers or holding chambers designed for use with  
49 that albuterol inhaler to a school.

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

1 **Section 1.** Chapter 454 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *A school nurse or other employee of a public or private school*  
4 *who is designated pursuant to section 3, 6 or 9 of this act to*  
5 *administer a dose of albuterol from an albuterol inhaler to a pupil*  
6 *may possess and use an albuterol inhaler maintained by the school*  
7 *if the school nurse or other employee has received training in the*  
8 *proper storage and use of an albuterol inhaler as required by*  
9 *section 3, 6 or 9 of this act.*



1       **Sec. 2.** Chapter 386 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 3, 4 and 5 of this act.

3       **Sec. 3. 1.** *Each public school, including, without limitation,*  
4 *each charter school, shall obtain an order from a physician,*  
5 *osteopathic physician, physician assistant or advanced practice*  
6 *registered nurse pursuant to NRS 630.374, 632.239 or 633.707, as*  
7 *applicable, for one albuterol inhaler and not less than two spacers*  
8 *or holding chambers designed for use with that albuterol inhaler*  
9 *to be maintained at the school. If an albuterol inhaler maintained*  
10 *by the public school is depleted or expires, the school must discard*  
11 *the inhaler and obtain an additional inhaler to replace the*  
12 *depleted or expired inhaler. If an albuterol inhaler maintained by*  
13 *the public school is used by a pupil, the school must discard the*  
14 *spacer or holding chamber used to administer the dose of*  
15 *albuterol and obtain an additional spacer or holding chamber to*  
16 *replace the used device.*

17       **2.** *An albuterol inhaler maintained by a public school*  
18 *pursuant to this section may be administered:*

19       **(a)** *At a public school other than a charter school, by a school*  
20 *nurse or any other employee of the public school who has been*  
21 *designated by the school nurse and has received training in the*  
22 *proper storage and use of an albuterol inhaler pursuant to NRS*  
23 *391.291; or*

24       **(b)** *At a charter school, by an employee designated pursuant to*  
25 *section 6 of this act who has received training in the proper*  
26 *storage and use of an albuterol inhaler as required pursuant to*  
27 *section 6 of this act.*

28       **3.** *A school nurse or other designated employee of a public*  
29 *school may use an albuterol inhaler maintained at the school to*  
30 *administer a dose of albuterol to any pupil on the premises of the*  
31 *public school during regular school hours whom the school nurse*  
32 *or other designated employee reasonably believes is exhibiting*  
33 *symptoms of respiratory distress.*

34       **4.** *A public school may accept gifts, grants and donations*  
35 *from any source for the support of the public school in carrying*  
36 *out the provisions of this section, including, without limitation, the*  
37 *acceptance of an albuterol inhaler, spacer or holding chamber*  
38 *from a manufacturer, distributor or wholesaler of such devices.*

39       **Sec. 4. 1.** *Each public school shall ensure that an albuterol*  
40 *inhaler maintained at the school pursuant to section 3 of this act is*  
41 *stored in a designated, secure location that is unlocked and easily*  
42 *accessible.*

43       **2.** *Each school district shall establish a policy for the schools*  
44 *within the district, other than charter schools, regarding the*  
45 *proper handling and transportation of albuterol inhalers.*



1       3. *Not later than 30 days after the last day of each school*  
2 *year, each school district and charter school shall submit a report*  
3 *to the Division of Public and Behavioral Health of the Department*  
4 *of Health and Human Services identifying the number of doses of*  
5 *an albuterol inhaler that were administered to pupils pursuant to*  
6 *section 3 of this act at each public school within the school district*  
7 *or charter school, as applicable, during the school year.*

8       **Sec. 5.** *Each public school, including, without limitation,*  
9 *each charter school, shall, to the extent feasible, develop a*  
10 *comprehensive action plan concerning symptoms of respiratory*  
11 *distress, which must include, without limitation, information*  
12 *relating to:*

- 13       1. *The triggers that may cause respiratory distress;*
- 14       2. *Ways to avoid triggers that may cause respiratory distress;*
- 15       3. *The signs and symptoms of a person experiencing*  
16 *respiratory distress, including, without limitation, an assessment*  
17 *of whether the administration of a dose of albuterol from an*  
18 *albuterol inhaler is necessary;*
- 19       4. *How to access an albuterol inhaler when necessary,*  
20 *including, without limitation, the location of an albuterol inhaler*  
21 *that is maintained at the public school pursuant to section 3 of this*  
22 *act;*
- 23       5. *The method of administering a dose of albuterol from an*  
24 *albuterol inhaler that is maintained at the public school pursuant*  
25 *to section 3 of this act; and*
- 26       6. *Medical care that should be received after the*  
27 *administration of a dose of albuterol from an albuterol inhaler.*

