

REQUIRES TWO-THIRDS MAJORITY VOTE

(§§ 2, 4)

(Reprinted with amendments adopted on April 10, 2019)

FIRST REPRINT

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 in which he or she seeks to practice
15 under the Compact; and (8) report any adverse action taken against him or her
16 within 30 days from the date the adverse action is taken. The Compact requires that
17 the states who are members of the Compact create and establish a joint public
18 agency called the Physical Therapy Compact Commission. The Commission is
19 authorized to: (1) establish bylaws; (2) make rules that facilitate and coordinate
20 implementation and administration of the Compact; (3) hold meetings, including
21 closed meetings; (4) levy on and collect an annual assessment from each state that
22 is a member of the Compact; (5) develop, maintain and utilize a coordinated
23 database and reporting system; and (6) resolve disputes related to the Compact
24 among states that are members of the Compact. **Section 2** of this bill enacts the



* S B 1 8 6 R 1 *

25 Physical Therapy Licensure Compact. **Sections 3-5** of this bill set forth various
26 provisions that 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 carry out the State's compliance with the
30 Compact in this State.

31 The Compact authorizes a state that is a member of the Compact to charge a fee
32 for granting a compact privilege. Existing law requires all fees that relate to
33 physical therapists, physical therapist assistants and physical therapist technicians
34 which are collected to be deposited by the Board in banks, credit unions, savings
35 and loan associations or savings banks in this State. (NRS 640.070) **Section 4** of
36 this bill authorizes the Board to adopt regulations to carry out the State's
37 compliance with the Compact in this State, including regulations that establish such
38 fees. If the Board establishes such fees by regulation, **section 4** requires the Board
39 to deposit the money collected from such fees in banks, credit unions, savings and
40 loan associations or savings banks in this State and authorizes the Board to present
41 claims to the State Board of Examiners for recommendation to the Interim Finance
42 Committee to spend money if the money is needed to meet the financial obligations
43 imposed on this State as a result of participating in the Compact.

44 The Compact authorizes the Commission, the Executive Board of the
45 Commission or other committees of the Commission to convene a closed,
46 nonpublic meeting to discuss certain topics or disclose certain information. **Section**
47 **5** of this bill provides that if such a closed meeting occurs, any record created as a
48 result of such a meeting shall not be considered a public record. **Section 30** of this
49 bill makes a conforming change.

50 **Sections 6-29 and 31-38** of this bill make conforming changes by clarifying
51 that a physical therapist or physical therapist assistant can be: (1) licensed to
52 practice or to assist in the practice of physical therapy in this State; or (2)
53 authorized to practice or to assist in the practice of physical therapy in this State
54 under the Compact. Additionally, **section 25** of this bill defines the term "licensed
55 physical therapist" for the entirety of the Nevada Revised Statutes to mean a
56 physical therapist who is: (1) licensed under existing law; or (2) authorized to
57 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 **PHYSICAL THERAPY LICENSURE COMPACT**

9 **ARTICLE I. PURPOSE**



1 *The purpose of this Compact is to facilitate interstate practice*
2 *of physical therapy with the goal of improving public access to*
3 *physical therapy services. The practice of physical therapy occurs*
4 *in the state where the patient or client is located at the time of the*
5 *patient or client encounter. The Compact preserves the regulatory*
6 *authority of states to protect public health and safety through the*
7 *current system of state licensure.*

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

- 9 *1. Increase public access to physical therapy services by*
10 *providing for the mutual recognition of other member state*
11 *licenses;*
12 *2. Enhance the states' ability to protect the public's health*
13 *and safety;*
14 *3. Encourage the cooperation of member states in regulating*
15 *multistate physical therapy practice;*
16 *4. Support spouses of relocating military members;*
17 *5. Enhance the exchange of licensure, investigative and*
18 *disciplinary information between member states; and*
19 *6. Allow a remote state to hold a provider of services with a*
20 *compact privilege in that state accountable to that state's practice*
21 *standards.*

22 **ARTICLE II. DEFINITIONS**

23
24
25 *As used in this Compact, and except as otherwise provided, the*
26 *following definitions apply:*

