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FIRST REPRINT

A.B. 361

ASSEMBLY BILL NO. 361—ASSEMBLYWOMAN CARLTON

MARCH 20, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to the practice of medicine. (BDR 54-839)

FISCAL NOTE: Effect on Local Government: No.
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 the practice of medicine; revising provisions relating to a physician or osteopathic physician who is supervising medical students; revising provisions relating to certain inspections of medical premises which the Board of Medical Examiners or the State Board of Osteopathic Medicine is authorized to conduct; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law a physician or osteopathic physician shall not allow a
2 person to perform or participate in any activity under the supervision of the
3 physician for the purpose of receiving credit toward certain medical degrees unless
4 the person is enrolled in good standing at one of certain accredited medical schools.
5 There is an exception for such an activity which takes place in a primary care
6 practice that is located in a health professional shortage area and under certain
7 circumstances. (NRS 630.3745, 633.6955) **Sections 1 and 2.5** of this bill provide
8 that a physician or osteopathic physician who violates this existing law is subject to
9 a civil penalty of not more than \$10,000 for each violation, provided that an action
10 to enforce the civil penalty is brought not later than 2 years after the date of the last
11 such violation.

12 Existing law authorizes any member or agent of the Board of Medical
13 Examiners to enter any premises in this State where a licensee under the authority
14 of the Board practices, and to perform an inspection to determine if any violations
15 of relevant law have occurred. (NRS 630.395) Similar authorization is provided for
16 any member or agent of the State Board of Osteopathic Medicine. (NRS 633.512)
17 **Section 2** of this bill adds, as an example of such a violation for which the premises
18 may be inspected, a violation of the provisions of **section 1** regarding a physician
19 who supervises a person who is enrolled in an accredited medical school. **Section**
20 **2.3** of this bill adds a similar provision pertaining to the premises of an osteopathic



21 physician and a violation of the provisions of **section 2.5** by an osteopathic
22 physician.

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

1 **Section 1.** NRS 630.3745 is hereby amended to read as
2 follows:

3 630.3745 1. Except as otherwise provided in subsection 2, a
4 physician shall not allow a person to perform or participate in any
5 activity under the supervision of the physician for the purpose of
6 receiving credit toward a degree of doctor of medicine, osteopathy
7 or osteopathic medicine, including, without limitation, clinical
8 observation and contact with patients, unless the person is enrolled
9 in good standing at:

10 (a) A medical school that is accredited by the Liaison
11 Committee on Medical Education of the American Medical
12 Association and the Association of American Medical Colleges or
13 their successor organizations; or

14 (b) A school of osteopathic medicine, as defined in
15 NRS 633.121.

16 2. The provisions of subsection 1 do not apply to a physician
17 who supervises an activity performed by a person for the purpose of
18 receiving credit toward a degree of doctor of medicine, osteopathy
19 or osteopathic medicine if:

20 (a) The activity takes place:

21 (1) In a primary care practice that is located in an area that
22 has been designated by the United States Secretary of Health and
23 Human Services as a health professional shortage area pursuant to
24 42 U.S.C. § 254e; and

25 (2) Entirely under the supervision of the physician; and

26 (b) The physician is not currently supervising any other person
27 who is receiving credit toward a degree of doctor of medicine,
28 osteopathy or osteopathic medicine.

29 3. *A physician who violates the provisions of this section is*
30 *subject to a civil penalty of not more than \$10,000 for each*
31 *violation. The Attorney General or any district attorney of this*
32 *State may recover the penalty in a civil action brought in the name*
33 *of the State of Nevada in any court of competent jurisdiction.*

34 4. *Any action brought under this section must be brought not*
35 *later than 2 years after the date of the last event constituting the*
36 *alleged violation for which the action is brought.*

37 5. As used in this section, "primary care practice" means a
38 health care practice operated by one or more physicians who



1 practice in the area of family medicine, internal medicine or
2 pediatrics.

