

REQUIRES TWO-THIRDS MAJORITY VOTE

(§§ 2, 4)

S.B. 186

SENATE BILL NO. 186—SENATOR SEEVERS GANSERT

FEBRUARY 18, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Enacts provisions governing the interstate practice of physical therapy. (BDR 54-514)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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 physical therapy; enacting and entering into the Physical Therapy Licensure Compact; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The Physical Therapy Licensure Compact is an interstate compact that allows a
2 person who is licensed as a physical therapist or physical therapist assistant in a
3 state that is a member of the Compact to practice as a physical therapist or physical
4 therapist assistant in other states that are members of the Compact. The Compact
5 only authorizes a physical therapist or physical therapist assistant to provide
6 services in person in a state in which he or she is not licensed. Before practicing as
7 a physical therapist or physical therapist assistant under the Compact, the Compact
8 requires a physical therapist or physical therapist assistant to: (1) hold a license in
9 his or her home state; (2) have no encumbrances on his or her license; (3) be
10 eligible to practice under the Compact; (4) have had no adverse actions taken
11 against any license or authority to practice under the Compact within the previous 2
12 years; (5) notify the Physical Therapy Compact Commission that he or she is
13 seeking to practice under the Compact within the other state; (6) pay any applicable
14 fees; (7) meet any requirements in the state he or she seeks to practice under the
15 Compact; and (8) report any adverse action taken against him or her within 30 days
16 from the date the adverse action is taken. The Compact requires that the states who
17 are members of the Compact create and establish a joint public agency called the
18 Physical Therapy Compact Commission. The Commission is authorized to: (1)
19 establish bylaws; (2) make rules that facilitate and coordinate implementation and
20 administration of the Compact; (3) hold meetings, including closed meetings; (4)
21 levy on and collect an annual assessment from each state that is a member of the
22 Compact; (5) develop, maintain and utilize a coordinated database and reporting
23 system; and (6) resolve disputes related to the Compact among states that are
24 members of the Compact. **Section 2** of this bill enacts the Physical Therapy



* S B 1 8 6 *

25 Licensure Compact. **Sections 3-5** of this bill set forth various provisions that
26 incorporate the Compact into existing law.

27 The Compact requires a participating state to comply with various rules. To
28 ensure this State’s compliance with these rules, **section 3** of this bill requires the
29 Nevada Physical Therapy Board to administer the Compact in this State.

30 The Compact authorizes a state that is a member of the Compact to charge a fee
31 for granting a compact privilege. **Section 4** of this bill authorizes the Board to adopt
32 regulations to implement the Compact, including regulations that establish such
33 fees. If the Board establishes such fees by regulation, **section 4** requires the Board
34 to deposit the money collected from such fees in the State General Fund and
35 authorizes the Board to present claims to the State Board of Examiners for
36 recommendation to the Interim Finance Committee to spend money if the money is
37 needed to meet the financial obligations imposed on this State as a result of
38 participating in the Compact.

39 The Compact authorizes the Commission, the Executive Board of the
40 Commission or other committees of the Commission to convene a closed,
41 nonpublic meeting to discuss certain topics or disclose certain information. **Section**
42 **5** of this bill provides that if such a closed meeting occurs, any record created as a
43 result of such a meeting shall not be considered a public record. **Section 30** of this
44 bill makes a conforming change.

45 **Sections 6-29 and 31-38** of this bill make conforming changes by clarifying
46 that a physical therapist or physical therapist assistant can be: (1) licensed to
47 practice or to assist in the practice of physical therapy in this State; or (2)
48 authorized to practice or to assist in the practice of physical therapy in this State
49 under the Compact. Additionally, **section 25** of this bill defines the term “licensed
50 physical therapist” for the entirety of the Nevada Revised Statutes to mean a
51 physical therapist who is: (1) licensed under existing law; or (2) authorized to
52 practice physical therapy in this State under the Compact.

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

1 **Section 1.** Chapter 640 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.

4 **Sec. 2.** *The Physical Therapy Licensure Compact, set forth*
5 *in this section, is hereby enacted into law and entered into with all*
6 *other jurisdictions legally joining the Compact, in substantially the*
7 *form set forth in this section:*

8
9 **PHYSICAL THERAPY LICENSURE COMPACT**

10
11 **ARTICLE I. PURPOSE**

12
13 *The purpose of this Compact is to facilitate interstate practice*
14 *of physical therapy with the goal of improving public access to*
15 *physical therapy services. The practice of physical therapy occurs*
16 *in the state where the patient or client is located at the time of the*
17 *patient or client encounter. The Compact preserves the regulatory*



1 *authority of states to protect public health and safety through the*
2 *current system of state licensure.*

3 *This Compact is designed to achieve the following objectives:*

4 *1. Increase public access to physical therapy services by*
5 *providing for the mutual recognition of other member state*
6 *licenses;*

7 *2. Enhance the states' ability to protect the public's health*
8 *and safety;*

9 *3. Encourage the cooperation of member states in regulating*
10 *multistate physical therapy practice;*

11 *4. Support spouses of relocating military members;*

12 *5. Enhance the exchange of licensure, investigative and*
13 *disciplinary information between member states; and*

14 *6. Allow a remote state to hold a provider of services with a*
15 *compact privilege in that state accountable to that state's practice*
16 *standards.*

17
18 **ARTICLE II. DEFINITIONS**

19
20 *As used in this Compact, and except as otherwise provided, the*
21 *following definitions apply:*

22 *1. "Active Duty Military" means full-time duty status in the*
23 *active uniformed service of the United States, including, without*
24 *limitation, members of the National Guard and Reserve on active*
25 *duty orders pursuant to 10 U.S.C. §§ 1209 and 1211.*

26 *2. "Adverse Action" means disciplinary action taken by a*
27 *physical therapy licensing board based upon misconduct,*
28 *unacceptable performance or a combination of both.*

29 *3. "Alternative Program" means a nondisciplinary*
30 *monitoring or practice remediation process approved by a physical*
31 *therapy licensing board. This includes, without limitation,*
32 *substance abuse issues.*

33 *4. "Compact privilege" means the authorization granted by a*
34 *remote state to allow a licensee from another member state to*
35 *practice as a physical therapist or work as a physical therapist*
36 *assistant in the remote state under its laws and rules. The practice*
37 *of physical therapy occurs in the member state where the patient*
38 *or client is located at the time of the patient or client encounter.*

39 *5. "Continuing competence" means a requirement, as a*
40 *condition of license renewal, to provide evidence of participation*
41 *in, or completion of, educational and professional activities*
42 *relevant to practice or area of work.*

43 *6. "Data system" means a repository of information about*
44 *licensees, including, without limitation, examination, licensure,*
45 *investigative, compact privilege and adverse action.*



1 7. "Encumbered license" means a license that a physical
2 therapy licensing board has limited in any way.

3 8. "Executive Board" means a group of directors elected or
4 appointed to act on behalf of, and within the powers granted to
5 them by, the Commission.

6 9. "Home state" means the member state that is the licensee's
7 primary state of residence.

8 10. "Investigative information" means information, records
9 and documents received or generated by a physical therapy
10 licensing board pursuant to an investigation.

11 11. "Jurisprudence requirement" means the assessment of an
12 individual's knowledge of the laws and rules governing the
13 practice of physical therapy in a state.

14 12. "Licensee" means an individual who currently holds an
15 authorization from the State to practice as a physical therapist or
16 to work as a physical therapist assistant.

17 13. "Member state" means a state that has enacted the
18 Compact.

19 14. "Party state" means any member state in which a licensee
20 holds a current license or compact privilege or is applying for a
21 license or compact privilege.

22 15. "Physical therapist" means an individual who is licensed
23 by a state to practice physical therapy.

24 16. "Physical therapist assistant" means an individual who is
25 licensed or certified by a state and who assists the physical
26 therapist in selected components of physical therapy.

27 17. "Physical therapy," "physical therapy practice" or "the
28 practice of physical therapy" means the care and services provided
29 by or under the direction and supervision of a licensed physical
30 therapist.

31 18. "Physical Therapy Compact Commission" or
32 "Commission" means the national administrative body whose
33 membership consists of all states that have enacted the Compact.

34 19. "Physical therapy licensing board" or "licensing board"
35 means the agency of a state that is responsible for the licensing
36 and regulation of physical therapists and physical therapist
37 assistants.

38 20. "Remote state" means a member state, other than the
39 home state, where a licensee is exercising or seeking to exercise
40 the compact privilege.

41 21. "Rule" means a regulation, principle or directive
42 promulgated by the Commission that has the force of law.

43 22. "State" means any state, commonwealth, district or
44 territory of the United States of America that regulates the practice
45 of physical therapy.



1 **ARTICLE III. STATE PARTICIPATION IN THE COMPACT**
2

3 *1. To participate in the Compact, a state must:*

4 *(a) Participate fully in the Commission's data system,*
5 *including, without limitation, using the Commission's unique*
6 *identifier as defined in rules;*

7 *(b) Have a mechanism in place for receiving and investigating*
8 *complaints about licensees;*

9 *(c) Notify the Commission, in compliance with the terms of the*
10 *Compact and rules, of any adverse action or the availability of*
11 *investigative information regarding a licensee;*

12 *(d) Fully implement a criminal background check*
13 *requirement, within a time frame established by rule, by receiving*
14 *the results of the Federal Bureau of Investigation record search*
15 *on criminal background checks and use the results in making*
16 *licensure decisions in accordance with subsection 2;*

17 *(e) Comply with the rules of the Commission;*

18 *(f) Utilize a recognized national examination as a requirement*
19 *for licensure pursuant to the rules of the Commission; and*

20 *(g) Have continuing competence requirements as a condition*
21 *for license renewal.*

22 *2. Upon adoption of this Compact, the member state may*
23 *obtain biometric-based information from each physical therapy*
24 *licensure applicant and submit this information to the Federal*
25 *Bureau of Investigation for a criminal background check in*
26 *accordance with 28 U.S.C. § 534 and 34 U.S.C. § 40316.*

27 *3. A member state shall grant the compact privilege to a*
28 *licensee holding a valid unencumbered license in another member*
29 *state in accordance with the terms of the Compact and rules.*

30 *4. Member states may charge a fee for granting a compact*
31 *privilege.*

32
33 **ARTICLE IV. COMPACT PRIVILEGE**
34

35 *1. To exercise the compact privilege under the terms and*
36 *provisions of the Compact, the licensee shall:*

37 *(a) Hold a license in the home state;*

38 *(b) Have no encumbrance on any state license;*

39 *(c) Be eligible for a compact privilege in any member state in*
40 *accordance with subsections 4, 7 and 8;*

41 *(d) Have not had any adverse action against any license or*
42 *compact privilege within the previous 2 years;*



1 (e) Notify the Commission that the licensee is seeking the
2 compact privilege within a remote state;

3 (f) Pay any applicable fees, including, without limitation, any
4 state fee, for the compact privilege;

5 (g) Meet any jurisprudence requirements established by the
6 remote state in which the licensee is seeking a compact privilege;
7 and

8 (h) Report to the Commission adverse action taken by any
9 nonmember state within 30 days from the date the adverse action
10 is taken.

11 2. The compact privilege is valid until the expiration date of
12 the home license. The licensee must comply with the requirements
13 of subsection 1 to maintain the compact privilege in the remote
14 state.

15 3. A licensee providing physical therapy in a remote state
16 under the compact privilege shall function within the laws and
17 regulations of the remote state.

18 4. A licensee providing physical therapy in a remote state is
19 subject to that state's regulatory authority. A remote state may, in
20 accordance with due process and that state's laws, remove a
21 licensee's compact privilege in the remote state for a specific
22 period of time, impose fines or take any other necessary actions to
23 protect the health and safety of its citizens. The licensee is not
24 eligible for a compact privilege in any state until the specific time
25 for removal has passed and all fines are paid.

26 5. If a home state license is encumbered, the licensee shall
27 lose the compact privilege in any remote state until the following
28 occur:

29 (a) The home state license is no longer encumbered; and

30 (b) Two years have elapsed from the date of the adverse action.

31 6. Once an encumbered license in the home state is restored
32 to good standing, the licensee shall meet the requirements of
33 subsection 1 to obtain a compact privilege in any remote state.

34 7. If a licensee's compact privilege in any remote state is
35 removed, the individual shall lose the compact privilege in any
36 remote state until the following occur:

37 (a) The specific period of time for which the compact privilege
38 was removed has ended;

39 (b) All fines have been paid; and

40 (c) Two years have elapsed from the date of the adverse action.

41 8. Once the requirements of subsection 7 have been met, the
42 licensee shall meet the requirements in subsection 1 to obtain a
43 compact privilege in a remote state.