- 27 *1. "Active Duty Military" means full-time duty status in the*
28 *active uniformed service of the United States, including, without*
29 *limitation, members of the National Guard and Reserve on active*
30 *duty orders pursuant to 10 U.S.C. §§ 1209 and 1211.*
31 *2. "Adverse Action" means disciplinary action taken by a*
32 *physical therapy licensing board based upon misconduct,*
33 *unacceptable performance or a combination of both.*
34 *3. "Alternative Program" means a nondisciplinary*
35 *monitoring or practice remediation process approved by a physical*
36 *therapy licensing board. This includes, without limitation,*
37 *substance abuse issues.*
38 *4. "Compact privilege" means the authorization granted by a*
39 *remote state to allow a licensee from another member state to*
40 *practice as a physical therapist or work as a physical therapist*
41 *assistant in the remote state under its laws and rules. The practice*
42 *of physical therapy occurs in the member state where the patient*
43 *or client is located at the time of the patient or client encounter.*
44 *5. "Continuing competence" means a requirement, as a*
45 *condition of license renewal, to provide evidence of participation*



1 *in, or completion of, educational and professional activities*
2 *relevant to practice or area of work.*

3 6. *“Data system” means a repository of information about*
4 *licensees, including, without limitation, examination, licensure,*
5 *investigative, compact privilege and adverse action.*

6 7. *“Encumbered license” means a license that a physical*
7 *therapy licensing board has limited in any way.*

8 8. *“Executive Board” means a group of directors elected or*
9 *appointed to act on behalf of, and within the powers granted to*
10 *them by, the Commission.*

11 9. *“Home state” means the member state that is the licensee’s*
12 *primary state of residence.*

13 10. *“Investigative information” means information, records*
14 *and documents received or generated by a physical therapy*
15 *licensing board pursuant to an investigation.*

16 11. *“Jurisprudence requirement” means the assessment of an*
17 *individual’s knowledge of the laws and rules governing the*
18 *practice of physical therapy in a state.*

19 12. *“Licensee” means an individual who currently holds an*
20 *authorization from the State to practice as a physical therapist or*
21 *to work as a physical therapist assistant.*

22 13. *“Member state” means a state that has enacted the*
23 *Compact.*

24 14. *“Party state” means any member state in which a licensee*
25 *holds a current license or compact privilege or is applying for a*
26 *license or compact privilege.*

27 15. *“Physical therapist” means an individual who is licensed*
28 *by a state to practice physical therapy.*

29 16. *“Physical therapist assistant” means an individual who is*
30 *licensed or certified by a state and who assists the physical*
31 *therapist in selected components of physical therapy.*

32 17. *“Physical therapy,” “physical therapy practice” or “the*
33 *practice of physical therapy” means the care and services provided*
34 *by or under the direction and supervision of a licensed physical*
35 *therapist.*

36 18. *“Physical Therapy Compact Commission” or*
37 *“Commission” means the national administrative body whose*
38 *membership consists of all states that have enacted the Compact.*

39 19. *“Physical therapy licensing board” or “licensing board”*
40 *means the agency of a state that is responsible for the licensing*
41 *and regulation of physical therapists and physical therapist*
42 *assistants.*

43 20. *“Remote state” means a member state, other than the*
44 *home state, where a licensee is exercising or seeking to exercise*
45 *the compact privilege.*



1 21. “Rule” means a regulation, principle or directive
2 promulgated by the Commission that has the force of law.

3 22. “State” means any state, commonwealth, district or
4 territory of the United States of America that regulates the practice
5 of physical therapy.
6

7 **ARTICLE III. STATE PARTICIPATION IN THE COMPACT**
8

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

10 (a) Participate fully in the Commission’s data system,
11 including, without limitation, using the Commission’s unique
12 identifier as defined in rules;

13 (b) Have a mechanism in place for receiving and investigating
14 complaints about licensees;

15 (c) Notify the Commission, in compliance with the terms of the
16 Compact and rules, of any adverse action or the availability of
17 investigative information regarding a licensee;

18 (d) Fully implement a criminal background check
19 requirement, within a time frame established by rule, by receiving
20 the results of the Federal Bureau of Investigation record search
21 on criminal background checks and use the results in making
22 licensure decisions in accordance with subsection 2;

23 (e) Comply with the rules of the Commission;

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

26 (g) Have continuing competence requirements as a condition
27 for license renewal.

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

33 3. A member state shall grant the compact privilege to a
34 licensee holding a valid unencumbered license in another member
35 state in accordance with the terms of the Compact and rules.

36 4. Member states may charge a fee for granting a compact
37 privilege.
38

39 **ARTICLE IV. COMPACT PRIVILEGE**
40

41 1. To exercise the compact privilege under the terms and
42 provisions of the Compact, the licensee shall:

43 (a) Hold a license in the home state;

44 (b) Have no encumbrance on any state license;



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

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

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

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

9 (g) Meet any jurisprudence requirements established by the
10 remote state in which the licensee is seeking a compact privilege;
11 and

12 (h) Report to the Commission adverse action taken by any
13 nonmember state within 30 days from the date the adverse action
14 is taken.