28       **Sec. 6.** Chapter 388A of NRS is hereby amended by adding  
29 thereto a new section to read as follows:

- 30       1. *Each charter school shall designate a school nurse or*  
31 *other employee of the school who is authorized to administer a*  
32 *dose of albuterol from an albuterol inhaler pursuant to section 3*  
33 *of this act.*
- 34       2. *Each charter school shall ensure that each employee so*  
35 *designated receives training in the proper storage and use of an*  
36 *albuterol inhaler.*
- 37       3. *The governing body of a charter school shall establish a*  
38 *policy for the charter school regarding the proper handling and*  
39 *transportation of albuterol inhalers.*

40       **Sec. 7.** NRS 391.291 is hereby amended to read as follows:  
41       391.291 1. The provision of nursing services in a school  
42 district by school nurses and other qualified personnel must be  
43 under the direction and supervision of a chief nurse who is a  
44 registered nurse as provided in NRS 632.240 and who:



1 (a) Holds an endorsement to serve as a school nurse issued  
2 pursuant to regulations adopted by the Commission; or

3 (b) Is employed by a state, county, city or district health  
4 department and provides nursing services to the school district in the  
5 course of that employment.

6 2. A school district shall not employ a person to serve as a  
7 school nurse unless the person holds an endorsement to serve as a  
8 school nurse issued pursuant to regulations adopted by the  
9 Commission.

10 3. The chief nurse shall ensure that each school nurse:

11 (a) Coordinates with the principal of each school to designate  
12 employees of the school who are authorized to administer auto-  
13 injectable epinephrine **H** *and to use an albuterol inhaler*; and

14 (b) Provides the employees so designated with training  
15 concerning the proper storage and administration of auto-injectable  
16 epinephrine **H** *and the proper storage and use of an albuterol*  
17 *inhaler.*

18 **Sec. 8.** Chapter 394 of NRS is hereby amended by adding  
19 thereto the provisions set forth as sections 9 and 10 of this act.

20 **Sec. 9. 1.** *A private school may obtain an order from a*  
21 *physician, osteopathic physician, physician assistant or advanced*  
22 *practice registered nurse pursuant to NRS 630.374, 632.239 or*  
23 *633.707, as applicable, for one albuterol inhaler and not less than*  
24 *two spacers or holding chambers designed for use with that*  
25 *albuterol inhaler to be maintained at the school. If an albuterol*  
26 *inhaler maintained by the private school is depleted or expires, the*  
27 *school must discard the inhaler and may obtain an additional*  
28 *inhaler to replace the depleted or expired inhaler. If an albuterol*  
29 *inhaler maintained by the private school is used by a pupil, the*  
30 *school must discard the spacer or holding chamber used to*  
31 *administer the dose of albuterol and obtain an additional spacer or*  
32 *holding chamber to replace the used device.*

33 *2. An albuterol inhaler maintained by a private school*  
34 *pursuant to this section may be used by a school nurse or any*  
35 *other employee of the school who has been designated by the*  
36 *governing body of the private school and has received training in*  
37 *the proper storage and use of an albuterol inhaler.*

38 *3. A school nurse or other designated employee may use an*  
39 *albuterol inhaler maintained at the school to administer a dose of*  
40 *albuterol to any pupil on the premises of the private school during*  
41 *regular school hours whom the school nurse or other trained*  
42 *employee reasonably believes is exhibiting symptoms of*  
43 *respiratory distress.*

44 *4. If an albuterol inhaler is maintained at the private school,*  
45 *the school shall ensure that:*



1 (a) *The albuterol inhaler is stored in a designated, secure*  
2 *location that is unlocked and easily accessible.*

3 (b) *Each employee designated by the governing body of the*  
4 *private school pursuant to this section receives training in the*  
5 *proper storage and use of an albuterol inhaler.*

6 5. *The governing body of a private school that maintains an*  
7 *albuterol inhaler shall establish a policy for the school regarding*  
8 *the proper handling and transportation of albuterol inhalers.*

9 **Sec. 10.** *The governing body of each private school shall, to*  
10 *the extent feasible, develop a comprehensive action plan*  
11 *concerning symptoms of respiratory distress, which must include,*  
12 *without limitation, information relating to:*