1 **ARTICLE V. ACTIVE DUTY MILITARY**
2 **PERSONNEL OR THEIR SPOUSES**

3
4 *A licensee who is active duty military or is the spouse of an*
5 *individual who is active duty military may designate one of the*
6 *following as the home state:*

- 7 1. *Home of record;*
8 2. *Permanent change of station; or*
9 3. *State of current residence if it is different from the*
10 *permanent change of station state or home of record.*

11
12 **ARTICLE VI. ADVERSE ACTIONS**

13
14 1. *A home state has the exclusive power to impose adverse*
15 *action against a license issued by the home state.*

16 2. *A home state may take adverse action based on the*
17 *investigative information of a remote state, if the home state*
18 *follows its own procedures for imposing adverse action.*

19 3. *This Compact does not override a member state's decision*
20 *that participation in an alternative program may be used in lieu of*
21 *adverse action and that such participation must remain nonpublic*
22 *if required by the member state's laws. Member states shall*
23 *require licensees who enter any alternative programs in lieu of*
24 *discipline to agree not to practice in any other member state*
25 *during the term of the alternative program without prior*
26 *authorization from such other member state.*

27 4. *Any member state may investigate actual or alleged*
28 *violations of the statutes and rules authorizing the practice of*
29 *physical therapy in any other member state in which a physical*
30 *therapist or physical therapist assistant holds a license or compact*
31 *privilege.*

32 5. *A remote state may:*

33 (a) *Take adverse actions as set forth in subsection 4 of article*
34 *IV against a licensee's compact privilege in the state.*

35 (b) *Issue subpoenas for both hearings and investigations*
36 *which require the attendance and testimony of witnesses and the*
37 *production of evidence. Subpoenas issued by a physical therapy*
38 *licensing board in a party state for the attendance and testimony*
39 *of witnesses or the production of evidence from another party state*
40 *must be enforced in the latter state by any court of competent*
41 *jurisdiction, according to the practice and procedure of that court*
42 *applicable to subpoenas issued in proceedings pending before it.*
43 *The issuing authority shall pay any witness fees, travel expenses,*
44 *mileage and other fees required by the service statutes of the state*
45 *where the witnesses or evidence are located.*



1 (c) *If otherwise permitted by state law, recover from the*
2 *licensee the costs of investigations and disposition of cases*
3 *resulting from any adverse action taken against that licensee.*

4 **6. Joint Investigations.**

5 (a) *In addition to the authority granted to a member state by its*
6 *respective physical therapy practice act or other applicable state*
7 *law, a member state may participate with other member states in*
8 *joint investigations of licensees.*

9 (b) *Member states shall share any investigative, litigation or*
10 *compliance materials in furtherance of any joint or individual*
11 *investigation initiated under the Compact.*

12
13 **ARTICLE VII. ESTABLISHMENT OF THE PHYSICAL**
14 **THERAPY COMPACT COMMISSION**

15
16 **1. The Compact member states hereby create and establish a**
17 **joint public agency known as the Physical Therapy Compact**
18 **Commission:**

19 (a) *The Commission is an instrumentality of the Compact*
20 *member states.*

21 (b) *Venue is proper and judicial proceedings by or against the*
22 *Commission must be brought solely and exclusively in a court of*
23 *competent jurisdiction where the principal office of the*
24 *Commission is located. The Commission may waive venue and*
25 *jurisdictional defenses to the extent it adopts or consents to*
26 *participate in alternative dispute resolution proceedings.*

27 (c) *This Compact must not be construed to be a waiver of*
28 *sovereign immunity.*

29 **2. Membership, voting and meetings.**

30 (a) *Each member state is limited to one delegate selected by*
31 *that member state's licensing board.*

32 (b) *The delegate shall be a current member of the licensing*
33 *board and be a physical therapist, physical therapist assistant,*
34 *public member or the board administrator.*

35 (c) *Any delegate may be removed or suspended from office as*
36 *provided by the law of the state from which the delegate is*
37 *appointed.*

38 (d) *The member state board shall fill any vacancy occurring in*
39 *the Commission.*

40 (e) *Each delegate shall be entitled to one vote with regard to*
41 *the promulgation of rules and creation of bylaws and shall*
42 *otherwise have an opportunity to participate in the business and*
43 *affairs of the Commission.*

44 (f) *A delegate shall vote in person or by such other means as*
45 *provided in the bylaws. The bylaws may provide for delegates'*



1 *participation in meetings by telephone or other means of*
2 *communication.*

3 *(g) The Commission shall meet at least once during each*
4 *calendar year. Additional meetings must be held as set forth in the*
5 *bylaws.*

6 *3. The Commission shall have the following powers and*
7 *duties:*

8 *(a) Establish the fiscal year of the Commission;*

9 *(b) Establish bylaws;*

10 *(c) Maintain its financial records in accordance with the*
11 *bylaws;*

12 *(d) Meet and take such actions as are consistent with the*
13 *provisions of this Compact and the bylaws;*

14 *(e) Promulgate uniform rules to facilitate and coordinate*
15 *implementation and administration of this Compact with such*
16 *rules having the force and effect of law and being binding in all*
17 *member states;*

18 *(f) Bring and prosecute legal proceedings or actions in the*
19 *name of the Commission, provided that the standing of any state*
20 *physical therapy licensing board to sue or be sued under*
21 *applicable law shall not be affected;*

22 *(g) Purchase and maintain insurance and bonds;*

23 *(h) Borrow, accept or contract for services of personnel,*
24 *including, without limitation, employees of a member state;*

25 *(i) Hire employees, elect or appoint officers, fix compensation,*
26 *define duties, grant such individuals appropriate authority to carry*
27 *out the purposes of the Compact and establish the Commission's*
28 *personnel policies and programs relating to conflicts of interest,*
29 *qualifications of personnel and other related personnel matters;*

30 *(j) Accept any and all appropriate donations and grants of*
31 *money, equipment, supplies, materials and services and receive,*
32 *utilize and dispose of the same, provided that at all times the*
33 *Commission shall avoid any appearance of impropriety or conflict*
34 *of interest;*

35 *(k) Lease, purchase, accept appropriate gifts or donations of,*
36 *or otherwise own, hold, improve or use, any property, real,*
37 *personal or mixed, provided that at all times the Commission shall*
38 *avoid any appearance of impropriety;*

39 *(l) Sell, convey, mortgage, pledge, lease, exchange, abandon or*
40 *otherwise dispose of any property real, personal or mixed;*

41 *(m) Establish a budget and make expenditures;*

42 *(n) Borrow money;*

43 *(o) Appoint committees, including, without limitation, standing*
44 *committees composed of members, state regulators, state*
45 *legislators or their representatives, consumer representatives and*



1 *such other interested persons as may be designated in this*
2 *Compact and the bylaws;*

3 *(p) Provide and receive information from, and cooperate with,*
4 *law enforcement agencies;*

5 *(q) Establish and elect an Executive Board; and*

6 *(r) Perform such other functions as may be necessary or*
7 *appropriate to achieve the purposes of this Compact consistent*
8 *with the state regulation of physical therapy licensure and*
9 *practice.*

10 *4. The Executive Board may act on behalf of the Commission*
11 *according to the terms of this Compact:*

12 *(a) The Executive Board shall be composed of nine members:*

13 *(1) Seven voting members who are elected by the*
14 *Commission from the current membership of the Commission;*

15 *(2) One ex-officio, nonvoting member from the recognized*
16 *national physical therapy professional association; and*

17 *(3) One ex-officio, nonvoting member from the recognized*
18 *membership organization of the physical therapy licensing boards.*

19 *(b) The ex-officio members shall be selected by their respective*
20 *organizations.*

21 *(c) The Commission may remove any member of the Executive*
22 *Board as provided in the bylaws.*

23 *(d) The Executive Board shall meet at least annually.*

24 *(e) The Executive Board shall:*

25 *(1) Recommend to the entire Commission changes to the*
26 *rules or bylaws, changes to this Compact legislation, fees paid by*
27 *Compact member states, including, without limitation, annual*
28 *dues, and any Commission Compact fee charged to licensees for*
29 *the compact privilege;*

30 *(2) Ensure Compact administration services are*
31 *appropriately provided, contractual or otherwise;*

32 *(3) Prepare and recommend the budget;*

33 *(4) Maintain financial records on behalf of the*
34 *Commission;*

35 *(5) Monitor Compact compliance of member states and*
36 *provide compliance reports to the Commission;*

37 *(6) Establish additional committees as necessary; and*

38 *(7) Other duties as provided in the rules or bylaws.*

39 *5. Meetings of the Commission.*

40 *(a) All meetings shall be open to the public, and public notice*
41 *of meetings must be given in the same manner as required under*
42 *the rulemaking provisions in article IX.*

43 *(b) The Commission or the Executive Board or other*
44 *committees of the Commission may convene in a closed, nonpublic*



1 *meeting if the Commission or Executive Board or other*
2 *committees of the Commission must discuss:*

3 *(1) Noncompliance of a member state with its obligations*
4 *under the Compact;*

5 *(2) The employment, compensation, discipline or other*
6 *matters, practices or procedures related to specific employees or*
7 *other matters related to the Commission's internal personnel*
8 *practices and procedures;*

9 *(3) Current, threatened or reasonably anticipated litigation;*

10 *(4) Negotiation of contracts for the purchase, lease or sale*
11 *of goods, services or real estate;*

12 *(5) Accusing any person of a crime or formally censuring*
13 *any person;*

14 *(6) Disclosure of trade secrets or commercial or financial*
15 *information that is privileged or confidential;*

16 *(7) Disclosure of information of a personal nature if the*
17 *disclosure would constitute a clearly unwarranted invasion of*
18 *personal privacy;*

19 *(8) Disclosure of investigative records compiled for law*
20 *enforcement purposes;*

21 *(9) Disclosure of information related to any investigative*
22 *reports prepared by or on behalf of or for use of the Commission*
23 *or other committee charged with responsibility of investigation or*
24 *determination of compliance issues pursuant to the Compact; or*

25 *(10) Matters specifically exempted from disclosure by*
26 *federal or member state statute.*

27 *(c) If a meeting, or portion of a meeting, is closed pursuant to*
28 *this provision, the Commission's legal counsel or designee shall*
29 *certify that the meeting may be closed and shall reference each*
30 *relevant exempting provision.*

31 *(d) The Commission shall keep minutes that fully and clearly*
32 *describe all matters discussed in a meeting and shall provide a full*
33 *and accurate summary of actions taken, and the reasons*
34 *therefore, including, without limitation, a description of the views*
35 *expressed. All documents considered in connection with an action*
36 *must be identified in such minutes. All minutes and documents of*
37 *a closed meeting must remain under seal, subject to release by a*
38 *majority vote of the Commission or order of a court of competent*
39 *jurisdiction.*

40 **6. Financing of the Commission.**

41 *(a) The Commission shall pay, or provide for the payment of,*
42 *the reasonable expenses of its establishment, organization and*
43 *ongoing activities.*



1 ***(b) The Commission may accept any and all appropriate***
2 ***revenue sources, donations and grants of money, equipment,***
3 ***supplies, materials and services.***

4 ***(c) The Commission may levy on and collect an annual***
5 ***assessment from each member state or impose fees on other***
6 ***parties to cover the cost of the operations and activities of the***
7 ***Commission and its staff, which must be in a total amount***
8 ***sufficient to cover its annual budget as approved each year for***
9 ***which revenue is not provided by other sources. The aggregate***
10 ***annual assessment amount must be allocated based upon a***
11 ***formula to be determined by the Commission, which shall***
12 ***promulgate a rule binding upon all member states.***

13 ***(d) The Commission shall not incur obligations of any kind***
14 ***prior to securing the funds adequate to meet the same, nor shall***
15 ***the Commission pledge the credit of any of the member states,***
16 ***except by and with the authority of the member state.***

17 ***(e) The Commission shall keep accurate accounts of all***
18 ***receipts and disbursements. The receipts and disbursements of the***
19 ***Commission are subject to the audit and accounting procedures***
20 ***established under its bylaws. However, all receipts and***
21 ***disbursements of funds handled by the Commission must be***
22 ***audited yearly by a certified or licensed public accountant, and the***
23 ***report of the audit shall be included in and become part of the***
24 ***annual report of the Commission.***

25 ***7. Qualified immunity, defense and indemnification.***

26 ***(a) The members, officers, executive director, employees and***
27 ***representatives of the Commission shall be immune from suit and***
28 ***liability, either personally or in their official capacity, for any***
29 ***claim for damage to or loss of property or personal injury or other***
30 ***civil liability caused by or arising out of any actual or alleged act,***
31 ***error or omission that occurred, or that the person against whom***
32 ***the claim is made had a reasonable basis for believing occurred***
33 ***within the scope of Commission employment, duties or***
34 ***responsibilities, provided that nothing in this paragraph shall be***
35 ***construed to protect any such person from suit or liability for any***
36 ***damage, loss, injury or liability caused by the intentional, willful***
37 ***or wanton misconduct of that person.***