15 2. The compact privilege is valid until the expiration date of
16 the home license. The licensee must comply with the requirements
17 of subsection 1 to maintain the compact privilege in the remote
18 state.

19 3. A licensee providing physical therapy in a remote state
20 under the compact privilege shall function within the laws and
21 regulations of the remote state.

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

30 5. If a home state license is encumbered, the licensee shall
31 lose the compact privilege in any remote state until the following
32 occur:

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

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

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

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

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

43 (b) All fines have been paid; and

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



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

4
5 **ARTICLE V. ACTIVE DUTY MILITARY**
6 **PERSONNEL OR THEIR SPOUSES**

7
8 *A licensee who is active duty military or is the spouse of an*
9 *individual who is active duty military may designate one of the*
10 *following as the home state:*

- 11 1. *Home of record;*
12 2. *Permanent change of station; or*
13 3. *State of current residence if it is different from the*
14 *permanent change of station state or home of record.*

15
16 **ARTICLE VI. ADVERSE ACTIONS**

17
18 1. *A home state has the exclusive power to impose adverse*
19 *action against a license issued by the home state.*

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

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

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

36 5. *A remote state may:*

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

39 (b) *Issue subpoenas for both hearings and investigations*
40 *which require the attendance and testimony of witnesses and the*
41 *production of evidence. Subpoenas issued by a physical therapy*
42 *licensing board in a party state for the attendance and testimony*
43 *of witnesses or the production of evidence from another party state*
44 *must be enforced in the latter state by any court of competent*
45 *jurisdiction, according to the practice and procedure of that court*



1 applicable to subpoenas issued in proceedings pending before it.
2 The issuing authority shall pay any witness fees, travel expenses,
3 mileage and other fees required by the service statutes of the state
4 where the witnesses or evidence are located.

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

8 **6. Joint Investigations.**

9 (a) In addition to the authority granted to a member state by its
10 respective physical therapy practice act or other applicable state
11 law, a member state may participate with other member states in
12 joint investigations of licensees.

13 (b) Member states shall share any investigative, litigation or
14 compliance materials in furtherance of any joint or individual
15 investigation initiated under the Compact.

16
17 **ARTICLE VII. ESTABLISHMENT OF THE PHYSICAL**
18 **THERAPY COMPACT COMMISSION**
19

20 **1. The Compact member states hereby create and establish a**
21 **joint public agency known as the Physical Therapy Compact**
22 **Commission:**

23 (a) The Commission is an instrumentality of the Compact
24 member states.

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

31 (c) This Compact must not be construed to be a waiver of
32 sovereign immunity.

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

34 (a) Each member state is limited to one delegate selected by
35 that member state's licensing board.

36 (b) The delegate shall be a current member of the licensing
37 board and be a physical therapist, physical therapist assistant,
38 public member or the board administrator.

39 (c) Any delegate may be removed or suspended from office as
40 provided by the law of the state from which the delegate is
41 appointed.

42 (d) The member state board shall fill any vacancy occurring in
43 the Commission.

44 (e) Each delegate shall be entitled to one vote with regard to
45 the promulgation of rules and creation of bylaws and shall



1 *otherwise have an opportunity to participate in the business and*
2 *affairs of the Commission.*

3 *(f) A delegate shall vote in person or by such other means as*
4 *provided in the bylaws. The bylaws may provide for delegates'*
5 *participation in meetings by telephone or other means of*
6 *communication.*

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

10 *3. The Commission shall have the following powers and*
11 *duties:*

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

13 *(b) Establish bylaws;*

14 *(c) Maintain its financial records in accordance with the*
15 *bylaws;*

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

18 *(e) Promulgate uniform rules to facilitate and coordinate*
19 *implementation and administration of this Compact with such*
20 *rules having the force and effect of law and being binding in all*
21 *member states;*

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

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

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

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

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

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

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

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



1 (n) Borrow money;

2 (o) Appoint committees, including, without limitation, standing
3 committees composed of members, state regulators, state
4 legislators or their representatives, consumer representatives and
5 such other interested persons as may be designated in this
6 Compact and the bylaws;

7 (p) Provide and receive information from, and cooperate with,
8 law enforcement agencies;

9 (q) Establish and elect an Executive Board; and

10 (r) Perform such other functions as may be necessary or
11 appropriate to achieve the purposes of this Compact consistent
12 with the state regulation of physical therapy licensure and
13 practice.