13 1. *The triggers that may cause respiratory distress;*

14 2. *Ways to avoid triggers that may cause respiratory distress;*

15 3. *The signs and symptoms of a person experiencing*  
16 *respiratory distress, including, without limitation, an assessment*  
17 *of whether the administration of a dose of albuterol from an*  
18 *albuterol inhaler is necessary;*

19 4. *How to access an albuterol inhaler when necessary,*  
20 *including, without limitation, the location of an albuterol inhaler*  
21 *within the private school, if an albuterol inhaler is maintained at*  
22 *the private school pursuant to section 9 of this act;*

23 5. *The method of administering a dose of albuterol from an*  
24 *albuterol inhaler, if an albuterol inhaler is maintained at the*  
25 *private school pursuant to section 9 of this act; and*

26 6. *Medical care that should be received after the*  
27 *administration of a dose of albuterol from an albuterol inhaler.*

28 **Sec. 11.** NRS 630.374 is hereby amended to read as follows:

29 630.374 1. A physician or physician assistant may issue to a  
30 public or private school an order to allow the school to obtain and  
31 maintain auto-injectable epinephrine at the school, regardless of  
32 whether any person at the school has been diagnosed with a  
33 condition which may cause the person to require such medication  
34 for the treatment of anaphylaxis.

35 2. A physician or physician assistant may issue to an  
36 authorized entity an order to allow the authorized entity to obtain  
37 and maintain auto-injectable epinephrine at any location under the  
38 control of the authorized entity where allergens capable of causing  
39 anaphylaxis may be present, regardless of whether any person  
40 employed by, affiliated with or served by the authorized entity has  
41 been diagnosed with a condition which may cause the person to  
42 require such medication for the treatment of anaphylaxis.

43 3. *A physician or physician assistant may issue to a public or*  
44 *private school an order to allow the school to obtain and maintain*  
45 *one albuterol inhaler and not less than two spacers or holding*



1 *chambers designed for use with that albuterol inhaler at the*  
2 *school, regardless of whether any person at the school has been*  
3 *diagnosed with a condition which may cause the person to require*  
4 *such medication for the treatment of respiratory distress.*

5 4. An order issued pursuant to subsection 1 , ~~to~~ 2 or 3 must  
6 contain:

7 (a) The name and signature of the physician or physician  
8 assistant and the address of the physician or physician assistant if  
9 not immediately available to the pharmacist;

10 (b) The classification of his or her license;

11 (c) The name of the public or private school or authorized entity  
12 to which the order is issued;

13 (d) The name, strength and quantity of the drug authorized to be  
14 obtained and maintained by the order; and

15 (e) The date of issue.

16 ~~4.4~~ 5. A physician or physician assistant is not subject to  
17 disciplinary action solely for issuing a valid order pursuant to  
18 subsection 1 , ~~to~~ 2 or 3 to an entity other than a natural person and  
19 without knowledge of a specific natural person who requires the  
20 medication.

21 ~~5.1~~ 6. A physician or physician assistant is not liable for any  
22 error or omission *not resulting from gross negligence or reckless,*  
23 *willful or wanton conduct of the physician or physician assistant*  
24 concerning the acquisition, possession, provision or administration  
25 of ~~auto-injectable~~ :

26 (a) *Auto-injectable* epinephrine maintained by a public or  
27 private school or authorized entity pursuant to an order issued by the  
28 physician or physician assistant pursuant to subsection 1 or 2 ~~not~~  
29 ~~resulting from gross negligence or reckless, willful or wanton~~  
30 ~~conduct of the physician or physician assistant.~~

31 ~~—6.1 ; or~~

32 (b) *A dose of albuterol from an albuterol inhaler, spacer or*  
33 *holding chamber maintained by a public or private school*  
34 *pursuant to an order issued by the physician or physician assistant*  
35 *pursuant to subsection 3.*

36 7. As used in this section:

37 (a) “Authorized entity” has the meaning ascribed to it in  
38 NRS 450B.710.

39 (b) “Private school” has the meaning ascribed to it in  
40 NRS 394.103.

41 (c) “Public school” has the meaning ascribed to it in  
42 NRS 385.007.

43 **Sec. 12.** NRS 632.239 is hereby amended to read as follows:

44 632.239 1. An advanced practice registered nurse may issue  
45 to a public or private school an order to allow the school to obtain



1 and maintain auto-injectable epinephrine at the school, regardless of  
2 whether any person at the school has been diagnosed with a  
3 condition which may cause the person to require such medication  
4 for the treatment of anaphylaxis.