38 ***(b) The Commission shall defend any member, officer,***
39 ***executive director, employee or representative of the Commission***
40 ***in any civil action seeking to impose liability arising out of any***
41 ***actual or alleged act, error or omission that occurred within the***
42 ***scope of Commission employment, duties or responsibilities, or***
43 ***that the person against whom the claim is made had a reasonable***
44 ***basis for believing occurred within the scope of Commission***
45 ***employment, duties or responsibilities, provided that this***



1 *paragraph may not be construed to prohibit that person from*
2 *retaining his or her own counsel, and provided further that the*
3 *actual or alleged act, error or omission did not result from that*
4 *person's intentional, willful or wanton misconduct.*

5 *(c) The Commission shall indemnify and hold harmless any*
6 *member, officer, executive director, employee or representative of*
7 *the Commission for the amount of any settlement or judgment*
8 *obtained against that person arising out of any actual or alleged*
9 *act, error or omission that occurred within the scope of*
10 *Commission employment, duties or responsibilities, or that such*
11 *person had a reasonable basis for believing occurred within the*
12 *scope of Commission employment, duties or responsibilities,*
13 *provided that the actual or alleged act, error or omission did not*
14 *result from the intentional, willful or wanton misconduct of that*
15 *person.*

16
17 **ARTICLE VIII. DATA SYSTEM**
18

19 *1. The Commission shall provide for the development,*
20 *maintenance and utilization of a coordinated database and*
21 *reporting system containing licensure, adverse action and*
22 *investigative information on all licensed individuals in member*
23 *states.*

24 *2. Notwithstanding any other provision of state law to the*
25 *contrary, a member state shall submit a uniform data set to the*
26 *data system on all individuals to whom this Compact is applicable*
27 *as required by the rules of the Commission, including, without*
28 *limitation:*

29 *(a) Identifying information;*

30 *(b) Licensure data;*

31 *(c) Adverse actions against a license or compact privilege;*

32 *(d) Nonconfidential information related to alternative program*
33 *participation;*

34 *(e) Any denial of application for licensure and the reason for*
35 *such denial; and*

36 *(f) Other information that may facilitate the administration of*
37 *this Compact, as determined by the rules of the Commission.*

38 *3. Investigative information pertaining to a licensee in any*
39 *member state will only be available to other party states.*

40 *4. The Commission shall promptly notify all member states of*
41 *any adverse action taken against a licensee or an individual*
42 *applying for a license. Adverse action information pertaining to a*
43 *licensee in any member state will be available to any other*
44 *member state.*



1 5. *Member states contributing information to the data system*
2 *may designate information that may not be shared with the public*
3 *without the express permission of the contributing state.*

4 6. *Any information submitted to the data system that is*
5 *subsequently required to be expunged by the laws of the member*
6 *state contributing the information shall be removed from the data*
7 *system.*

8
9 **ARTICLE IX. RULEMAKING**

10
11 1. *The Commission shall exercise its rulemaking powers*
12 *pursuant to the criteria set forth in this article and the rules*
13 *adopted pursuant to this article. Rules and amendments shall*
14 *become binding as of the date specified in each rule or*
15 *amendment.*

16 2. *If a majority of the legislatures of the member states rejects*
17 *a rule by enactment of a statute or resolution in the same manner*
18 *used to adopt the Compact within 4 years of the date of adoption*
19 *of the rule, then such rule shall have no further force and effect in*
20 *any member state.*

21 3. *Rules or amendments to the rules must be adopted at a*
22 *regular or special meeting of the Commission.*

23 4. *Prior to promulgation and adoption of a final rule or rules*
24 *by the Commission, and at least 30 days in advance of the meeting*
25 *at which the rule will be considered and voted upon, the*
26 *Commission shall file a Notice of Proposed Rulemaking:*

27 (a) *On the website of the Commission or other publicly*
28 *accessible platform; and*

29 (b) *On the website of each member state physical therapy*
30 *licensing board or other publicly accessible platform or the*
31 *publication in which each state would otherwise publish proposed*
32 *rules.*

33 5. *The Notice of Proposed Rulemaking must include, without*
34 *limitation:*

35 (a) *The proposed time, date and location of the meeting in*
36 *which the rule will be considered and voted upon;*

37 (b) *The text of the proposed rule or amendment and the reason*
38 *for the proposed rule;*

39 (c) *A request for comments on the proposed rule from any*
40 *interested person; and*

41 (d) *The manner in which interested persons may submit notice*
42 *to the Commission of the interested persons' intentions to attend*
43 *the public hearing and any written comments.*



1 6. *Prior to adoption of a proposed rule, the Commission shall*
2 *allow persons to submit written data, facts, opinions and*
3 *arguments, which must be made available to the public.*

4 7. *The Commission shall grant an opportunity for a public*
5 *hearing before it adopts a rule or amendment if a hearing is*
6 *requested by:*

7 (a) *At least twenty-five persons;*

8 (b) *A state or federal governmental subdivision or agency; or*

9 (c) *An association having at least twenty-five members.*

10 8. *If a hearing is held on the proposed rule or amendment,*
11 *the Commission shall publish the place, time and date of the*
12 *scheduled public hearing. If the hearing is held via electronic*
13 *means, the Commission shall publish the mechanism for access to*
14 *the electronic hearing.*

15 (a) *All persons wishing to be heard at the hearing shall notify*
16 *the executive director of the Commission or other designated*
17 *member in writing of their desire to appear and testify at the*
18 *hearing not less than 5 business days before the scheduled date of*
19 *the hearing.*

20 (b) *Hearings shall be conducted in a manner providing each*
21 *person who wishes to comment a fair and reasonable opportunity*
22 *to comment orally or in writing.*

23 (c) *All hearings must be recorded. A copy of the recording*
24 *must be made available on request.*

25 (d) *This article may not be construed as requiring a separate*
26 *hearing on each rule. Rules may be grouped for the convenience*
27 *of the Commission at hearings required by this article.*

28 9. *Following the scheduled hearing date, or by the close of*
29 *business on the scheduled hearing date if the hearing was not*
30 *held, the Commission shall consider all written and oral comments*
31 *received.*

32 10. *If written notice of intent to attend the public hearing by*
33 *interested parties is not received, the Commission may proceed*
34 *with promulgation of the proposed rule without a public hearing.*

35 11. *By majority vote of all members, the Commission shall*
36 *take final action on the proposed rule and shall determine the*
37 *effective date of the rule, if any, based on the rulemaking record*
38 *and the full text of the rule.*

39 12. *Upon determination that an emergency exists, the*
40 *Commission may consider and adopt an emergency rule without*
41 *prior notice, opportunity for comment or hearing, provided that*
42 *the usual rulemaking procedures provided in the Compact and in*
43 *this article must be retroactively applied to the rule as soon as*
44 *reasonably possible, in no event later than 90 days after the*
45 *effective date of the rule. For the purposes of this subsection, an*



1 *emergency rule is one that must be adopted immediately in order*
2 *to:*

3 *(a) Meet an imminent threat to public health, safety or*
4 *welfare;*

5 *(b) Prevent a loss of Commission or member state funds;*

6 *(c) Meet a deadline for the promulgation of an administrative*
7 *rule that is established by federal law or rule; or*

8 *(d) Protect public health and safety.*

9 *13. The Commission or an authorized committee of the*
10 *Commission may direct revisions to a previously adopted rule or*
11 *amendment for purposes of correcting typographical errors, errors*
12 *in format, errors in consistency or grammatical errors. Public*
13 *notice of any revisions must be posted on the website of the*
14 *Commission. The revision shall be subject to challenge by any*
15 *person for a period of 30 days after posting. The revision may be*
16 *challenged only on grounds that the revision results in a material*
17 *change to a rule. A challenge must be made in writing and*
18 *delivered to the chair of the Commission prior to the end of the*
19 *notice period. If a challenge is not made, the revision must take*
20 *effect without further action. If the revision is challenged, the*
21 *revision may not take effect without the approval of the*
22 *Commission.*

23
24 **ARTICLE X. OVERSIGHT, DISPUTE RESOLUTION AND**
25 **ENFORCEMENT**

26
27 **I. Oversight.**

28 *(a) The executive, legislative and judicial branches of state*
29 *government in each member state shall enforce this Compact and*
30 *take all actions necessary and appropriate to effectuate the*
31 *Compact's purposes and intent. The provisions of this Compact*
32 *and the rules promulgated under this Compact have standing as*
33 *statutory law.*

34 *(b) All courts shall take judicial notice of the Compact and the*
35 *rules in any judicial or administrative proceeding in a member*
36 *state pertaining to the subject matter of this Compact which may*
37 *affect the powers, responsibilities or actions of the Commission.*

38 *(c) The Commission is entitled to receive service of process in*
39 *any such proceeding and has standing to intervene in such a*
40 *proceeding for all purposes. Failure to provide service of process*
41 *to the Commission shall render a judgment or order void as to the*
42 *Commission, this Compact or promulgated rules.*

43 **2. Default, technical assistance and termination.**

44 *(a) If the Commission determines that a member state has*
45 *defaulted in the performance of its obligations or responsibilities*



1 *under this Compact or the promulgated rules, the Commission*
2 *shall:*

3 *(1) Provide written notice to the defaulting state and other*
4 *member states of the nature of the default, the proposed means of*
5 *curing the default and any other action to be taken by the*
6 *Commission; and*

7 *(2) Provide remedial training and specific technical*
8 *assistance regarding the default.*

9 *(b) If a state in default fails to cure the default, the defaulting*
10 *state may be terminated from the Compact upon an affirmative*
11 *vote of a majority of the member states and all rights, privileges*
12 *and benefits conferred by this Compact may be terminated on the*
13 *effective date of termination. A cure of the default does not relieve*
14 *the offending state of obligations or liabilities incurred during the*
15 *period of default.*

16 *(c) Termination of membership in the Compact shall be*
17 *imposed only after all other means of securing compliance have*
18 *been exhausted. Notice of intent to suspend or terminate shall be*
19 *given by the Commission to the governor, the majority and*
20 *minority leaders of the defaulting state's legislature and each of*
21 *the member states.*

22 *(d) A state that has been terminated is responsible for all*
23 *assessments, obligations and liabilities incurred through the*
24 *effective date of termination, including, without limitation,*
25 *obligations that extend beyond the effective date of termination.*

26 *(e) The Commission shall not bear any costs related to a state*
27 *that is found to be in default or that has been terminated from the*
28 *Compact, unless agreed upon in writing between the Commission*
29 *and the defaulting state.*

30 *(f) The defaulting state may appeal the action of the*
31 *Commission by petitioning the United States District Court for the*
32 *District of Columbia or the federal district where the Commission*
33 *has its principal offices. The prevailing member shall be awarded*
34 *all costs of such litigation, including, without limitation,*
35 *reasonable attorney's fees.*

36 **3. Dispute resolution.**

37 *(a) Upon request by a member state, the Commission shall*
38 *attempt to resolve disputes related to the Compact that arise*
39 *among member states and between member and nonmember*
40 *states.*

41 *(b) The Commission shall promulgate a rule providing for*
42 *both mediation and binding dispute resolution for disputes as*
43 *appropriate.*

44 **4. Enforcement.**



1 (a) *The Commission, in the reasonable exercise of its*
2 *discretion, shall enforce the provisions and rules of this Compact.*

3 (b) *By majority vote, the Commission may initiate legal action*
4 *in the United States District Court for the District of Columbia or*
5 *the federal district where the Commission has its principal offices*
6 *against a member state in default to enforce compliance with the*
7 *provisions of the Compact and its promulgated rules and bylaws.*
8 *The relief sought may include both injunctive relief and damages.*
9 *If judicial enforcement is necessary, the prevailing member shall*
10 *be awarded all costs of such litigation, including, without*
11 *limitation, reasonable attorney's fees.*

12 (c) *The remedies herein are not the exclusive remedies of the*
13 *Commission. The Commission may pursue any other remedies*
14 *available under federal or state law.*

15
16 **ARTICLE XI. DATE OF IMPLEMENTATION OF**
17 **THE INTERSTATE COMMISSION FOR PHYSICAL**
18 **THERAPY PRACTICE AND ASSOCIATED RULES,**
19 **WITHDRAWAL AND AMENDMENT**
20

21 1. *The Compact shall come into effect on the date on which*
22 *the Compact statute is enacted into law in the tenth member state.*
23 *The provisions, which become effective at that time, are limited*
24 *to the powers granted to the Commission relating to assembly and*
25 *the promulgation of rules. Thereafter, the Commission shall meet*
26 *and exercise rulemaking powers necessary to the implementation*
27 *and administration of the Compact.*

28 2. *Any state that joins the Compact subsequent to the*
29 *Commission's initial adoption of the rules shall be subject to the*
30 *rules as they exist on the date on which the Compact becomes law*
31 *in that state. Any rule that has been previously adopted by the*
32 *Commission shall have the full force and effect of law on the day*
33 *the Compact becomes law in that state.*