14 4. The Executive Board may act on behalf of the Commission
15 according to the terms of this Compact:

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

17 (1) Seven voting members who are elected by the
18 Commission from the current membership of the Commission;

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

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

23 (b) The ex-officio members shall be selected by their respective
24 organizations.

25 (c) The Commission may remove any member of the Executive
26 Board as provided in the bylaws.

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

28 (e) The Executive Board shall:

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

34 (2) Ensure Compact administration services are
35 appropriately provided, contractual or otherwise;

36 (3) Prepare and recommend the budget;

37 (4) Maintain financial records on behalf of the
38 Commission;

39 (5) Monitor Compact compliance of member states and
40 provide compliance reports to the Commission;

41 (6) Establish additional committees as necessary; and

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

43 5. Meetings of the Commission.



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

4 (b) The Commission or the Executive Board or other
5 committees of the Commission may convene in a closed, nonpublic
6 meeting if the Commission or Executive Board or other
7 committees of the Commission must discuss:

8 (1) Noncompliance of a member state with its obligations
9 under the Compact;

10 (2) The employment, compensation, discipline or other
11 matters, practices or procedures related to specific employees or
12 other matters related to the Commission's internal personnel
13 practices and procedures;

14 (3) Current, threatened or reasonably anticipated litigation;

15 (4) Negotiation of contracts for the purchase, lease or sale
16 of goods, services or real estate;

17 (5) Accusing any person of a crime or formally censuring
18 any person;

19 (6) Disclosure of trade secrets or commercial or financial
20 information that is privileged or confidential;

21 (7) Disclosure of information of a personal nature if the
22 disclosure would constitute a clearly unwarranted invasion of
23 personal privacy;

24 (8) Disclosure of investigative records compiled for law
25 enforcement purposes;

26 (9) Disclosure of information related to any investigative
27 reports prepared by or on behalf of or for use of the Commission
28 or other committee charged with responsibility of investigation or
29 determination of compliance issues pursuant to the Compact; or

30 (10) Matters specifically exempted from disclosure by
31 federal or member state statute.

32 (c) If a meeting, or portion of a meeting, is closed pursuant to
33 this provision, the Commission's legal counsel or designee shall
34 certify that the meeting may be closed and shall reference each
35 relevant exempting provision.

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

45 6. Financing of the Commission.



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

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

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

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

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

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

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

41 (b) *The Commission shall defend any member, officer,*
42 *executive director, employee or representative of the Commission*
43 *in any civil action seeking to impose liability arising out of any*
44 *actual or alleged act, error or omission that occurred within the*
45 *scope of Commission employment, duties or responsibilities, or*



1 *that the person against whom the claim is made had a reasonable*
2 *basis for believing occurred within the scope of Commission*
3 *employment, duties or responsibilities, provided that this*
4 *paragraph may not be construed to prohibit that person from*
5 *retaining his or her own counsel, and provided further that the*
6 *actual or alleged act, error or omission did not result from that*
7 *person's intentional, willful or wanton misconduct.*

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

19
20 **ARTICLE VIII. DATA SYSTEM**

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

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

32 *(a) Identifying information;*

33 *(b) Licensure data;*

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

35 *(d) Nonconfidential information related to alternative program*
36 *participation;*

37 *(e) Any denial of application for licensure and the reason for*
38 *such denial; and*

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

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

43 *4. The Commission shall promptly notify all member states of*
44 *any adverse action taken against a licensee or an individual*
45 *applying for a license. Adverse action information pertaining to a*



1 *licensee in any member state will be available to any other*
2 *member state.*

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

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

10
11 **ARTICLE IX. RULEMAKING**
12

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

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

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

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

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

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

35 *5. The Notice of Proposed Rulemaking must include, without*
36 *limitation:*

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

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

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

43 *(d) The manner in which interested persons may submit notice*
44 *to the Commission of the interested persons' intentions to attend*
45 *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 **1. 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 carry out the State's compliance with*
24 *the provisions of the Physical Therapy Licensure Compact enacted*
25 *in section 2 of this act.*

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

34 **2.** *If the Board establishes fees pursuant to subsection 1, the*
35 *Board shall deposit the money collected from the imposition of the*
36 *fees pursuant to NRS 640.070. The Board may present a claim to*
37 *the State Board of Examiners for recommendation to the Interim*
38 *Finance Committee if money is needed to meet the financial*
39 *obligations imposed on this State as a result of participation in the*
40 *Physical Therapy Licensure Compact.*