5 2. An advanced practice registered nurse may issue to an  
6 authorized entity an order to allow the authorized entity to obtain  
7 and maintain auto-injectable epinephrine at any location under the  
8 control of the authorized entity where allergens capable of causing  
9 anaphylaxis may be present, regardless of whether any person  
10 employed by, affiliated with or served by the authorized entity has  
11 been diagnosed with a condition which may cause the person to  
12 require such medication for the treatment of anaphylaxis.

13 3. *An advanced practice registered nurse may issue to a*  
14 *public or private school an order to allow the school to obtain and*  
15 *maintain one albuterol inhaler and not less than two spacers or*  
16 *holding chambers designed for use with that albuterol inhaler at*  
17 *the school, regardless of whether any person at the school has*  
18 *been diagnosed with a condition which may cause the person to*  
19 *require such medication for the treatment of respiratory distress.*

20 4. An order issued pursuant to subsection 1 , ~~or~~ 2 or 3 must  
21 contain:

22 (a) The name and signature of the advanced practice registered  
23 nurse and the address of the advanced practice registered nurse if  
24 not immediately available to the pharmacist;

25 (b) The classification of his or her license;

26 (c) The name of the public or private school or authorized entity  
27 to which the order is issued;

28 (d) The name, strength and quantity of the drug authorized to be  
29 obtained and maintained by the order; and

30 (e) The date of issue.

31 ~~4.~~ 5. An advanced practice registered nurse is not subject to  
32 disciplinary action solely for issuing a valid order pursuant to  
33 subsection 1 , ~~or~~ 2 or 3 to an entity other than a natural person and  
34 without knowledge of a specific natural person who requires the  
35 medication.

36 ~~5.~~ 6. An advanced practice registered nurse is not liable for  
37 any error or omission *not resulting from gross negligence or*  
38 *reckless, willful or wanton conduct of the advanced practice*  
39 *registered nurse* concerning the acquisition, possession, provision  
40 or administration of ~~auto-injectable~~ :

41 (a) *Auto-injectable* epinephrine maintained by a public or  
42 private school or authorized entity pursuant to an order issued by the  
43 advanced practice registered nurse pursuant to subsection 1 or 2 ~~not~~  
44 ~~resulting from gross negligence or reckless, willful or wanton~~  
45 ~~conduct of the advanced practice registered nurse~~



1 ~~6.1~~; or

2 (b) *A dose of albuterol from an albuterol inhaler, spacer or*  
3 *holding chamber maintained by a public or private school*  
4 *pursuant to an order issued by the advanced practice registered*  
5 *nurse pursuant to subsection 3.*

6 7. As used in this section:

7 (a) "Authorized entity" has the meaning ascribed to it in  
8 NRS 450B.710.

9 (b) "Private school" has the meaning ascribed to it in  
10 NRS 394.103.

11 (c) "Public school" has the meaning ascribed to it in  
12 NRS 385.007.

13 **Sec. 13.** NRS 632.347 is hereby amended to read as follows:

14 632.347 1. The Board may deny, revoke or suspend any  
15 license or certificate applied for or issued pursuant to this chapter, or  
16 take other disciplinary action against a licensee or holder of a  
17 certificate, upon determining that the licensee or certificate holder:

18 (a) Is guilty of fraud or deceit in procuring or attempting to  
19 procure a license or certificate pursuant to this chapter.

20 (b) Is guilty of any offense:

21 (1) Involving moral turpitude; or

22 (2) Related to the qualifications, functions or duties of a  
23 licensee or holder of a certificate,

24 ➔ in which case the record of conviction is conclusive evidence  
25 thereof.

26 (c) Has been convicted of violating any of the provisions of  
27 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,  
28 inclusive.

29 (d) Is unfit or incompetent by reason of gross negligence or  
30 recklessness in carrying out usual nursing functions.

31 (e) Uses any controlled substance, dangerous drug as defined in  
32 chapter 454 of NRS, or intoxicating liquor to an extent or in a  
33 manner which is dangerous or injurious to any other person or  
34 which impairs his or her ability to conduct the practice authorized  
35 by the license or certificate.

36 (f) Is a person with mental incompetence.

37 (g) Is guilty of unprofessional conduct, which includes, but is  
38 not limited to, the following:

39 (1) Conviction of practicing medicine without a license in  
40 violation of chapter 630 of NRS, in which case the record of  
41 conviction is conclusive evidence thereof.

42 (2) Impersonating any applicant or acting as proxy for an  
43 applicant in any examination required pursuant to this chapter for  
44 the issuance of a license or certificate.