34 3. *Any member state may withdraw from this Compact by*
35 *enacting a statute repealing the same.*

36 (a) *A member state's withdrawal shall not take effect until 6*
37 *months after enactment of the repealing statute.*

38 (b) *Withdrawal shall not affect the continuing requirement of*
39 *the withdrawing state's physical therapy licensing board to comply*
40 *with the investigative and adverse action reporting requirements of*
41 *this Compact prior to the effective date of withdrawal.*

42 4. *This Compact shall not be construed to invalidate or*
43 *prevent any physical therapy licensure agreement or other*
44 *cooperative arrangement between a member state and a*



1 *nonmember state that does not conflict with the provisions of this*
2 *Compact.*

3 *5. This Compact may be amended by the member states. An*
4 *amendment to this Compact shall not become effective and*
5 *binding upon any member state until it is enacted into the laws of*
6 *all member states.*

7
8 **ARTICLE XII. CONSTRUCTION AND SEVERABILITY**
9

10 *This Compact must be liberally construed so as to effectuate*
11 *the purposes of the Compact. The provisions of this Compact are*
12 *severable and if any phrase, clause, sentence or provision of this*
13 *Compact is declared to be contrary to the constitution of any party*
14 *state or of the United States or the applicability thereof to any*
15 *government, agency, person or circumstance is held invalid, the*
16 *validity of the remainder of this Compact and the applicability of*
17 *the remainder of this Compact to any government, agency, person*
18 *or circumstance shall not be affected thereby. If this Compact is*
19 *held contrary to the constitution of any party state, the Compact*
20 *shall remain in full force and effect as to the remaining party*
21 *states and in full force and effect as to the party state affected as to*
22 *all severable matters.*

23 **Sec. 3.** *The Board shall administer the Physical Therapy*
24 *Licensure Compact enacted in section 2 of this act.*

25 **Sec. 4. 1.** *The Board may adopt regulations necessary to*
26 *implement the Physical Therapy Licensure Compact enacted in*
27 *section 2 of this act, including, without limitation, regulations that*
28 *establish fees for physical therapists and physical therapist*
29 *assistants seeking authorization to practice or to assist in the*
30 *practice of physical therapy in this State pursuant to the Physical*
31 *Therapy Licensure Compact.*

32 **2.** *If the Board establishes fees pursuant to subsection 1, the*
33 *Board shall deposit the money collected from the imposition of the*
34 *fees in the State General Fund. The Board may present a claim to*
35 *the State Board of Examiners for recommendation to the Interim*
36 *Finance Committee if money is needed to meet the financial*
37 *obligations imposed on this State as a result of participation in the*
38 *Physical Therapy Licensure Compact.*

39 **Sec. 5.** *If a meeting, or a portion of a meeting, of the*
40 *Physical Therapy Compact Commission is closed pursuant to*
41 *subsection 5 of article VII of the Physical Therapy Licensure*
42 *Compact enacted in section 2 of this act, any record created*
43 *pursuant to such a closed meeting shall not be considered a public*
44 *record pursuant to NRS 239.010.*



1 **Sec. 6.** NRS 640.021 is hereby amended to read as follows:
2 640.021 “Physical therapist” means a person who is
3 ~~licensed~~ :

4 1. *Licensed* as such in accordance with the provisions of this
5 chapter ~~[]~~; or

6 2. *Authorized to the practice of physical therapy in this State*
7 *pursuant to the Physical Therapy Licensure Compact enacted in*
8 *section 2 of this act.*

9 **Sec. 7.** NRS 640.0213 is hereby amended to read as follows:
10 640.0213 “Physical therapist assistant” means a person who
11 assists in the practice of physical therapy under the supervision of a
12 ~~licensed~~ physical therapist and who is ~~licensed~~ :

13 1. *Licensed* under the provisions of this chapter ~~[]~~; or

14 2. *Authorized to assist in the practice of physical therapy in*
15 *this State pursuant to the Physical Therapy Licensure Compact*
16 *enacted in section 2 of this act.*

17 **Sec. 8.** NRS 640.030 is hereby amended to read as follows:
18 640.030 1. The Nevada Physical Therapy Board, consisting
19 of five members appointed by the Governor, and any nonvoting
20 advisory members appointed by the Board pursuant to NRS
21 640.055, is hereby created.

22 2. The Governor shall appoint:

23 (a) Three members who are ~~licensed~~ physical therapists ~~[in the~~
24 ~~State of Nevada.]~~ , *licensed as such in accordance with the*
25 *provisions of this chapter.*

26 (b) One member who is a licensed physical therapist assistant in
27 the State of Nevada.

28 (c) One member who is a representative of the general public.
29 This member must not be:

30 (1) A physical therapist or a physical therapist assistant; or

31 (2) The spouse or the parent or child, by blood, marriage or
32 adoption, of a physical therapist or a physical therapist assistant.

33 3. No member of the Board may serve more than two
34 consecutive terms.

35 4. The Governor may remove any voting member of the Board
36 for incompetency, neglect of duty, gross immorality or malfeasance
37 in office.

38 5. A majority of the voting members of the Board constitutes a
39 quorum.

40 6. No member of the Board may be held liable in a civil action
41 for any act which he or she has performed in good faith in the
42 execution of his or her duties under this chapter.

43 7. The Board shall comply with the provisions of chapter 241
44 of NRS, and all meetings of the Board must be conducted in
45 accordance with that chapter.



1 **Sec. 9.** NRS 640.050 is hereby amended to read as follows:

2 640.050 1. The Board shall:

3 (a) Enforce the provisions of this chapter and any regulations
4 adopted pursuant thereto;

5 (b) Evaluate the qualifications and determine the eligibility of an
6 applicant for a license as a physical therapist or physical therapist
7 assistant and, upon payment of the applicable fee, issue the
8 appropriate license to a qualified applicant;

9 (c) *Determine if an applicant for authorization to practice or to*
10 *assist in the practice of physical therapy in this State pursuant to*
11 *the Physical Therapy Licensure Compact enacted in section 2 of*
12 *this act holds a valid and unencumbered license in another state*
13 *that is a member of the Physical Therapy Licensure Compact and*
14 *otherwise complies with the Physical Therapy Licensure Compact*
15 *and any regulations adopted pursuant to section 4 of this act;*

16 (d) Investigate any complaint filed with the Board against a
17 ~~licensee;~~ *physical therapist or physical therapist assistant;* and

18 ~~(d)~~ (e) Unless the Board determines that extenuating
19 circumstances exist, forward to the appropriate law enforcement
20 agency any substantiated information submitted to the Board
21 concerning a person who practices as a physical therapist or
22 physical therapist assistant without a license ~~or~~ *or without*
23 *authorization to practice or assist in the practice of physical*
24 *therapy in this State pursuant to the Physical Therapy Licensure*
25 *Compact enacted in section 2 of this act.*

26 2. The Board may adopt reasonable regulations to carry this
27 chapter into effect, including, but not limited to, regulations
28 concerning the:

29 (a) Issuance and display of licenses ~~or~~ *or authorizations to*
30 *practice or to assist in the practice of physical therapy in this State*
31 *pursuant to the Physical Therapy Licensure Compact enacted in*
32 *section 2 of this act.*

33 (b) Supervision of physical therapist assistants and physical
34 therapist technicians.

35 3. The Board shall prepare and maintain a record of its
36 proceedings, including, without limitation, any disciplinary
37 proceedings.

38 4. The Board shall maintain a list of licensed physical
39 therapists ~~authorized to~~ *who* practice physical therapy *in this State*
40 and physical therapist assistants ~~licensed to~~ *who* assist in the
41 practice of physical therapy in this State.

42 5. The Board may:

43 (a) Maintain offices in as many localities in the State as it finds
44 necessary to carry out the provisions of this chapter.



1 (b) Employ attorneys, investigators and other professional
2 consultants and clerical personnel necessary to the discharge of its
3 duties.

4 (c) Adopt a seal of which a court may take judicial notice.

5 6. Any member or agent of the Board may enter any premises
6 in this State where a person who holds a license issued pursuant to
7 the provisions of this chapter *or who holds an authorization to*
8 *practice or assist in the practice of physical therapy in this State*
9 *pursuant to the Physical Therapy Licensure Compact enacted in*
10 *section 2 of this act* practices physical therapy or as a physical
11 therapist assistant and inspect the premises to determine whether a
12 violation of any provision of this chapter or any regulation adopted
13 pursuant thereto has occurred, including, without limitation, an
14 inspection to determine whether any person at the premises is
15 practicing physical therapy or as a physical therapist assistant
16 without the appropriate license issued pursuant to the provisions of
17 this chapter ~~or~~ *or without authorization to practice or assist in the*
18 *practice of physical therapy in this State pursuant to the Physical*
19 *Therapy Licensure Compact enacted in section 2 of this act.*

20 7. Any voting member of the Board may administer an oath to
21 a person testifying in a matter that relates to the duties of the Board.

22 **Sec. 10.** NRS 640.070 is hereby amended to read as follows:

23 640.070 1. All fees collected under this chapter must be
24 deposited by the Board in banks, credit unions, savings and loan
25 associations or savings banks in the State of Nevada.

26 2. All expenses incident to the operation of this chapter must
27 be paid from the revenue derived therefrom.

28 3. In a manner consistent with the provisions of chapter 622A
29 of NRS, the Board may delegate to a hearing officer or panel its
30 authority to take any disciplinary action pursuant to this chapter and
31 impose and collect administrative fines therefor. If the Board so
32 delegates its authority, the Board may deposit the money from the
33 fines in banks, credit unions, savings and loan associations or
34 savings banks in this State for the support of the Board. In addition,
35 the hearing officer or panel may assess a ~~licensee~~ *physical*
36 *therapist or physical therapist assistant* against whom disciplinary
37 action is taken any costs and fees incurred by the Board as a result
38 of the hearing. The money from the reimbursed costs and fees may
39 also be deposited for use by the Board.

40 4. If a hearing officer or panel is not authorized to take
41 disciplinary action pursuant to subsection 3, the Board shall deposit
42 the money collected from the imposition of administrative fines in
43 the State General Fund. The Board may present a claim to the State
44 Board of Examiners for recommendation to the Interim Finance



1 Committee if money is needed to pay attorney's fees or the costs of
2 an investigation, or both.

3 **Sec. 11.** NRS 640.155 is hereby amended to read as follows:

4 640.155 1. After conducting an inspection pursuant to NRS
5 640.050, a member or agent of the Board may issue a citation to a
6 ~~licensee~~ *physical therapist or physical therapist assistant* if the
7 member or agent concludes that, based on a preponderance of the
8 evidence, the ~~licensee~~ *physical therapist or physical therapist*
9 *assistant* has violated:

10 (a) Subsection 3 of NRS 640.110;

11 (b) Any regulation of the Board that requires a ~~licensee~~
12 *physical therapist or physical therapist assistant* to provide his or
13 her address to the Board, display his or her license *or authorization*
14 *to practice or assist in the practice of physical therapy in this State*
15 *pursuant to the Physical Therapy Licensure Compact enacted in*
16 *section 2 of this act* or a copy thereof, practice only under the name
17 listed on his or her license, *authorization* or document in the record
18 of a patient any treatment provided to the patient; or

19 (c) Any regulation of the Board establishing requirements for
20 the supervision of an unlicensed person by a physical therapist or
21 limiting the number of persons who may be supervised by a physical
22 therapist.

23 2. A citation issued pursuant to this section may include,
24 without limitation, an order to:

25 (a) Take action to correct any condition resulting from any act
26 that constitutes a violation of a provision set forth in subsection 1, at
27 the cost of the person who committed the violation. If the citation
28 contains such an order, the citation must:

29 (1) State the time permitted for compliance, which must be
30 not less than 5 business days after the date the person receives the
31 citation; and

32 (2) Specifically describe the corrective action to be taken.

33 (b) Pay an administrative fine not to exceed the amount
34 prescribed pursuant to subsection 3.

35 (c) Reimburse the Board for any expenses incurred to
36 investigate the violation, in an amount not to exceed \$150.

37 3. Any administrative fine imposed pursuant to this section
38 must be:

39 (a) For a first violation, in the amount prescribed by regulation
40 of the Board, which must be not less than \$100 or more than \$500;

41 (b) For a second violation, in the amount prescribed by
42 regulation of the Board, which must be not less than \$250 or more
43 than \$1,000; and



1 (c) For a third violation and for each additional violation, in the
2 amount determined by the Board after the ~~Licensee~~ *physical*
3 *therapist or physical therapist assistant* appears before the Board.

4 4. The sanctions authorized by this section are separate from,
5 and in addition to, any other remedy, civil or criminal, authorized by
6 this chapter.