41 **Sec. 5.** *If a meeting, or a portion of a meeting, of the*
42 *Physical Therapy Compact Commission is closed pursuant to*
43 *subsection 5 of article VII of the Physical Therapy Licensure*
44 *Compact enacted in section 2 of this act, any record created*



1 *pursuant to such a closed meeting shall not be considered a public*
2 *record pursuant to NRS 239.010.*

3 **Sec. 6.** NRS 640.021 is hereby amended to read as follows:
4 640.021 “Physical therapist” means a person who is
5 ~~licensed~~ :

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

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

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

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

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

19 **Sec. 8.** NRS 640.030 is hereby amended to read as follows:
20 640.030 1. The Nevada Physical Therapy Board, consisting
21 of five members appointed by the Governor, and any nonvoting
22 advisory members appointed by the Board pursuant to NRS
23 640.055, is hereby created.

24 2. The Governor shall appoint:
25 (a) Three members who are ~~licensed~~ physical therapists ~~[in the~~
26 ~~State of Nevada]~~, *licensed as such in accordance with the*
27 *provisions of this chapter.*

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

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

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

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

35 3. No member of the Board may serve more than two
36 consecutive terms.

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

40 5. A majority of the voting members of the Board constitutes a
41 quorum.

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



1 7. The Board shall comply with the provisions of chapter 241
2 of NRS, and all meetings of the Board must be conducted in
3 accordance with that chapter.

4 **Sec. 9.** NRS 640.050 is hereby amended to read as follows:
5 640.050 1. The Board shall:

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

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

12 (c) Investigate any complaint filed with the Board against a
13 ~~licensee;~~ *physical therapist or physical therapist assistant;* and

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

22 2. The Board may adopt reasonable regulations to carry this
23 chapter into effect, including, but not limited to, regulations
24 concerning the:

25 (a) Issuance and display of licenses ~~or~~ *or authorizations to*
26 *practice or to assist in the practice of physical therapy in this State*
27 *pursuant to the Physical Therapy Licensure Compact enacted in*
28 *section 2 of this act.*

29 (b) Supervision of physical therapist assistants and physical
30 therapist technicians.

31 3. The Board shall prepare and maintain a record of its
32 proceedings, including, without limitation, any disciplinary
33 proceedings.

34 4. The Board shall maintain a list of licensed physical
35 therapists ~~authorized to~~ *who* practice physical therapy *in this State*
36 and physical therapist assistants ~~licensed to~~ *who* assist in the
37 practice of physical therapy in this State.

38 5. The Board may:

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

41 (b) Employ attorneys, investigators and other professional
42 consultants and clerical personnel necessary to the discharge of its
43 duties.

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



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

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

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

19 640.070 1. All fees collected under this chapter must be
20 deposited by the Board in banks, credit unions, savings and loan
21 associations or savings banks in the State of Nevada.

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

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

36 4. If a hearing officer or panel is not authorized to take
37 disciplinary action pursuant to subsection 3, the Board shall deposit
38 the money collected from the imposition of administrative fines in
39 the State General Fund. The Board may present a claim to the State
40 Board of Examiners for recommendation to the Interim Finance
41 Committee if money is needed to pay attorney's fees or the costs of
42 an investigation, or both.

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

44 640.155 1. After conducting an inspection pursuant to NRS
45 640.050, a member or agent of the Board may issue a citation to a



1 ~~[licensure]~~ *physical therapist or physical therapist assistant* if the
2 member or agent concludes that, based on a preponderance of the
3 evidence, the ~~[licensure]~~ *physical therapist or physical therapist*
4 *assistant* has violated:

5 (a) Subsection 3 of NRS 640.110;

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

14 (c) Any regulation of the Board establishing requirements for
15 the supervision of an unlicensed person by a physical therapist or
16 limiting the number of persons who may be supervised by a physical
17 therapist.

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

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

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

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

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

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

32 3. Any administrative fine imposed pursuant to this section
33 must be:

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

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

39 (c) For a third violation and for each additional violation, in the
40 amount determined by the Board after the ~~[licensure]~~ *physical*
41 *therapist or physical therapist assistant* appears before the Board.

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



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

2 640.157 1. Except as otherwise provided in this subsection,
3 to contest a citation issued pursuant to NRS 640.155, the person
4 must submit a written request for a hearing to the Board not later
5 than 30 days after the date of issuance of the citation. The Board
6 may, for good cause shown, extend the time to submit a request for
7 a hearing.

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

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

13 (b) At the hearing, the ~~licensee~~ *physical therapist or physical*
14 *therapist assistant* may contest, without limitation:

15 (1) The facts forming the basis for the determination that the
16 ~~licensee~~ *physical therapist or physical therapist assistant* has
17 committed an act which constitutes a violation of a provision
18 described in NRS 640.155;

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

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

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

23 (5) Whether any corrective action described in the citation is
24 reasonable.

