

ASSEMBLY BILL NO. 156—ASSEMBLYMEN YEAGER AND OSCARSON

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 an asthmatic attack; 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 an  
10 asthmatic attack. **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  
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 an asthmatic attack.

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 asthmatic attacks.

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 except in cases of gross negligence, for certain actions relating to the acquisition,  
46 possession, provision and administration of a dose of albuterol from an albuterol  
47 inhaler maintained by a school. **Section 15** of this bill also provides immunity to a  
48 pharmacist who dispenses an albuterol inhaler or spacers or holding chambers  
49 designed for use with 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 obtain an*  
14 *additional spacer or holding chamber to replace the used device*  
15 *and either:*

16       *(a) Discard the spacer or holding chamber used to administer*  
17 *the dose of albuterol; or*

18       *(b) Label the spacer or holding chamber used to administer the*  
19 *dose of albuterol for the future use of the same pupil who was*  
20 *administered the dose of albuterol.*

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

23       *(a) At a public school other than a charter school, by a school*  
24 *nurse or any other employee of the public school who has been*  
25 *designated by the principal or other administrator in consultation*  
26 *with the school nurse and has received training in the proper*  
27 *storage and use of an albuterol inhaler pursuant to NRS 391.291;*  
28 *or*

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

33       **3.** *A school nurse or other designated employee of a public*  
34 *school may use an albuterol inhaler maintained at the school to*  
35 *administer a dose of albuterol to a pupil who has been diagnosed*  
36 *with asthma by a provider of health care on the premises of the*  
37 *public school during regular school hours whom the school nurse*  
38 *or other designated employee reasonably believes is experiencing*  
39 *an asthmatic attack.*

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



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

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

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

15       **Sec. 5.** *Each public school, including, without limitation,*  
16 *each charter school, shall, to the extent feasible, develop a*  
17 *comprehensive action plan concerning symptoms of an asthmatic*  
18 *attack, which must include, without limitation, information*  
19 *relating to:*

20       **1.** *The triggers that may cause an asthmatic attack;*

21       **2.** *Ways to avoid triggers that may cause an asthmatic attack;*

22       **3.** *The signs and symptoms of a person experiencing an*  
23 *asthmatic attack, including, without limitation, an assessment of*  
24 *whether the administration of a dose of albuterol from an*  
25 *albuterol inhaler is necessary;*

26       **4.** *How to access an albuterol inhaler when necessary,*  
27 *including, without limitation, the location of an albuterol inhaler*  
28 *that is maintained at the public school pursuant to section 3 of this*  
29 *act;*

30       **5.** *The method of administering a dose of albuterol from an*  
31 *albuterol inhaler that is maintained at the public school pursuant*  
32 *to section 3 of this act; and*

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

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

37       **1.** *Each charter school shall designate a school nurse or*  
38 *other employee of the school who is authorized to administer a*  
39 *dose of albuterol from an albuterol inhaler pursuant to section 3*  
40 *of this act.*

41       **2.** *Each charter school shall ensure that each employee so*  
42 *designated receives training in the proper storage and use of an*  
43 *albuterol inhaler.*



1       **3. The governing body of a charter school shall establish a**  
2 **policy for the charter school regarding the proper handling and**  
3 **transportation of albuterol inhalers.**

4       **Sec. 7.** NRS 391.291 is hereby amended to read as follows:

5       391.291 1. The provision of nursing services in a school  
6 district by school nurses and other qualified personnel must be  
7 under the direction and supervision of a chief nurse who is a  
8 registered nurse as provided in NRS 632.240 and who:

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

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

14       2. A school district shall not employ a person to serve as a  
15 school nurse unless the person holds an endorsement to serve as a  
16 school nurse issued pursuant to regulations adopted by the  
17 Commission.

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

19       (a) Coordinates with the principal of each school to designate  
20 employees of the school who are authorized to administer auto-  
21 injectable epinephrine **⚡ and to use an albuterol inhaler;** and

22       (b) Provides the employees so designated with training  
23 concerning the proper storage and administration of auto-injectable  
24 epinephrine **⚡ and the proper storage and use of an albuterol**  
25 **inhaler.**

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

28       **Sec. 9. 1. A private school may obtain an order from a**  
29 **physician, osteopathic physician, physician assistant or advanced**  
30 **practice registered nurse pursuant to NRS 630.374, 632.239 or**  
31 **633.707, as applicable, for one albuterol inhaler and not less than**  
32 **two spacers or holding chambers designed for use with that**  
33 **albuterol inhaler to be maintained at the school. If an albuterol**  
34 **inhaler maintained by the private school is depleted or expires, the**  
35 **school must discard the inhaler and may obtain an additional**  
36 **inhaler to replace the depleted or expired inhaler. If an albuterol**  
37 **inhaler maintained by the private school is used by a pupil, the**  
38 **school must obtain an additional spacer or holding chamber to**  
39 **replace the used device and either:**