7 **Sec. 12.** NRS 640.157 is hereby amended to read as follows:

8 640.157 1. Except as otherwise provided in this subsection,
9 to contest a citation issued pursuant to NRS 640.155, the person
10 must submit a written request for a hearing to the Board not later
11 than 30 days after the date of issuance of the citation. The Board
12 may, for good cause shown, extend the time to submit a request for
13 a hearing.

14 2. If the person to whom a citation is issued files a timely
15 written request for a hearing to contest the citation:

16 (a) The Board shall provide notice of and conduct the hearing in
17 accordance with this chapter and the provisions of chapters 233B
18 and 622A of NRS governing the adjudication of contested cases.

19 (b) At the hearing, the ~~Licensee~~ *physical therapist or physical*
20 *therapist assistant* may contest, without limitation:

21 (1) The facts forming the basis for the determination that the
22 ~~Licensee~~ *physical therapist or physical therapist assistant* has
23 committed an act which constitutes a violation of a provision
24 described in NRS 640.155;

25 (2) The time allowed to take any corrective action ordered;

26 (3) The amount of any administrative fine ordered;

27 (4) The amount of any payment ordered to reimburse the
28 Board for the expenses incurred to investigate the violation; and

29 (5) Whether any corrective action described in the citation is
30 reasonable.

31 3. If a person to whom a citation is issued pursuant to NRS
32 640.155 does not file timely a written request for a hearing to
33 contest the citation, the citation shall be deemed a final order of the
34 Board and any assessed fine deemed due and payable and any
35 corrective action deemed required.

36 4. For the purposes of this section, a citation issued pursuant to
37 NRS 640.155 shall be deemed to have been received by a person:

38 (a) On the date on which the citation is personally delivered to
39 the person; or

40 (b) If the citation is mailed, 3 business days after the date on
41 which the citation is mailed by certified mail to the last known
42 business or residential address of the person.



1 **Sec. 13.** NRS 640.160 is hereby amended to read as follows:
2 640.160 1. The Board, after notice and a hearing as required
3 by law, and upon any ground enumerated in subsection 2, may take
4 one or more of the following actions:

5 (a) Refuse to issue a license or temporary license *or grant an*
6 *authorization to practice or assist in the practice of physical*
7 *therapy in this State pursuant to the Physical Therapy Licensure*
8 *Compact enacted in section 2 of this act* to any applicant.

9 (b) Refuse to renew the license or temporary license of any
10 person.

11 (c) Suspend or revoke the license , ~~{or}~~ temporary license *or*
12 *authorization to practice or assist in the practice of physical*
13 *therapy in this State pursuant to the Physical Therapy Licensure*
14 *Compact enacted in section 2 of this act* of any person.

15 (d) Place any person who has been issued a license or temporary
16 license *or who has been granted an authorization to practice or*
17 *assist in the practice of physical therapy in this State pursuant to*
18 *the Physical Therapy Licensure Compact enacted in section 2 of*
19 *this act* on probation.

20 (e) Impose an administrative fine which does not exceed \$5,000
21 on any person who has been issued a license ~~{}~~ *or who has been*
22 *authorized to practice or assist in the practice of physical therapy*
23 *in this State pursuant to the Physical Therapy Licensure Compact*
24 *enacted in section 2 of this act.*

25 2. The Board may take action pursuant to subsection 1 if an
26 applicant or person who has been licensed pursuant to this chapter
27 ~~{}~~ *or who has been authorized to practice or assist in the practice*
28 *of physical therapy in this State pursuant to the Physical Therapy*
29 *Licensure Compact enacted in section 2 of this act:*

30 (a) Is habitually drunk or is addicted to the use of a controlled
31 substance.

32 (b) Has been convicted of violating any state or federal law
33 relating to controlled substances.

34 (c) Is, in the judgment of the Board, guilty of immoral or
35 unprofessional conduct.

36 (d) Has been convicted of any crime involving moral turpitude.

37 (e) Has been convicted of violating any of the provisions of
38 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
39 inclusive.

40 (f) Is guilty, in the judgment of the Board, of gross negligence in
41 his or her practice as a physical therapist which may be evidenced
42 by claims of malpractice settled against a practitioner.

43 (g) Has obtained or attempted to obtain a license by fraud or
44 material misrepresentation.



1 (h) Has been declared insane by a court of competent
2 jurisdiction and has not thereafter been lawfully declared sane.

3 (i) Has entered into any contract or arrangement which provides
4 for the payment of an unearned fee to any person following his or
5 her referral of a patient.

6 (j) Has employed as a physical therapist any unlicensed *or*
7 *unauthorized* physical therapist or physical therapist whose license
8 *or authorization* has been suspended.

9 (k) Has had a license to practice physical therapy suspended,
10 revoked or in any way limited by another jurisdiction.

11 (l) Is determined to be professionally incompetent by the Board.

12 (m) Has violated any provision of this chapter or the Board's
13 regulations.

14 (n) Has operated a medical facility, as defined in NRS 449.0151,
15 at any time during which:

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

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

19 ↪ This paragraph applies to an owner or other principal responsible
20 for the operation of the facility.

21 **Sec. 14.** NRS 640.169 is hereby amended to read as follows:

22 640.169 1. Except as otherwise provided in NRS 629.091
23 and 640.120, it is unlawful for any person to practice physical
24 therapy in this State unless the person holds a license or a temporary
25 license issued pursuant to this chapter ~~H~~ *or the person is*
26 *authorized to practice physical therapy in this State pursuant to*
27 *the Physical Therapy Licensure Compact enacted in section 2 of*
28 *this act.* A person who violates the provisions of this subsection is
29 guilty of a gross misdemeanor.

30 2. In addition to any criminal penalty that may be imposed for
31 a violation of subsection 1, the Board, after notice and hearing, may:

32 (a) Issue an order against any person who has violated
33 subsection 1 imposing an administrative penalty of not more than
34 \$5,000 for each violation. Any administrative penalty collected
35 pursuant to this paragraph must be deposited in the State General
36 Fund.

37 (b) Issue and serve on the person an order to cease and desist
38 until the person obtains from the Board the proper license *or*
39 *authorization* or otherwise demonstrates that he or she is no longer
40 in violation of subsection 1. An order to cease and desist must
41 include a telephone number with which the person may contact the
42 Board.

43 (c) Issue a citation to the person. A citation issued pursuant to
44 this paragraph must be in writing, describe with particularity the
45 nature of the violation and inform the person of the provisions of



1 this paragraph. Each activity in which the person is engaged
2 constitutes a separate offense for which a separate citation may be
3 issued. To appeal a citation, the person must submit a written
4 request for a hearing to the Board not later than 30 days after the
5 date of issuance of the citation.

6 (d) Impose any combination of the penalties set forth in
7 paragraphs (a), (b) and (c).

8 **Sec. 15.** NRS 640.1695 is hereby amended to read as follows:

9 640.1695 Unless the Board determines that extenuating
10 circumstances exist, the Board shall forward to the appropriate law
11 enforcement agency any substantiated information submitted to the
12 Board concerning a person who practices or offers to practice
13 physical therapy or as a physical therapist assistant without the
14 appropriate license issued pursuant to the provisions of this chapter
15 ***or without an authorization to practice or assist in the practice***
16 ***of physical therapy in this State pursuant to the Physical Therapy***
17 ***Licensure Compact enacted in section 2 of this act.***

18 **Sec. 16.** NRS 640.170 is hereby amended to read as follows:

19 640.170 1. A person who is licensed under this chapter as a
20 physical therapist ***or authorized to practice physical therapy in this***
21 ***State pursuant to the Physical Therapy Licensure Compact***
22 ***enacted in section 2 of this act*** shall use the words or letters "P.T."
23 or "Physical Therapist" immediately following his or her name
24 when representing himself or herself as a licensed physical therapist.

25 2. A person who is not licensed under this chapter as a physical
26 therapist ***or not authorized to practice physical therapy in this***
27 ***State pursuant to the Physical Therapy Licensure Compact***
28 ***enacted in section 2 of this act,*** or whose license ***or authorization***
29 has been suspended, revoked or has expired and who uses in
30 connection with his or her name the words or letters "L.P.T.,"
31 "Licensed Physical Therapist," "R.P.T.," "Registered Physical
32 Therapist," "P.T.," "Physical Therapist," or any other letters, words
33 or insignia indicating or implying that the person is a licensed
34 physical therapist, or who in any other way, orally, or in writing, or
35 in print, by sign, directly or by implication, represents himself or
36 herself as a licensed physical therapist, is guilty of a misdemeanor.

37 3. A sole proprietorship, corporation, limited-liability
38 company, association, partnership or other form of business
39 organization shall not:

40 (a) Use in connection with its name or business activities the
41 words or letters "L.P.T.," "Licensed Physical Therapist," "R.P.T.,"
42 "Registered Physical Therapist," "P.T.," "Physical Therapist,"
43 "physical therapy," or any other letters, words or insignia indicating
44 or implying that the sole proprietorship, corporation, limited-
45 liability company, association, partnership or other form of business



1 organization provides, through employees, agents, independent
2 contractors or representatives, services constituting the practice of
3 physical therapy; or

4 (b) Represent in any other way, orally, or in writing, or in print,
5 by sign, directly or by implication, that the sole proprietorship,
6 corporation, limited-liability company, association or partnership
7 provides services constituting the practice of physical therapy,

8 ↪ unless the services constituting the practice of physical therapy
9 are provided by or under the supervision of a licensed *or authorized*
10 physical therapist. A sole proprietorship, corporation, limited-
11 liability company, association, partnership or other form of business
12 organization that violates this subsection is guilty of a misdemeanor.

13 4. In addition to any criminal penalty that may be imposed for
14 a violation of subsection 2 or 3, the Board, after notice and hearing,
15 may:

16 (a) Issue an order against any person who has violated
17 subsection 2 or 3 imposing an administrative penalty of not more
18 than \$5,000 for each violation. Any administrative penalty collected
19 pursuant to this paragraph must be deposited in the State General
20 Fund.

21 (b) Issue and serve on the person an order to cease and desist
22 until the person obtains from the Board the proper license *or*
23 *authorization* or otherwise demonstrates that he or she is no longer
24 in violation of subsection 2 or 3. An order to cease and desist must
25 include a telephone number with which the person may contact the
26 Board.

27 (c) Issue a citation to the person. A citation issued pursuant to
28 this paragraph must be in writing, describe with particularity the
29 nature of the violation and inform the person of the provisions of
30 this paragraph. Each activity in which the person is engaged
31 constitutes a separate offense for which a separate citation may be
32 issued. To appeal a citation, the person must submit a written
33 request for a hearing to the Board not later than 30 days after the
34 date of issuance of the citation.

35 (d) Impose any combination of the penalties set forth in
36 paragraphs (a), (b) and (c).

37 **Sec. 17.** NRS 640.175 is hereby amended to read as follows:

38 640.175 1. A person who is licensed under NRS 640.092,
39 640.093 and 640.094 as a physical therapist assistant *or authorized*
40 *to assist in the practice of physical therapy in this State pursuant*
41 *to the Physical Therapy Licensure Compact enacted in section 2 of*
42 *this act* shall use the words or letters "P.T.A." or "Physical
43 Therapist Assistant" immediately following his or her name when
44 representing himself or herself as a ~~licensed~~ physical therapist
45 assistant.



2. Any person:

(a) Who is not licensed as a physical therapist assistant ~~is~~ *or authorized to assist in the practice of physical therapy in this State pursuant to the Physical Therapy Licensure Compact enacted in section 2 of this act;*

(b) Whose license *or authorization* has been suspended or revoked; or

(c) Whose license *or authorization* has expired and has not been reinstated,

↳ and who uses in connection with his or her name the words or letters "P.T.A." or "Physical Therapist Assistant," or any other letters, words or insignia indicating or implying that he or she is a ~~licensed~~ physical therapist assistant, or who in any other way, orally, or in writing, or in print, by sign, directly, or by implication, represents himself or herself as a ~~licensed~~ physical therapist assistant, is guilty of a misdemeanor.

3. In addition to any criminal penalty that may be imposed for a violation of subsection 2, the Board, after notice and hearing, may:

(a) Issue an order against any person who has violated subsection 2 imposing an administrative penalty of not more than \$5,000 for each violation. Any administrative penalty collected pursuant to this paragraph must be deposited in the State General Fund.

(b) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license *or authorization* or otherwise demonstrates that he or she is no longer in violation of subsection 2. An order to cease and desist must include a telephone number with which the person may contact the Board.

(c) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 18. NRS 640.180 is hereby amended to read as follows:

640.180 A person who makes a willfully false oath or affirmation in any case in which an oath or affirmation is required by this chapter, or who obtains or attempts to obtain a license *or authorization to practice or assist in the practice of physical therapy in this State pursuant to the Physical Therapy Licensure*



1 *Compact enacted in section 2 of this act* by any fraudulent
2 representation, is guilty of a misdemeanor.