25 3. If a person to whom a citation is issued pursuant to NRS
26 640.155 does not file timely a written request for a hearing to
27 contest the citation, the citation shall be deemed a final order of the
28 Board and any assessed fine deemed due and payable and any
29 corrective action deemed required.

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

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

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

37 **Sec. 13.** NRS 640.160 is hereby amended to read as follows:

38 640.160 1. The Board, after notice and a hearing as required
39 by law, and upon any ground enumerated in subsection 2, may take
40 one or more of the following actions:

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



1 (b) Refuse to renew the license or temporary license of any
2 person.

3 (c) Suspend or revoke the license , ~~for~~ temporary license *or*
4 *authorization to practice or assist in the practice of physical*
5 *therapy in this State pursuant to the Physical Therapy Licensure*
6 *Compact enacted in section 2 of this act* of any person.

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

12 (e) Impose an administrative fine which does not exceed \$5,000
13 on any person who has been issued a license ~~for~~ *or who has been*
14 *authorized to practice or assist in the practice of physical therapy*
15 *in this State pursuant to the Physical Therapy Licensure Compact*
16 *enacted in section 2 of this act.*

17 2. The Board may take action pursuant to subsection 1 if an
18 applicant or person who has been licensed pursuant to this chapter
19 ~~for~~ *or who has been authorized to practice or assist in the practice*
20 *of physical therapy in this State pursuant to the Physical Therapy*
21 *Licensure Compact enacted in section 2 of this act:*

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

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

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

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

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

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

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

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

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

42 (j) Has employed as a physical therapist any unlicensed *or*
43 *unauthorized* physical therapist or physical therapist whose license
44 *or authorization* has been suspended.



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

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

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

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

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

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

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

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

14 640.169 1. Except as otherwise provided in NRS 629.091
15 and 640.120, it is unlawful for any person to practice physical
16 therapy in this State unless the person holds a license or a temporary
17 license issued pursuant to this chapter ~~§~~ *or the person is*
18 *authorized to practice physical therapy in this State pursuant to*
19 *the Physical Therapy Licensure Compact enacted in section 2 of*
20 *this act.* A person who violates the provisions of this subsection is
21 guilty of a gross misdemeanor.

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

24 (a) Issue an order against any person who has violated
25 subsection 1 imposing an administrative penalty of not more than
26 \$5,000 for each violation. Any administrative penalty collected
27 pursuant to this paragraph must be deposited in the State General
28 Fund.

29 (b) Issue and serve on the person an order to cease and desist
30 until the person obtains from the Board the proper license *or*
31 *authorization* or otherwise demonstrates that he or she is no longer
32 in violation of subsection 1. An order to cease and desist must
33 include a telephone number with which the person may contact the
34 Board.

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

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



1 **Sec. 15.** NRS 640.1695 is hereby amended to read as follows:
2 640.1695 Unless the Board determines that extenuating
3 circumstances exist, the Board shall forward to the appropriate law
4 enforcement agency any substantiated information submitted to the
5 Board concerning a person who practices or offers to practice
6 physical therapy or as a physical therapist assistant without the
7 appropriate license issued pursuant to the provisions of this chapter
8 ~~§~~ *or without an authorization to practice or assist in the practice*
9 *of physical therapy in this State pursuant to the Physical Therapy*
10 *Licensure Compact enacted in section 2 of this act.*

11 **Sec. 16.** NRS 640.170 is hereby amended to read as follows:
12 640.170 1. A person who is licensed under this chapter as a
13 physical therapist *or authorized to practice physical therapy in this*
14 *State pursuant to the Physical Therapy Licensure Compact*
15 *enacted in section 2 of this act* shall use the words or letters “P.T.”
16 or “Physical Therapist” immediately following his or her name
17 when representing himself or herself as a licensed physical therapist.