40       **(a) Discard the spacer or holding chamber used to administer**  
41 **the dose of albuterol; or**

42       **(b) Label the spacer or holding chamber used to administer the**  
43 **dose of albuterol for the future use of the same pupil who was**  
44 **administered the dose of albuterol.**



1       2. *An albuterol inhaler maintained by a private school*  
2 *pursuant to this section may be used by a school nurse or any*  
3 *other employee of the school who has been designated by the*  
4 *principal or other administrator of the private school, in*  
5 *consultation with a school nurse, if applicable, and has received*  
6 *training in the proper storage and use of an albuterol inhaler.*

7       3. *A school nurse or other designated employee may use an*  
8 *albuterol inhaler maintained at the school to administer a dose of*  
9 *albuterol to a pupil who has been diagnosed with asthma by a*  
10 *provider of health care on the premises of the private school*  
11 *during regular school hours whom the school nurse or other*  
12 *trained employee reasonably believes is experiencing an asthmatic*  
13 *attack.*

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

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

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

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

24       **Sec. 10.** *The governing body of each private school shall, to*  
25 *the extent feasible, develop a comprehensive action plan*  
26 *concerning symptoms of an asthmatic attack, which must include,*  
27 *without limitation, information relating to:*

28       1. *The triggers that may cause an asthmatic attack;*

29       2. *Ways to avoid triggers that may cause an asthmatic attack;*

30       3. *The signs and symptoms of a person experiencing an*  
31 *asthmatic attack, including, without limitation, an assessment of*  
32 *whether the administration of a dose of albuterol from an*  
33 *albuterol inhaler is necessary;*

34       4. *How to access an albuterol inhaler when necessary,*  
35 *including, without limitation, the location of an albuterol inhaler*  
36 *within the private school, if an albuterol inhaler is maintained at*  
37 *the private school pursuant to section 9 of this act;*

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

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

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

44       630.374 1. A physician or physician assistant may issue to a  
45 public or private school an order to allow the school to obtain and



1 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. A physician or physician assistant 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. *A physician or physician assistant may issue to a public or*  
14 *private school an order to allow the school to obtain and maintain*  
15 *one albuterol inhaler and not less than two spacers or holding*  
16 *chambers designed for use with that albuterol inhaler at the*  
17 *school, regardless of whether any person at the school has been*  
18 *diagnosed with a condition which may cause the person to require*  
19 *such medication for the treatment of an asthmatic attack.*

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

22 (a) The name and signature of the physician or physician  
23 assistant and the address of the physician or physician assistant 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. A physician or physician assistant is not subject to  
32 disciplinary action solely for issuing a valid order pursuant to  
33 subsection 1 , ~~1~~ 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. A physician or physician assistant is not liable for any  
37 error or omission concerning the acquisition, possession, provision  
38 or administration of auto-injectable epinephrine maintained by a  
39 public or private school or authorized entity pursuant to an order  
40 issued by the physician or physician assistant pursuant to subsection  
41 1 or 2 not resulting from gross negligence or reckless, willful or  
42 wanton conduct of the physician or physician assistant.

43 ~~6~~ 7. *A physician or physician assistant is not liable for any*  
44 *error or omission concerning the acquisition, possession,*  
45 *provision or administration of a dose of albuterol from an*



\* A B 1 5 6 R 1 \*

1 *albuterol inhaler, spacer or holding chamber maintained by a*  
2 *public or private school pursuant to an order issued by the*  
3 *physician or physician assistant pursuant to subsection 3 not*  
4 *resulting from the gross negligence of the physician or physician*  
5 *assistant.*

6 **8.** 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. 12.** NRS 632.239 is hereby amended to read as follows:

14 632.239 1. An advanced practice registered nurse may issue  
15 to a public or private school an order to allow the school to obtain  
16 and maintain auto-injectable epinephrine at the school, regardless of  
17 whether any person at the school has been diagnosed with a  
18 condition which may cause the person to require such medication  
19 for the treatment of anaphylaxis.

20 2. An advanced practice registered nurse may issue to an  
21 authorized entity an order to allow the authorized entity to obtain  
22 and maintain auto-injectable epinephrine at any location under the  
23 control of the authorized entity where allergens capable of causing  
24 anaphylaxis may be present, regardless of whether any person  
25 employed by, affiliated with or served by the authorized entity has  
26 been diagnosed with a condition which may cause the person to  
27 require such medication for the treatment of anaphylaxis.