- 1 (3) Impersonating another licensed practitioner or holder of a  
2 certificate.
- 3 (4) Permitting or allowing another person to use his or her  
4 license or certificate to practice as a licensed practical nurse,  
5 registered nurse, nursing assistant or medication aide - certified.
- 6 (5) Repeated malpractice, which may be evidenced by claims  
7 of malpractice settled against the licensee or certificate holder.
- 8 (6) Physical, verbal or psychological abuse of a patient.
- 9 (7) Conviction for the use or unlawful possession of a  
10 controlled substance or dangerous drug as defined in chapter 454 of  
11 NRS.
- 12 (h) Has willfully or repeatedly violated the provisions of this  
13 chapter. The voluntary surrender of a license or certificate issued  
14 pursuant to this chapter is prima facie evidence that the licensee or  
15 certificate holder has committed or expects to commit a violation of  
16 this chapter.
- 17 (i) Is guilty of aiding or abetting any person in a violation of this  
18 chapter.
- 19 (j) Has falsified an entry on a patient's medical chart concerning  
20 a controlled substance.
- 21 (k) Has falsified information which was given to a physician,  
22 pharmacist, podiatric physician or dentist to obtain a controlled  
23 substance.
- 24 (l) Has knowingly procured or administered a controlled  
25 substance or a dangerous drug as defined in chapter 454 of NRS that  
26 is not approved by the United States Food and Drug Administration,  
27 unless the unapproved controlled substance or dangerous drug:
- 28 (1) Was procured through a retail pharmacy licensed  
29 pursuant to chapter 639 of NRS;
- 30 (2) Was procured through a Canadian pharmacy which is  
31 licensed pursuant to chapter 639 of NRS and which has been  
32 recommended by the State Board of Pharmacy pursuant to  
33 subsection 4 of NRS 639.2328;
- 34 (3) Is marijuana being used for medical purposes in  
35 accordance with chapter 453A of NRS; or
- 36 (4) Is an investigational drug or biological product prescribed  
37 to a patient pursuant to NRS 630.3735 or 633.6945.
- 38 (m) Has been disciplined in another state in connection with a  
39 license to practice nursing or a certificate to practice as a nursing  
40 assistant or medication aide - certified, or has committed an act in  
41 another state which would constitute a violation of this chapter.
- 42 (n) Has engaged in conduct likely to deceive, defraud or  
43 endanger a patient or the general public.
- 44 (o) Has willfully failed to comply with a regulation, subpoena or  
45 order of the Board.



1 (p) Has operated a medical facility at any time during which:

2 (1) The license of the facility was suspended or revoked; or

3 (2) An act or omission occurred which resulted in the  
4 suspension or revocation of the license pursuant to NRS 449.160.

5 ➔ This paragraph applies to an owner or other principal responsible  
6 for the operation of the facility.

7 (q) Is an advanced practice registered nurse who has failed  
8 to obtain any training required by the Board pursuant to  
9 NRS 632.2375.

10 (r) Is an advanced practice registered nurse who has failed to  
11 comply with the provisions of NRS 453.163 or 453.164.

12 2. For the purposes of this section, a plea or verdict of guilty or  
13 guilty but mentally ill or a plea of nolo contendere constitutes a  
14 conviction of an offense. The Board may take disciplinary action  
15 pending the appeal of a conviction.

16 3. A licensee or certificate holder is not subject to disciplinary  
17 action solely for administering auto-injectable epinephrine pursuant  
18 to a valid order issued pursuant to NRS 630.374 , **632.239** or  
19 633.707.

20 4. *A licensee or certificate holder is not subject to disciplinary  
21 action solely for administering a dose of albuterol from an  
22 albuterol inhaler pursuant to a valid order issued pursuant to NRS  
23 630.374, 632.239 or 633.707.*

24 5. As used in this section, “investigational drug or biological  
25 product” has the meaning ascribed to it in NRS 454.351.

26 **Sec. 14.** NRS 633.707 is hereby amended to read as follows:

27 633.707 1. An osteopathic physician or physician assistant  
28 may issue to a public or private school an order to allow the school  
29 to obtain and maintain auto-injectable epinephrine at the school,  
30 regardless of whether any person at the school has been diagnosed  
31 with a condition which may cause the person to require such  
32 medication for the treatment of anaphylaxis.