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

30 3. A sole proprietorship, corporation, limited-liability
31 company, association, partnership or other form of business
32 organization shall not:

33 (a) Use in connection with its name or business activities the
34 words or letters “L.P.T.,” “Licensed Physical Therapist,” “R.P.T.,”
35 “Registered Physical Therapist,” “P.T.,” “Physical Therapist,”
36 “physical therapy,” or any other letters, words or insignia indicating
37 or implying that the sole proprietorship, corporation, limited-
38 liability company, association, partnership or other form of business
39 organization provides, through employees, agents, independent
40 contractors or representatives, services constituting the practice of
41 physical therapy; or

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



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

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

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

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

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

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

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

31 640.175 1. A person who is licensed under NRS 640.092,
32 640.093 and 640.094 as a physical therapist assistant *or authorized*
33 *to assist in the practice of physical therapy in this State pursuant*
34 *to the Physical Therapy Licensure Compact enacted in section 2 of*
35 *this act* shall use the words or letters "P.T.A." or "Physical
36 Therapist Assistant" immediately following his or her name when
37 representing himself or herself as a ~~licensed~~ physical therapist
38 assistant.

39 2. Any person:

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

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



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

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

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

12 (a) Issue an order against any person who has violated
13 subsection 2 imposing an administrative penalty of not more than
14 \$5,000 for each violation. Any administrative penalty collected
15 pursuant to this paragraph must be deposited in the State General
16 Fund.

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

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

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

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

34 640.180 A person who makes a willfully false oath or
35 affirmation in any case in which an oath or affirmation is required
36 by this chapter, or who obtains or attempts to obtain a license *or*
37 *authorization to practice or assist in the practice of physical*
38 *therapy in this State pursuant to the Physical Therapy Licensure*
39 *Compact enacted in section 2 of this act* by any fraudulent
40 representation, is guilty of a misdemeanor.

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

42 640.190 This chapter does not authorize a physical therapist ~~to~~
43 ~~whether licensed or not,~~ to practice medicine, osteopathic medicine,
44 homeopathic medicine, chiropractic or any other form or method of
45 healing.



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

2 640A.070 This chapter does not apply to a person:

3 1. Holding a current license , *authorization* or certificate
4 issued pursuant to chapter 391, 630 to 637B, inclusive, 640 or 640B
5 to 641B, inclusive, of NRS, who practices within the scope of that
6 license , *authorization* or certificate.

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

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

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

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

16 640B.145 The provisions of this chapter do not apply to:

17 1. A person who is licensed *or authorized* pursuant to chapters
18 630 to 637, inclusive, or chapter 640 or 640A of NRS, when acting
19 within the scope of that license ~~or~~ *authorization*.

20 2. A person who is employed by the Federal Government and
21 engages in the practice of athletic training within the scope of that
22 employment.

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

26 **Sec. 22.** (Deleted by amendment.)

27 **Sec. 23.** NRS 640C.100 is hereby amended to read as follows:

28 640C.100 1. The provisions of this chapter do not apply to:

29 (a) A person licensed *or authorized* pursuant to chapter 630,
30 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS if
31 the massage therapy, reflexology or structural integration is
32 performed in the course of the practice for which the person is
33 licensed ~~or~~ *authorized*.

34 (b) A person licensed as a barber or apprentice pursuant to
35 chapter 643 of NRS if the person is massaging, cleansing or
36 stimulating the scalp, face, neck or skin within the permissible scope
37 of practice for a barber or apprentice pursuant to that chapter.

38 (c) A person licensed or registered as an esthetician,
39 esthetician's apprentice, hair designer, hair designer's apprentice,
40 hair braider, shampoo technologist, cosmetologist or
41 cosmetologist's apprentice pursuant to chapter 644A of NRS if the
42 person is massaging, cleansing or stimulating the scalp, face, neck
43 or skin within the permissible scope of practice for an esthetician,
44 esthetician's apprentice, hair designer, hair designer's apprentice,



1 hair braider, shampoo technologist, cosmetologist or
2 cosmetologist's apprentice pursuant to that chapter.

3 (d) A person licensed or registered as a nail technologist or nail
4 technologist's apprentice pursuant to chapter 644A of NRS if the
5 person is massaging, cleansing or stimulating the hands, forearms,
6 feet or lower legs within the permissible scope of practice for a nail
7 technologist or nail technologist's apprentice.

8 (e) A person who is an employee of an athletic department of
9 any high school, college or university in this State and who, within
10 the scope of that employment, practices massage therapy,
11 reflexology or structural integration on athletes.

12 (f) Students enrolled in a school of massage therapy, reflexology
13 or structural integration recognized by the Board.

14 (g) A person who practices massage therapy, reflexology or
15 structural integration solely on members of his or her immediate
16 family.

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

18 2. Except as otherwise provided in subsection 3 and NRS
19 640C.330, the provisions of this chapter preempt the licensure and
20 regulation of a massage therapist, reflexologist or structural
21 integration practitioner by a county, city or town, including, without
22 limitation, conducting a criminal background investigation and
23 examination of a massage therapist, reflexologist or structural
24 integration practitioner or applicant for a license to practice massage
25 therapy, reflexology or structural integration.