28 3. *An advanced practice registered nurse may issue to a*  
29 *public or private school an order to allow the school to obtain and*  
30 *maintain one albuterol inhaler and not less than two spacers or*  
31 *holding chambers designed for use with that albuterol inhaler at*  
32 *the school, regardless of whether any person at the school has*  
33 *been diagnosed with a condition which may cause the person to*  
34 *require such medication for the treatment of an asthmatic attack.*

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

37 (a) The name and signature of the advanced practice registered  
38 nurse and the address of the advanced practice registered nurse if  
39 not immediately available to the pharmacist;

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

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

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

45 (e) The date of issue.





1 ~~14~~ 5. An advanced practice registered nurse is not subject to  
2 disciplinary action solely for issuing a valid order pursuant to  
3 subsection 1, ~~for~~ 2 or 3 to an entity other than a natural person and  
4 without knowledge of a specific natural person who requires the  
5 medication.

6 ~~15~~ 6. An advanced practice registered nurse is not liable for  
7 any error or omission concerning the acquisition, possession,  
8 provision or administration of auto-injectable epinephrine  
9 maintained by a public or private school or authorized entity  
10 pursuant to an order issued by the advanced practice registered  
11 nurse pursuant to subsection 1 or 2 not resulting from gross  
12 negligence or reckless, willful or wanton conduct of the advanced  
13 practice registered nurse.

14 ~~16~~ 7. *An advanced practice registered nurse is not liable for  
15 any error or omission concerning the acquisition, possession,  
16 provision or administration of a dose of albuterol from an  
17 albuterol inhaler, spacer or holding chamber maintained by a  
18 public or private school or authorized entity pursuant to an order  
19 issued by the advanced practice registered nurse pursuant to  
20 subsection 3 not resulting from the gross negligence of the  
21 advanced practice registered nurse.*

22 8. As used in this section:

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

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

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

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

30 632.347 1. The Board may deny, revoke or suspend any  
31 license or certificate applied for or issued pursuant to this chapter, or  
32 take other disciplinary action against a licensee or holder of a  
33 certificate, upon determining that the licensee or certificate holder:

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

36 (b) Is guilty of any offense:

37 (1) Involving moral turpitude; or

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

40 ➔ in which case the record of conviction is conclusive evidence  
41 thereof.

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



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

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

8 (f) Is a person with mental incompetence.

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

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

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

17 (3) Impersonating another licensed practitioner or holder of a  
18 certificate.

19 (4) Permitting or allowing another person to use his or her  
20 license or certificate to practice as a licensed practical nurse,  
21 registered nurse, nursing assistant or medication aide - certified.

22 (5) Repeated malpractice, which may be evidenced by claims  
23 of malpractice settled against the licensee or certificate holder.

24 (6) Physical, verbal or psychological abuse of a patient.

25 (7) Conviction for the use or unlawful possession of a  
26 controlled substance or dangerous drug as defined in chapter 454 of  
27 NRS.

28 (h) Has willfully or repeatedly violated the provisions of this  
29 chapter. The voluntary surrender of a license or certificate issued  
30 pursuant to this chapter is prima facie evidence that the licensee or  
31 certificate holder has committed or expects to commit a violation of  
32 this chapter.

33 (i) Is guilty of aiding or abetting any person in a violation of this  
34 chapter.

35 (j) Has falsified an entry on a patient's medical chart concerning  
36 a controlled substance.

37 (k) Has falsified information which was given to a physician,  
38 pharmacist, podiatric physician or dentist to obtain a controlled  
39 substance.

40 (l) Has knowingly procured or administered a controlled  
41 substance or a dangerous drug as defined in chapter 454 of NRS that  
42 is not approved by the United States Food and Drug Administration,  
43 unless the unapproved controlled substance or dangerous drug:

44 (1) Was procured through a retail pharmacy licensed  
45 pursuant to chapter 639 of NRS;



1 (2) Was procured through a Canadian pharmacy which is  
2 licensed pursuant to chapter 639 of NRS and which has been  
3 recommended by the State Board of Pharmacy pursuant to  
4 subsection 4 of NRS 639.2328;

5 (3) Is marijuana being used for medical purposes in  
6 accordance with chapter 453A of NRS; or

7 (4) Is an investigational drug or biological product prescribed  
8 to a patient pursuant to NRS 630.3735 or 633.6945.

9 (m) Has been disciplined in another state in connection with a  
10 license to practice nursing or a certificate to practice as a nursing  
11 assistant or medication aide - certified, or has committed an act in  
12 another state which would constitute a violation of this chapter.