3 **Sec. 19.** NRS 640.190 is hereby amended to read as follows:

4 640.190 This chapter does not authorize a physical therapist ~~to~~
5 ~~whether licensed or not,~~ to practice medicine, osteopathic medicine,
6 homeopathic medicine, chiropractic or any other form or method of
7 healing.

8 **Sec. 20.** NRS 640A.070 is hereby amended to read as follows:

9 640A.070 This chapter does not apply to a person:

10 1. Holding a current license, *authorization* or certificate
11 issued pursuant to chapter 391, 630 to 637B, inclusive, 640 or 640B
12 to 641B, inclusive, of NRS, who practices within the scope of that
13 license, *authorization* or certificate.

14 2. Employed by the Federal Government who practices
15 occupational therapy within the scope of that employment.

16 3. Enrolled in an educational program approved by the Board
17 which is designed to lead to a certificate or degree in occupational
18 therapy, if the person is designated by a title which clearly indicates
19 that he or she is a student.

20 4. Obtaining the supervised fieldwork experience necessary to
21 satisfy the requirements of subsection 3 of NRS 640A.120.

22 **Sec. 21.** NRS 640B.145 is hereby amended to read as follows:

23 640B.145 The provisions of this chapter do not apply to:

24 1. A person who is licensed *or authorized* pursuant to chapters
25 630 to 637, inclusive, or chapter 640 or 640A of NRS, when acting
26 within the scope of that license ~~to~~ *or authorization*.

27 2. A person who is employed by the Federal Government and
28 engages in the practice of athletic training within the scope of that
29 employment.

30 3. A person who is temporarily exempt from licensure pursuant
31 to NRS 640B.335 and is practicing athletic training within the scope
32 of the exemption.

33 **Sec. 22.** NRS 640B.170 is hereby amended to read as follows:

34 640B.170 1. The Board of Athletic Trainers is hereby
35 created.

36 2. The Governor shall appoint to the Board:

37 (a) Three members who:

38 (1) Are licensed as athletic trainers pursuant to the provisions
39 of this chapter; and

40 (2) Have engaged in the practice of athletic training or taught
41 or conducted research concerning the practice of athletic training for
42 the 5 years immediately preceding their appointment;

43 (b) One member who is ~~licensed as~~ a *licensed* physical
44 therapist ~~[pursuant to chapter 640 of NRS]~~ and who is also licensed
45 as an athletic trainer pursuant to this chapter; and



- 1 (c) One member who is a representative of the public.
2 3. Each member of the Board:
3 (a) Must be a resident of this State; and
4 (b) May not serve more than two consecutive terms.
5 4. After the initial terms, the members of the Board must be
6 appointed to terms of 3 years.
7 5. A vacancy on the Board must be filled in the same manner
8 as the original appointment.
9 6. The Governor may remove a member of the Board for
10 incompetence, neglect of duty, moral turpitude or malfeasance in
11 office.
12 7. No member of the Board may be held liable in a civil action
13 for any act he or she performs in good faith in the execution of his
14 or her duties pursuant to the provisions of this chapter.
15 **Sec. 23.** NRS 640C.100 is hereby amended to read as follows:
16 640C.100 1. The provisions of this chapter do not apply to:
17 (a) A person licensed *or authorized* pursuant to chapter 630,
18 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS if
19 the massage therapy, reflexology or structural integration is
20 performed in the course of the practice for which the person is
21 licensed ~~H~~ *or authorized*.
22 (b) A person licensed as a barber or apprentice pursuant to
23 chapter 643 of NRS if the person is massaging, cleansing or
24 stimulating the scalp, face, neck or skin within the permissible scope
25 of practice for a barber or apprentice pursuant to that chapter.
26 (c) A person licensed or registered as an esthetician,
27 esthetician's apprentice, hair designer, hair designer's apprentice,
28 hair braider, shampoo technologist, cosmetologist or
29 cosmetologist's apprentice pursuant to chapter 644A of NRS if the
30 person is massaging, cleansing or stimulating the scalp, face, neck
31 or skin within the permissible scope of practice for an esthetician,
32 esthetician's apprentice, hair designer, hair designer's apprentice,
33 hair braider, shampoo technologist, cosmetologist or
34 cosmetologist's apprentice pursuant to that chapter.
35 (d) A person licensed or registered as a nail technologist or nail
36 technologist's apprentice pursuant to chapter 644A of NRS if the
37 person is massaging, cleansing or stimulating the hands, forearms,
38 feet or lower legs within the permissible scope of practice for a nail
39 technologist or nail technologist's apprentice.
40 (e) A person who is an employee of an athletic department of
41 any high school, college or university in this State and who, within
42 the scope of that employment, practices massage therapy,
43 reflexology or structural integration on athletes.
44 (f) Students enrolled in a school of massage therapy, reflexology
45 or structural integration recognized by the Board.



1 (g) A person who practices massage therapy, reflexology or
2 structural integration solely on members of his or her immediate
3 family.

4 (h) A person who performs any activity in a licensed brothel.

5 2. Except as otherwise provided in subsection 3 and NRS
6 640C.330, the provisions of this chapter preempt the licensure and
7 regulation of a massage therapist, reflexologist or structural
8 integration practitioner by a county, city or town, including, without
9 limitation, conducting a criminal background investigation and
10 examination of a massage therapist, reflexologist or structural
11 integration practitioner or applicant for a license to practice massage
12 therapy, reflexology or structural integration.

13 3. The provisions of this chapter do not prohibit a county, city
14 or town from requiring a massage therapist, reflexologist or
15 structural integration practitioner to obtain a license or permit to
16 transact business within the jurisdiction of the county, city or town,
17 if the license or permit is required of other persons, regardless of
18 occupation or profession, who transact business within the
19 jurisdiction of the county, city or town.

20 4. As used in this section, "immediate family" means persons
21 who are related by blood, adoption or marriage, within the second
22 degree of consanguinity or affinity.

23 **Sec. 24.** NRS 640E.090 is hereby amended to read as follows:

24 640E.090 1. The provisions of this chapter do not apply to:

25 (a) Any person who is licensed , *authorized* or registered in this
26 State as a physician pursuant to chapter 630, 630A or 633 of NRS,
27 dentist, nurse, dispensing optician, optometrist, occupational
28 therapist, practitioner of respiratory care, *licensed* physical therapist,
29 podiatric physician, psychologist, marriage and family therapist,
30 chiropractor, athletic trainer, massage therapist, reflexologist,
31 structural integration practitioner, perfusionist, doctor of Oriental
32 medicine in any form, medical laboratory director or technician or
33 pharmacist who:

34 (1) Practices within the scope of that license , *authorization*
35 or registration;

36 (2) Does not represent that he or she is a licensed dietitian or
37 registered dietitian; and

38 (3) Provides nutrition information incidental to the practice
39 for which he or she is licensed , *authorized* or registered.

40 (b) A student enrolled in an educational program accredited by
41 the ~~Commission on~~ Accreditation ~~for Dietetics~~ *Council for*
42 Education *in Nutrition and Dietetics* of the Academy of Nutrition
43 and Dietetics, if the student engages in the practice of dietetics
44 under the supervision of a licensed dietitian or registered dietitian as
45 part of that educational program.



1 (c) A registered dietitian employed by the Armed Forces of the
2 United States, the United States Department of Veterans Affairs or
3 any division or department of the Federal Government in the
4 discharge of his or her official duties, including, without limitation,
5 the practice of dietetics or providing nutrition services.

6 (d) A person who furnishes nutrition information, provides
7 recommendations or advice concerning nutrition, or markets food,
8 food materials or dietary supplements and provides nutrition
9 information, recommendations or advice related to that marketing, if
10 the person does not represent that he or she is a licensed dietitian or
11 registered dietitian. While performing acts described in this
12 paragraph, a person shall be deemed not to be engaged in the
13 practice of dietetics or the providing of nutrition services.

14 (e) A person who provides services relating to weight loss or
15 weight control through a program reviewed by and in consultation
16 with a licensed dietitian or physician or a dietitian licensed or
17 registered in another state which has equivalent licensure
18 requirements as this State, as long as the person does not change the
19 services or program without the approval of the person with whom
20 he or she is consulting.

21 2. As used in this section, "nutrition information" means
22 information relating to the principles of nutrition and the effect of
23 nutrition on the human body, including, without limitation:

24 (a) Food preparation;

25 (b) Food included in a normal daily diet;

26 (c) Essential nutrients required by the human body and
27 recommended amounts of essential nutrients, based on nationally
28 established standards;

29 (d) The effect of nutrients on the human body and the effect of
30 deficiencies in or excess amounts of nutrients in the human body;
31 and

32 (e) Specific foods or supplements that are sources of essential
33 nutrients.

34 **Sec. 25.** The Preliminary Chapter of NRS is hereby amended
35 by adding thereto a new section to read as follows:

36 *Except as otherwise expressly provided in a particular statute*
37 *or required by the context, "licensed physical therapist" means a*
38 *physical therapist who is:*

39 *1. Licensed pursuant to chapter 640 of NRS; or*

40 *2. Authorized to practice physical therapy in this State*
41 *pursuant to the Physical Therapy Licensure Compact enacted in*
42 *section 2 of this act.*

43 **Sec. 26.** NRS 7.095 is hereby amended to read as follows:

44 7.095 1. An attorney shall not contract for or collect a fee
45 contingent on the amount of recovery for representing a person



1 seeking damages in connection with an action for injury or death
2 against a provider of health care based upon professional negligence
3 in excess of:

4 (a) Forty percent of the first \$50,000 recovered;

5 (b) Thirty-three and one-third percent of the next \$50,000
6 recovered;

7 (c) Twenty-five percent of the next \$500,000 recovered; and

8 (d) Fifteen percent of the amount of recovery that exceeds
9 \$600,000.

10 2. The limitations set forth in subsection 1 apply to all forms of
11 recovery, including, without limitation, settlement, arbitration and
12 judgment.

13 3. For the purposes of this section, “recovered” means the net
14 sum recovered by the plaintiff after deducting any disbursements or
15 costs incurred in connection with the prosecution or settlement of
16 the claim. Costs of medical care incurred by the plaintiff and general
17 and administrative expenses incurred by the office of the attorney
18 are not deductible disbursements or costs.

19 4. As used in this section:

20 (a) “Professional negligence” means a negligent act or omission
21 to act by a provider of health care in the rendering of professional
22 services, which act or omission is the proximate cause of a personal
23 injury or wrongful death. The term does not include services that are
24 outside the scope of services for which the provider of health care is
25 licensed or services for which any restriction has been imposed by
26 the applicable regulatory board or health care facility.

27 (b) “Provider of health care” means a physician licensed under
28 chapter 630 or 633 of NRS, dentist, registered nurse, dispensing
29 optician, optometrist, ~~registered~~ *licensed* physical therapist,
30 podiatric physician, licensed psychologist, chiropractor, doctor of
31 Oriental medicine, medical laboratory director or technician,
32 licensed dietitian or a licensed hospital and its employees.

33 **Sec. 27.** NRS 41A.017 is hereby amended to read as follows:

34 41A.017 “Provider of health care” means a physician licensed
35 pursuant to chapter 630 or 633 of NRS, physician assistant, dentist,
36 licensed nurse, dispensing optician, optometrist, ~~registered~~
37 *licensed* physical therapist, podiatric physician, licensed
38 psychologist, chiropractor, doctor of Oriental medicine, medical
39 laboratory director or technician, licensed dietitian or a licensed
40 hospital, clinic, surgery center, physicians’ professional corporation
41 or group practice that employs any such person and its employees.

42 **Sec. 28.** NRS 42.021 is hereby amended to read as follows:

43 42.021 1. In an action for injury or death against a provider
44 of health care based upon professional negligence, if the defendant
45 so elects, the defendant may introduce evidence of any amount



1 payable as a benefit to the plaintiff as a result of the injury or death
2 pursuant to the United States Social Security Act, any state or
3 federal income disability or worker's compensation act, any health,
4 sickness or income-disability insurance, accident insurance that
5 provides health benefits or income-disability coverage, and any
6 contract or agreement of any group, organization, partnership or
7 corporation to provide, pay for or reimburse the cost of medical,
8 hospital, dental or other health care services. If the defendant elects
9 to introduce such evidence, the plaintiff may introduce evidence of
10 any amount that the plaintiff has paid or contributed to secure the
11 plaintiff's right to any insurance benefits concerning which the
12 defendant has introduced evidence.

13 2. A source of collateral benefits introduced pursuant to
14 subsection 1 may not:

15 (a) Recover any amount against the plaintiff; or

16 (b) Be subrogated to the rights of the plaintiff against a
17 defendant.

18 3. In an action for injury or death against a provider of health
19 care based upon professional negligence, a district court shall, at the
20 request of either party, enter a judgment ordering that money
21 damages or its equivalent for future damages of the judgment
22 creditor be paid in whole or in part by periodic payments rather than
23 by a lump-sum payment if the award equals or exceeds \$50,000 in
24 future damages.