3 **Sec. 2.** NRS 630.395 is hereby amended to read as follows:

4 630.395 Any member or agent of the Board may enter any
5 premises in this State where a person who holds a license issued
6 pursuant to the provisions of this chapter practices medicine,
7 perfusion or respiratory care and inspect it to determine whether a
8 violation of any provision of this chapter has occurred, including,
9 without limitation ~~[-, and]~~:

10 *1. An inspection to determine whether any person at the*
11 *premises is practicing medicine, perfusion or respiratory care*
12 *without the appropriate license issued pursuant to the provisions of*
13 *this chapter ~~[-, and]~~; or*

14 *2. An inspection to determine whether any physician is*
15 *allowing a person to perform or participate in any activity under*
16 *the supervision of the physician for the purpose of receiving credit*
17 *toward a degree of doctor of medicine, osteopathy or osteopathic*
18 *medicine in violation of the provisions of NRS 630.3745.*

19 **Sec. 2.3.** NRS 633.512 is hereby amended to read as follows:

20 633.512 Any member or agent of the Board may enter any
21 premises in this State where a person who holds a license issued
22 pursuant to the provisions of this chapter practices osteopathic
23 medicine or as a physician assistant and inspect it to determine
24 whether a violation of any provision of this chapter has occurred,
25 including, without limitation ~~[-, and]~~:

26 *1. An inspection to determine whether any person at the*
27 *premises is practicing osteopathic medicine or as a physician*
28 *assistant without the appropriate license issued pursuant to the*
29 *provisions of this chapter ~~[-, and]~~; or*

30 *2. An inspection to determine whether any osteopathic*
31 *physician is allowing a person to perform or participate in any*
32 *activity under the supervision of the osteopathic physician for the*
33 *purpose of receiving credit toward a degree of doctor of medicine,*
34 *osteopathy or osteopathic medicine in violation of NRS 633.6955.*

35 **Sec. 2.5.** NRS 633.6955 is hereby amended to read as follows:

36 633.6955 1. Except as otherwise provided in subsection 2, an
37 osteopathic physician shall not allow a person to perform or
38 participate in any activity under the supervision of the osteopathic
39 physician for the purpose of receiving credit toward a degree of
40 doctor of medicine, osteopathy or osteopathic medicine, including,
41 without limitation, clinical observation and contact with patients,
42 unless the person is enrolled in good standing at:

43 (a) A medical school that is accredited by the Liaison
44 Committee on Medical Education of the American Medical



1 Association and the Association of American Medical Colleges or
2 their successor organizations; or

3 (b) A school of osteopathic medicine.

4 2. The provisions of subsection 1 do not apply to an
5 osteopathic physician who supervises an activity performed by a
6 person for the purpose of receiving credit toward a degree of doctor
7 of medicine, osteopathy or osteopathic medicine if:

8 (a) The activity takes place:

9 (1) In a primary care practice that is located in an area that
10 has been designated by the United States Secretary of Health and
11 Human Services as a health professional shortage area pursuant to
12 42 U.S.C. § 254e; and

13 (2) Entirely under the supervision of the osteopathic
14 physician; and

15 (b) The osteopathic physician is not currently supervising any
16 other person who is receiving credit toward a degree of doctor of
17 medicine, osteopathy or osteopathic medicine.

18 3. *An osteopathic physician who violates the provisions of*
19 *this section is subject to a civil penalty of not more than \$10,000*
20 *for each violation. The Attorney General or any district attorney of*
21 *this State may recover the penalty in a civil action brought in the*
22 *name of the State of Nevada in any court of competent*
23 *jurisdiction.*

24 4. *Any action brought under this section must be brought not*
25 *later than 2 years after the date of the last event constituting the*
26 *alleged violation for which the action is brought.*

27 5. As used in this section, "primary care practice" means a
28 health care practice operated by one or more physicians who
29 practice in the area of family medicine, internal medicine or
30 pediatrics.

31 **Sec. 3.** This act becomes effective on July 1, 2019.