13 (n) Has engaged in conduct likely to deceive, defraud or  
14 endanger a patient or the general public.

15 (o) Has willfully failed to comply with a regulation, subpoena or  
16 order of the Board.

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

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

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

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

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

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

28 2. For the purposes of this section, a plea or verdict of guilty or  
29 guilty but mentally ill or a plea of nolo contendere constitutes a  
30 conviction of an offense. The Board may take disciplinary action  
31 pending the appeal of a conviction.

32 3. A licensee or certificate holder is not subject to disciplinary  
33 action solely for administering auto-injectable epinephrine pursuant  
34 to a valid order issued pursuant to NRS 630.374 , **632.239** or  
35 633.707.

36 4. *A licensee or certificate holder is not subject to disciplinary  
37 action solely for administering a dose of albuterol from an  
38 albuterol inhaler pursuant to a valid order issued pursuant to NRS  
39 630.374, 632.239 or 633.707.*

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

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

43 633.707 1. An osteopathic physician or physician assistant  
44 may issue to a public or private school an order to allow the school  
45 to obtain and maintain auto-injectable epinephrine at the school,



1 regardless of whether any person at the school has been diagnosed  
2 with a condition which may cause the person to require such  
3 medication for the treatment of anaphylaxis.

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

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

19 4. An order issued pursuant to subsection 1 , ~~101~~ 2 or 3 must  
20 contain:

21 (a) The name and signature of the osteopathic physician or  
22 physician assistant and the address of the osteopathic physician or  
23 physician assistant if not immediately available to the pharmacist;

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

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

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

29 (e) The date of issue.

30 ~~141~~ 5. An osteopathic physician or physician assistant is not  
31 subject to disciplinary action solely for issuing a valid order  
32 pursuant to subsection 1 , ~~101~~ 2 or 3 to an entity other than a natural  
33 person and without knowledge of a specific natural person who  
34 requires the medication.

35 ~~151~~ 6. An osteopathic physician or physician assistant is not  
36 liable for any error or omission concerning the acquisition,  
37 possession, provision or administration of auto-injectable  
38 epinephrine maintained by a public or private school or authorized  
39 entity pursuant to an order issued by the osteopathic physician or  
40 physician assistant *pursuant to subsection 1 or 2* not resulting from  
41 gross negligence or reckless, willful or wanton conduct of the  
42 osteopathic physician or physician assistant.

43 ~~161~~ 7. *An osteopathic physician or physician assistant is not*  
44 *liable for any error or omission concerning the acquisition,*  
45 *possession, provision or administration of a dose of albuterol from*



\* A B 1 5 6 R 1 \*

1 *an albuterol inhaler, spacer or holding chamber maintained by a*  
2 *public or private school or authorized entity pursuant to an order*  
3 *issued by the osteopathic physician or physician assistant pursuant*  
4 *to subsection 3 not resulting from the gross negligence of the*  
5 *osteopathic physician or physician assistant.*

6 **8.** 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. 15.** NRS 639.2357 is hereby amended to read as follows:

14 639.2357 1. Upon the request of a patient, or a public or  
15 private school or an authorized entity for which an order was issued  
16 pursuant to NRS 630.374, 632.239 or 633.707, a registered  
17 pharmacist shall transfer a prescription or order to another registered  
18 pharmacist.

19 2. A registered pharmacist who transfers a prescription or order  
20 pursuant to subsection 1 shall comply with any applicable  
21 regulations adopted by the Board relating to the transfer.

22 3. The provisions of this section do not authorize or require a  
23 pharmacist to transfer a prescription or order in violation of:

24 (a) Any law or regulation of this State;

25 (b) Federal law or regulation; or

26 (c) A contract for payment by a third party if the patient is a  
27 party to that contract.

28 4. A pharmacist is not liable for any error or omission  
29 concerning the acquisition, possession, provision or administration  
30 of auto-injectable epinephrine , *a dose of albuterol from an*  
31 *albuterol inhaler or a spacer or holding chamber* that the  
32 pharmacist has dispensed to a public or private school or authorized  
33 entity pursuant to an order issued pursuant to NRS 630.374, 632.239  
34 or 633.707 not resulting from gross negligence or reckless, willful  
35 or wanton conduct of the pharmacist.

36 5. As used in this section, "authorized entity" has the meaning  
37 ascribed to it in NRS 450B.710.

38 **Sec. 16.** The provisions of NRS 354.599 do not apply to any  
39 additional expenses of a local government that are related to the  
40 provisions of this act.

41 **Sec. 17.** This act becomes effective on July 1, 2017.