25 4. In entering a judgment ordering the payment of future
26 damages by periodic payments pursuant to subsection 3, the court
27 shall make a specific finding as to the dollar amount of periodic
28 payments that will compensate the judgment creditor for such future
29 damages. As a condition to authorizing periodic payments of future
30 damages, the court shall require a judgment debtor who is not
31 adequately insured to post security adequate to assure full payment
32 of such damages awarded by the judgment. Upon termination of
33 periodic payments of future damages, the court shall order the return
34 of this security, or so much as remains, to the judgment debtor.

35 5. A judgment ordering the payment of future damages by
36 periodic payments entered pursuant to subsection 3 must specify the
37 recipient or recipients of the payments, the dollar amount of the
38 payments, the interval between payments, and the number of
39 payments or the period of time over which payments will be made.
40 Such payments must only be subject to modification in the event of
41 the death of the judgment creditor. Money damages awarded for loss
42 of future earnings must not be reduced or payments terminated by
43 reason of the death of the judgment creditor, but must be paid to
44 persons to whom the judgment creditor owed a duty of support, as
45 provided by law, immediately before the judgment creditor's death.



1 In such cases, the court that rendered the original judgment may,
2 upon petition of any party in interest, modify the judgment to award
3 and apportion the unpaid future damages in accordance with this
4 subsection.

5 6. If the court finds that the judgment debtor has exhibited a
6 continuing pattern of failing to make the periodic payments as
7 specified pursuant to subsection 5, the court shall find the judgment
8 debtor in contempt of court and, in addition to the required periodic
9 payments, shall order the judgment debtor to pay the judgment
10 creditor all damages caused by the failure to make such periodic
11 payments, including, but not limited to, court costs and attorney's
12 fees.

13 7. Following the occurrence or expiration of all obligations
14 specified in the periodic payment judgment, any obligation of the
15 judgment debtor to make further payments ceases and any security
16 given pursuant to subsection 4 reverts to the judgment debtor.

17 8. As used in this section:

18 (a) "Future damages" includes damages for future medical
19 treatment, care or custody, loss of future earnings, loss of bodily
20 function, or future pain and suffering of the judgment creditor.

21 (b) "Periodic payments" means the payment of money or
22 delivery of other property to the judgment creditor at regular
23 intervals.

24 (c) "Professional negligence" means a negligent act or omission
25 to act by a provider of health care in the rendering of professional
26 services, which act or omission is the proximate cause of a personal
27 injury or wrongful death. The term does not include services that are
28 outside the scope of services for which the provider of health care is
29 licensed or services for which any restriction has been imposed by
30 the applicable regulatory board or health care facility.

31 (d) "Provider of health care" means a physician licensed under
32 chapter 630 or 633 of NRS, dentist, licensed nurse, dispensing
33 optician, optometrist, ~~registered~~ *licensed* physical therapist,
34 podiatric physician, licensed psychologist, chiropractor, doctor of
35 Oriental medicine, medical laboratory director or technician,
36 licensed dietitian or a licensed hospital and its employees.

37 **Sec. 29.** NRS 52.320 is hereby amended to read as follows:

38 52.320 As used in NRS 52.320 to 52.375, inclusive, unless the
39 context otherwise requires:

40 1. "Custodian of medical records" means a chiropractor,
41 physician, ~~registered~~ *licensed* physical therapist or licensed nurse
42 who prepares and maintains medical records, or any employee or
43 agent of such a person or a facility for convalescent care, medical
44 laboratory or hospital who has care, custody and control of medical
45 records for such a person or institution.



1 2. "Medical records" includes bills, ledgers, statements and
2 other accounts which show the cost of medical services or care
3 provided to a patient.

4 **Sec. 30.** NRS 239.010 is hereby amended to read as follows:

5 239.010 1. Except as otherwise provided in this section and
6 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
7 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
8 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
9 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
10 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
11 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
12 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
13 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140,
14 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130,
15 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044,
16 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625,
17 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
18 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772,
19 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925,
20 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131,
21 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625,
22 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450,
23 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105,
24 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,
25 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030,
26 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
27 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,
28 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685,
29 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438,
30 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
31 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510,
32 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
33 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
34 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,
35 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
36 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495,
37 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
38 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035,
39 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315,
40 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698,
41 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,
42 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,
43 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
44 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
45 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,



1 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,
2 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
3 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,
4 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
5 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
6 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940,
7 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
8 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452,
9 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,
10 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710,
11 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
12 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
13 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
14 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,
15 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,
16 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,
17 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
18 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,
19 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,
20 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,
21 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,
22 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,
23 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,
24 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,
25 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
26 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
27 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,
28 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,
29 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
30 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,
31 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
32 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,
33 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 6 of*
34 *this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada
35 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and
36 unless otherwise declared by law to be confidential, all public books
37 and public records of a governmental entity must be open at all
38 times during office hours to inspection by any person, and may be
39 fully copied or an abstract or memorandum may be prepared from
40 those public books and public records. Any such copies, abstracts or
41 memoranda may be used to supply the general public with copies,
42 abstracts or memoranda of the records or may be used in any other
43 way to the advantage of the governmental entity or of the general
44 public. This section does not supersede or in any manner affect the
45 federal laws governing copyrights or enlarge, diminish or affect in



1 any other manner the rights of a person in any written book or
2 record which is copyrighted pursuant to federal law.

3 2. A governmental entity may not reject a book or record
4 which is copyrighted solely because it is copyrighted.

5 3. A governmental entity that has legal custody or control of a
6 public book or record shall not deny a request made pursuant to
7 subsection 1 to inspect or copy or receive a copy of a public book or
8 record on the basis that the requested public book or record contains
9 information that is confidential if the governmental entity can
10 redact, delete, conceal or separate the confidential information from
11 the information included in the public book or record that is not
12 otherwise confidential.

13 4. A person may request a copy of a public record in any
14 medium in which the public record is readily available. An officer,
15 employee or agent of a governmental entity who has legal custody
16 or control of a public record:

17 (a) Shall not refuse to provide a copy of that public record in a
18 readily available medium because the officer, employee or agent has
19 already prepared or would prefer to provide the copy in a different
20 medium.

21 (b) Except as otherwise provided in NRS 239.030, shall, upon
22 request, prepare the copy of the public record and shall not require
23 the person who has requested the copy to prepare the copy himself
24 or herself.

25 **Sec. 31.** NRS 372.7285 is hereby amended to read as follows:

26 372.7285 1. In administering the provisions of NRS 372.325,
27 the Department shall apply the exemption to the sale of a medical
28 device to a governmental entity that is exempt pursuant to that
29 section without regard to whether the person using the medical
30 device or the governmental entity that purchased the device is
31 deemed to be the holder of title to the device if:

32 (a) The medical device was ordered or prescribed by a provider
33 of health care, within his or her scope of practice, for use by the
34 person to whom it is provided;

35 (b) The medical device is covered by Medicaid or Medicare; and

36 (c) The purchase of the medical device is made pursuant to a
37 contract between the governmental entity that purchases the medical
38 device and the person who sells the medical device to the
39 governmental entity.

40 2. As used in this section:

41 (a) "Medicaid" means the program established pursuant to Title
42 XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to
43 provide assistance for part or all of the cost of medical care rendered
44 on behalf of indigent persons.



1 (b) "Medicare" means the program of health insurance for aged
2 persons and persons with disabilities established pursuant to Title
3 XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

4 (c) "Provider of health care" means a physician licensed
5 pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist,
6 licensed nurse, dispensing optician, optometrist, practitioner of
7 respiratory care, ~~registered~~ *licensed* physical therapist, podiatric
8 physician, licensed psychologist, licensed audiologist, licensed
9 speech-language pathologist, licensed hearing aid specialist,
10 licensed marriage and family therapist, licensed clinical professional
11 counselor, chiropractor, licensed dietitian or doctor of Oriental
12 medicine in any form.

13 **Sec. 32.** NRS 374.731 is hereby amended to read as follows:

14 374.731 1. In administering the provisions of NRS 374.330,
15 the Department shall apply the exemption to the sale of a medical
16 device to a governmental entity that is exempt pursuant to that
17 section without regard to whether the person using the medical
18 device or the governmental entity that purchased the device is
19 deemed to be the holder of title to the device if:

20 (a) The medical device was ordered or prescribed by a provider
21 of health care, within his or her scope of practice, for use by the
22 person to whom it is provided;

23 (b) The medical device is covered by Medicaid or Medicare; and

24 (c) The purchase of the medical device is made pursuant to a
25 contract between the governmental entity that purchases the medical
26 device and the person who sells the medical device to the
27 governmental entity.

28 2. As used in this section:

29 (a) "Medicaid" means the program established pursuant to Title
30 XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to
31 provide assistance for part or all of the cost of medical care rendered
32 on behalf of indigent persons.

33 (b) "Medicare" means the program of health insurance for aged
34 persons and persons with disabilities established pursuant to Title
35 XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

36 (c) "Provider of health care" means a physician licensed
37 pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist,
38 licensed nurse, dispensing optician, optometrist, practitioner of
39 respiratory care, ~~registered~~ *licensed* physical therapist, podiatric
40 physician, licensed psychologist, licensed audiologist, licensed
41 speech-language pathologist, licensed hearing aid specialist,
42 licensed marriage and family therapist, licensed clinical professional
43 counselor, chiropractor, licensed dietitian or doctor of Oriental
44 medicine in any form.



Sec. 33. NRS 385B.080 is hereby amended to read as follows:

385B.080 1. The Nevada Interscholastic Activities Association shall adopt a policy concerning the prevention and treatment of injuries to the head which may occur during a pupil's participation in interscholastic activities and events, including, without limitation, a concussion of the brain. The policy must provide information concerning the nature and risk of injuries to the head which may occur during a pupil's participation in interscholastic activities and events, including, without limitation, the risks associated with continuing to participate in the activity or event after sustaining such an injury.

2. The policy adopted pursuant to subsection 1 must require that if a pupil sustains or is suspected of sustaining an injury to the head while participating in an interscholastic activity or event, the pupil:

(a) Must be immediately removed from the activity or event; and

(b) May return to the activity or event if the parent or legal guardian of the pupil provides a signed statement of a provider of health care indicating that the pupil is medically cleared for participation in the activity or event and the date on which the pupil may return to the activity or event.

3. Before a pupil participates in an interscholastic activity or event, and on an annual basis thereafter, the pupil and his or her parent or legal guardian:

(a) Must be provided with a copy of the policy adopted pursuant to subsection 1; and

(b) Must sign a statement on a form prescribed by the Nevada Interscholastic Activities Association acknowledging that the pupil and his or her parent or guardian have read and understand the terms and conditions of the policy.

4. As used in this section, "provider of health care" means [a]:

(a) A physician licensed under chapter 630 or 633 of NRS [,-a];

(b) A licensed physical therapist; ~~licensed under chapter 640 of NRS~~ or [an]

(c) An athletic trainer licensed under chapter 640B of NRS.

Sec. 34. NRS 392.452 is hereby amended to read as follows:

392.452 1. For those competitive sports not governed by the Nevada Interscholastic Activities Association pursuant to chapter 385B of NRS, the board of trustees of each school district shall adopt a policy concerning the prevention and treatment of injuries to the head which may occur during a pupil's participation in competitive sports within the school district, including, without limitation, a concussion of the brain. To the extent practicable, the policy must be consistent with the policy adopted by the Nevada



1 Interscholastic Activities Association pursuant to NRS 385B.080.
2 The policy must provide information concerning the nature and risk
3 of injuries to the head which may occur during a pupil's
4 participation in competitive sports, including, without limitation, the
5 risks associated with continuing to participate in competitive sports
6 after sustaining such an injury.

7 2. The policy adopted pursuant to subsection 1 must require
8 that if a pupil sustains or is suspected of sustaining an injury to the
9 head while participating in competitive sports, the pupil:

10 (a) Must be immediately removed from the competitive sport;
11 and

12 (b) May return to the competitive sport if the parent or legal
13 guardian of the pupil provides a signed statement of a provider of
14 health care indicating that the pupil is medically cleared for
15 participation in the competitive sport and the date on which the
16 pupil may return to the competitive sport.

17 3. Before a pupil participates in competitive sports within a
18 school district, and on an annual basis thereafter, the pupil and his or
19 her parent or legal guardian:

20 (a) Must be provided with a copy of the policy adopted pursuant
21 to subsection 1; and

22 (b) Must sign a statement on a form prescribed by the board of
23 trustees acknowledging that the pupil and his or her parent or
24 guardian have read and understand the terms and conditions of the
25 policy.

26 4. As used in this section, "provider of health care" means [a] :

27 (a) A physician licensed under chapter 630 or 633 of NRS [, a] ;

28 (b) A licensed physical therapist ; ~~licensed under chapter 640 of~~
29 ~~NRS~~ or [an]

30 (c) An athletic trainer licensed under chapter 640B of NRS.