33 2. An osteopathic physician or physician assistant may issue to  
34 an authorized entity an order to allow the authorized entity to obtain  
35 and maintain auto-injectable epinephrine at any location under the  
36 control of the authorized entity where allergens capable of causing  
37 anaphylaxis may be present, regardless of whether any person  
38 employed by, affiliated with or served by the authorized entity has  
39 been diagnosed with a condition which may cause the person to  
40 require such medication for the treatment of anaphylaxis.

41 3. *An osteopathic physician or physician assistant may issue  
42 to a public or private school an order to allow the school to obtain  
43 and maintain one albuterol inhaler and not less than two spacers  
44 or holding chambers designed for use with that albuterol inhaler  
45 at the school, regardless of whether any person at the school has*



1 *been diagnosed with a condition which may cause the person to*  
2 *require such medication for the treatment of respiratory distress.*

3 4. An order issued pursuant to subsection 1, ~~or~~ 2 or 3 must  
4 contain:

5 (a) The name and signature of the osteopathic physician or  
6 physician assistant and the address of the osteopathic physician or  
7 physician assistant if not immediately available to the pharmacist;

8 (b) The classification of his or her license;

9 (c) The name of the public or private school or authorized entity  
10 to which the order is issued;

11 (d) The name, strength and quantity of the drug authorized to be  
12 obtained and maintained by the order; and

13 (e) The date of issue.

14 ~~4.4~~ 5. An osteopathic physician or physician assistant is not  
15 subject to disciplinary action solely for issuing a valid order  
16 pursuant to subsection 1, ~~or~~ 2 or 3 to an entity other than a natural  
17 person and without knowledge of a specific natural person who  
18 requires the medication.

19 ~~5.1~~ 6. An osteopathic physician or physician assistant is not  
20 liable for any error or omission *not resulting from gross negligence*  
21 *or reckless, willful or wanton conduct of the osteopathic physician*  
22 *or physician assistant* concerning the acquisition, possession,  
23 provision or administration of ~~auto-injectable~~ :

24 (a) *Auto-injectable* epinephrine maintained by a public or  
25 private school or authorized entity pursuant to an order issued by the  
26 osteopathic physician or physician assistant *pursuant to subsection*  
27 *1 or 2* ~~not resulting from gross negligence or reckless, willful or~~  
28 ~~wanton conduct of the osteopathic physician or physician assistant.~~  
29 ~~—6.1; or~~

30 (b) *A dose of albuterol from an albuterol inhaler, spacer or*  
31 *holding chamber maintained by a public or private school*  
32 *pursuant to an order issued by the osteopathic physician or*  
33 *physician assistant pursuant to subsection 3.*

34 7. As used in this section:

35 (a) “Authorized entity” has the meaning ascribed to it in  
36 NRS 450B.710.

37 (b) “Private school” has the meaning ascribed to it in  
38 NRS 394.103.

39 (c) “Public school” has the meaning ascribed to it in  
40 NRS 385.007.

41 **Sec. 15.** NRS 639.2357 is hereby amended to read as follows:

42 639.2357 1. Upon the request of a patient, or a public or  
43 private school or an authorized entity for which an order was issued  
44 pursuant to NRS 630.374, 632.239 or 633.707, a registered



- 1 pharmacist shall transfer a prescription or order to another registered  
2 pharmacist.
- 3 2. A registered pharmacist who transfers a prescription or order  
4 pursuant to subsection 1 shall comply with any applicable  
5 regulations adopted by the Board relating to the transfer.
- 6 3. The provisions of this section do not authorize or require a  
7 pharmacist to transfer a prescription or order in violation of:  
8 (a) Any law or regulation of this State;  
9 (b) Federal law or regulation; or  
10 (c) A contract for payment by a third party if the patient is a  
11 party to that contract.
- 12 4. A pharmacist is not liable for any error or omission  
13 concerning the acquisition, possession, provision or administration  
14 of auto-injectable epinephrine , *a dose of albuterol from an*  
15 *albuterol inhaler or a spacer or holding chamber* that the  
16 pharmacist has dispensed to a public or private school or authorized  
17 entity pursuant to an order issued pursuant to NRS 630.374, 632.239  
18 or 633.707 not resulting from gross negligence or reckless, willful  
19 or wanton conduct of the pharmacist.
- 20 5. As used in this section, “authorized entity” has the meaning  
21 ascribed to it in NRS 450B.710.
- 22 **Sec. 16.** The provisions of NRS 354.599 do not apply to any  
23 additional expenses of a local government that are related to the  
24 provisions of this act.
- 25 **Sec. 17.** This act becomes effective on July 1, 2017.