31 **Sec. 35.** NRS 432B.220 is hereby amended to read as follows:

32 432B.220 1. Any person who is described in subsection 4
33 and who, in his or her professional or occupational capacity, knows
34 or has reasonable cause to believe that a child has been abused or
35 neglected shall:

36 (a) Except as otherwise provided in subsection 2, report the
37 abuse or neglect of the child to an agency which provides child
38 welfare services or to a law enforcement agency; and

39 (b) Make such a report as soon as reasonably practicable but not
40 later than 24 hours after the person knows or has reasonable cause to
41 believe that the child has been abused or neglected.

42 2. If a person who is required to make a report pursuant to
43 subsection 1 knows or has reasonable cause to believe that the abuse
44 or neglect of the child involves an act or omission of:



1 (a) A person directly responsible or serving as a volunteer for or
2 an employee of a public or private home, institution or facility
3 where the child is receiving child care outside of the home for a
4 portion of the day, the person shall make the report to a law
5 enforcement agency.

6 (b) An agency which provides child welfare services or a law
7 enforcement agency, the person shall make the report to an agency
8 other than the one alleged to have committed the act or omission,
9 and the investigation of the abuse or neglect of the child must be
10 made by an agency other than the one alleged to have committed the
11 act or omission.

12 3. Any person who is described in paragraph (a) of subsection
13 4 who delivers or provides medical services to a newborn infant and
14 who, in his or her professional or occupational capacity, knows or
15 has reasonable cause to believe that the newborn infant has been
16 affected by a fetal alcohol spectrum disorder or prenatal substance
17 abuse or has withdrawal symptoms resulting from prenatal drug
18 exposure shall, as soon as reasonably practicable but not later than
19 24 hours after the person knows or has reasonable cause to believe
20 that the newborn infant is so affected or has such symptoms, notify
21 an agency which provides child welfare services of the condition of
22 the infant and refer each person who is responsible for the welfare
23 of the infant to an agency which provides child welfare services for
24 appropriate counseling, training or other services. A notification and
25 referral to an agency which provides child welfare services pursuant
26 to this subsection shall not be construed to require prosecution for
27 any illegal action.

28 4. A report must be made pursuant to subsection 1 by the
29 following persons:

30 (a) A person providing services *authorized pursuant to section*
31 *2 of this act or services* licensed or certified in this State pursuant
32 to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634,
33 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D,
34 640E, 641, 641A, 641B or 641C of NRS.

35 (b) Any personnel of a medical facility licensed pursuant to
36 chapter 449 of NRS who are engaged in the admission, examination,
37 care or treatment of persons or an administrator, manager or other
38 person in charge of such a medical facility upon notification of
39 suspected abuse or neglect of a child by a member of the staff of the
40 medical facility.

41 (c) A coroner.

42 (d) A member of the clergy, practitioner of Christian Science or
43 religious healer, unless the person has acquired the knowledge of the
44 abuse or neglect from the offender during a confession.



1 (e) A person employed by a public school or private school and
2 any person who serves as a volunteer at such a school.

3 (f) Any person who maintains or is employed by a facility or
4 establishment that provides care for children, children's camp or
5 other public or private facility, institution or agency furnishing care
6 to a child.

7 (g) Any person licensed pursuant to chapter 424 of NRS to
8 conduct a foster home.

9 (h) Any officer or employee of a law enforcement agency or an
10 adult or juvenile probation officer.

11 (i) Except as otherwise provided in NRS 432B.225, an attorney.

12 (j) Any person who maintains, is employed by or serves as a
13 volunteer for an agency or service which advises persons regarding
14 abuse or neglect of a child and refers them to persons and agencies
15 where their requests and needs can be met.

16 (k) Any person who is employed by or serves as a volunteer for
17 a youth shelter. As used in this paragraph, "youth shelter" has the
18 meaning ascribed to it in NRS 244.427.

19 (l) Any adult person who is employed by an entity that provides
20 organized activities for children, including, without limitation, a
21 person who is employed by a school district or public school.

22 5. A report may be made by any other person.

23 6. If a person who is required to make a report pursuant to
24 subsection 1 knows or has reasonable cause to believe that a child
25 has died as a result of abuse or neglect, the person shall, as soon as
26 reasonably practicable, report this belief to an agency which
27 provides child welfare services or a law enforcement agency. If such
28 a report is made to a law enforcement agency, the law enforcement
29 agency shall notify an agency which provides child welfare services
30 and the appropriate medical examiner or coroner of the report. If
31 such a report is made to an agency which provides child welfare
32 services, the agency which provides child welfare services shall
33 notify the appropriate medical examiner or coroner of the report.
34 The medical examiner or coroner who is notified of a report
35 pursuant to this subsection shall investigate the report and submit
36 his or her written findings to the appropriate agency which provides
37 child welfare services, the appropriate district attorney and a law
38 enforcement agency. The written findings must include, if
39 obtainable, the information required pursuant to the provisions of
40 subsection 2 of NRS 432B.230.

41 7. The agency, board, bureau, commission, department,
42 division or political subdivision of the State responsible for the
43 licensure, certification or endorsement of a person who is described
44 in subsection 4 and who is required in his or her professional or
45 occupational capacity to be licensed, certified or endorsed in this



1 State shall, at the time of initial licensure, certification or
2 endorsement:

3 (a) Inform the person, in writing or by electronic
4 communication, of his or her duty as a mandatory reporter pursuant
5 to this section;

6 (b) Obtain a written acknowledgment or electronic record from
7 the person that he or she has been informed of his or her duty
8 pursuant to this section; and

9 (c) Maintain a copy of the written acknowledgment or electronic
10 record for as long as the person is licensed, certified or endorsed in
11 this State.

12 8. The employer of a person who is described in subsection 4
13 and who is not required in his or her professional or occupational
14 capacity to be licensed, certified or endorsed in this State must, upon
15 initial employment of the person:

16 (a) Inform the person, in writing or by electronic
17 communication, of his or her duty as a mandatory reporter pursuant
18 to this section;

19 (b) Obtain a written acknowledgment or electronic record from
20 the person that he or she has been informed of his or her duty
21 pursuant to this section; and

22 (c) Maintain a copy of the written acknowledgment or electronic
23 record for as long as the person is employed by the employer.

24 9. Before a person may serve as a volunteer at a public school
25 or private school, the school must:

26 (a) Inform the person, in writing or by electronic
27 communication, of his or her duty as a mandatory reporter pursuant
28 to this section and NRS 392.303;

29 (b) Obtain a written acknowledgment or electronic record from
30 the person that he or she has been informed of his or her duty
31 pursuant to this section and NRS 392.303; and

32 (c) Maintain a copy of the written acknowledgment or electronic
33 record for as long as the person serves as a volunteer at the school.

34 10. As used in this section:

35 (a) "Private school" has the meaning ascribed to it in
36 NRS 394.103.

37 (b) "Public school" has the meaning ascribed to it in
38 NRS 385.007.

39 **Sec. 36.** NRS 439A.0195 is hereby amended to read as
40 follows:

41 439A.0195 "Practitioner" means a physician licensed under
42 chapter 630, 630A or 633 of NRS, dentist, licensed nurse,
43 dispensing optician, optometrist, ~~registered~~ *licensed* physical
44 therapist, podiatric physician, licensed psychologist, chiropractor,
45 doctor of Oriental medicine in any form, medical laboratory director



1 or technician, pharmacist or other person whose principal
2 occupation is the provision of services for health.

3 **Sec. 37.** NRS 455A.200 is hereby amended to read as follows:

4 455A.200 1. Each organization for youth sports that
5 sanctions or sponsors competitive sports for youths in this State
6 shall adopt a policy concerning the prevention and treatment of
7 injuries to the head which may occur during a youth's participation
8 in those competitive sports, including, without limitation, a
9 concussion of the brain. To the extent practicable, the policy must
10 be consistent with the policy adopted by the Nevada Interscholastic
11 Activities Association pursuant to NRS 385B.080. The policy must
12 provide information concerning the nature and risk of injuries to the
13 head which may occur during a youth's participation in competitive
14 sports, including, without limitation, the risks associated with
15 continuing to participate in competitive sports after sustaining such
16 an injury.

17 2. The policy adopted pursuant to subsection 1 must require
18 that if a youth sustains or is suspected of sustaining an injury to the
19 head while participating in competitive sports, the youth:

20 (a) Must be immediately removed from the competitive sport;
21 and

22 (b) May return to the competitive sport if the parent or legal
23 guardian of the youth provides a signed statement of a provider of
24 health care indicating that the youth is medically cleared for
25 participation in the competitive sport and the date on which the
26 youth may return to the competitive sport.

27 3. Before a youth participates in competitive sports sanctioned
28 or sponsored by an organization for youth sports in this State, the
29 youth and his or her parent or legal guardian:

30 (a) Must be provided with a copy of the policy adopted pursuant
31 to subsection 1; and

32 (b) Must sign a statement on a form prescribed by the
33 organization for youth sports acknowledging that the youth and his
34 or her parent or legal guardian have read and understand the terms
35 and conditions of the policy.

36 4. As used in this section:

37 (a) "Provider of health care" means **[a]**:

38 **(1) A** physician licensed under chapter 630 or 633 of NRS **[**
39 **an]**;

40 **(2) An** advanced practice registered nurse who holds a valid
41 license as an advanced practice registered nurse issued by the State
42 Board of Nursing pursuant to NRS 632.237 **[, a]**;

43 **(3) A licensed** physical therapist ; ~~licensed under chapter~~
44 ~~640 of NRS]~~ or **[an]**

45 **(4) An** athletic trainer licensed under chapter 640B of NRS.



1 (b) "Youth" means a person under the age of 18 years.

2 **Sec. 38.** NRS 679B.440 is hereby amended to read as follows:

3 679B.440 1. The Commissioner may require that reports
4 submitted pursuant to NRS 679B.430 include, without limitation,
5 information regarding:

6 (a) Liability insurance provided to:

7 (1) Governmental agencies and political subdivisions of this
8 State, reported separately for:

9 (I) Cities and towns;

10 (II) School districts; and

11 (III) Other political subdivisions;

12 (2) Public officers;

13 (3) Establishments where alcoholic beverages are sold;

14 (4) Facilities for the care of children;

15 (5) Labor, fraternal or religious organizations; and

16 (6) Officers or directors of organizations formed pursuant to
17 title 7 of NRS, reported separately for nonprofit entities and entities
18 organized for profit;

19 (b) Liability insurance for:

20 (1) Defective products;

21 (2) Medical or dental malpractice of:

22 (I) A practitioner licensed pursuant to chapter 630, 630A,
23 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS
24 ~~§~~ *or authorized to practice physical therapy pursuant to section 2*
25 *of this act;*

26 (II) A hospital or other health care facility; or

27 (III) Any related corporate entity.

28 (3) Malpractice of attorneys;

29 (4) Malpractice of architects and engineers; and

30 (5) Errors and omissions by other professionally qualified
31 persons;

32 (c) Vehicle insurance, reported separately for:

33 (1) Private vehicles;

34 (2) Commercial vehicles;

35 (3) Liability insurance; and

36 (4) Insurance for property damage;

37 (d) Workers' compensation insurance; and

38 (e) In addition to any information provided pursuant to
39 subparagraph (2) of paragraph (b) or NRS 690B.260, a policy of
40 insurance for medical malpractice. As used in this paragraph,
41 "policy of insurance for medical malpractice" has the meaning
42 ascribed to it in NRS 679B.144.

43 2. The Commissioner may require that the report include,
44 without limitation, information specifically pertaining to this State



1 or to an insurer in its entirety, in the aggregate or by type of
2 insurance, and for a previous or current year, regarding:

3 (a) Premiums directly written;

4 (b) Premiums directly earned;

5 (c) Number of policies issued;

6 (d) Net investment income, using appropriate estimates when
7 necessary;

8 (e) Losses paid;

9 (f) Losses incurred;

10 (g) Loss reserves, including:

11 (1) Losses unpaid on reported claims; and

12 (2) Losses unpaid on incurred but not reported claims;

13 (h) Number of claims, including:

14 (1) Claims paid; and

15 (2) Claims that have arisen but are unpaid;

16 (i) Expenses for adjustment of losses, including allocated and
17 unallocated losses;

18 (j) Net underwriting gain or loss;

19 (k) Net operation gain or loss, including net investment income;

20 and

21 (l) Any other information requested by the Commissioner.

22 3. The Commissioner may also obtain, based upon an insurer
23 in its entirety, information regarding:

24 (a) Recoverable federal income tax;

25 (b) Net unrealized capital gain or loss; and

26 (c) All other expenses not included in subsection 2.

27 **Sec. 39.** This act becomes effective on July 1, 2019.