26 3. The provisions of this chapter do not prohibit a county, city
27 or town from requiring a massage therapist, reflexologist or
28 structural integration practitioner to obtain a license or permit to
29 transact business within the jurisdiction of the county, city or town,
30 if the license or permit is required of other persons, regardless of
31 occupation or profession, who transact business within the
32 jurisdiction of the county, city or town.

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

36 **Sec. 24.** NRS 640E.090 is hereby amended to read as follows:
37 640E.090 1. The provisions of this chapter do not apply to:

38 (a) Any person who is licensed, *authorized* or registered in this
39 State as a physician pursuant to chapter 630, 630A or 633 of NRS,
40 dentist, nurse, dispensing optician, optometrist, occupational
41 therapist, practitioner of respiratory care, *licensed* physical therapist,
42 podiatric physician, psychologist, marriage and family therapist,
43 chiropractor, athletic trainer, massage therapist, reflexologist,
44 structural integration practitioner, perfusionist, doctor of Oriental



1 medicine in any form, medical laboratory director or technician or
2 pharmacist who:

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

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

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

9 (b) A student enrolled in an educational program accredited by
10 the ~~Commission on~~ Accreditation ~~for Dietetics~~ *Council for*
11 Education *in Nutrition and Dietetics* of the Academy of Nutrition
12 and Dietetics, if the student engages in the practice of dietetics
13 under the supervision of a licensed dietitian or registered dietitian as
14 part of that educational program.

15 (c) A registered dietitian employed by the Armed Forces of the
16 United States, the United States Department of Veterans Affairs or
17 any division or department of the Federal Government in the
18 discharge of his or her official duties, including, without limitation,
19 the practice of dietetics or providing nutrition services.

20 (d) A person who furnishes nutrition information, provides
21 recommendations or advice concerning nutrition, or markets food,
22 food materials or dietary supplements and provides nutrition
23 information, recommendations or advice related to that marketing, if
24 the person does not represent that he or she is a licensed dietitian or
25 registered dietitian. While performing acts described in this
26 paragraph, a person shall be deemed not to be engaged in the
27 practice of dietetics or the providing of nutrition services.

28 (e) A person who provides services relating to weight loss or
29 weight control through a program reviewed by and in consultation
30 with a licensed dietitian or physician or a dietitian licensed or
31 registered in another state which has equivalent licensure
32 requirements as this State, as long as the person does not change the
33 services or program without the approval of the person with whom
34 he or she is consulting.

35 2. As used in this section, “nutrition information” means
36 information relating to the principles of nutrition and the effect of
37 nutrition on the human body, including, without limitation:

38 (a) Food preparation;

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

40 (c) Essential nutrients required by the human body and
41 recommended amounts of essential nutrients, based on nationally
42 established standards;

43 (d) The effect of nutrients on the human body and the effect of
44 deficiencies in or excess amounts of nutrients in the human body;
45 and



1 (e) Specific foods or supplements that are sources of essential
2 nutrients.

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

5 *Except as otherwise expressly provided in a particular statute*
6 *or required by the context, “licensed physical therapist” means a*
7 *physical therapist who is:*

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

9 2. *Authorized to practice physical therapy in this State*
10 *pursuant to the Physical Therapy Licensure Compact enacted in*
11 *section 2 of this act.*

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

13 7.095 1. An attorney shall not contract for or collect a fee
14 contingent on the amount of recovery for representing a person
15 seeking damages in connection with an action for injury or death
16 against a provider of health care based upon professional negligence
17 in excess of:

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

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

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

22 (d) Fifteen percent of the amount of recovery that exceeds
23 \$600,000.

24 2. The limitations set forth in subsection 1 apply to all forms of
25 recovery, including, without limitation, settlement, arbitration and
26 judgment.

27 3. For the purposes of this section, “recovered” means the net
28 sum recovered by the plaintiff after deducting any disbursements or
29 costs incurred in connection with the prosecution or settlement of
30 the claim. Costs of medical care incurred by the plaintiff and general
31 and administrative expenses incurred by the office of the attorney
32 are not deductible disbursements or costs.

33 4. As used in this section:

34 (a) “Professional negligence” means a negligent act or omission
35 to act by a provider of health care in the rendering of professional
36 services, which act or omission is the proximate cause of a personal
37 injury or wrongful death. The term does not include services that are
38 outside the scope of services for which the provider of health care is
39 licensed or services for which any restriction has been imposed by
40 the applicable regulatory board or health care facility.

41 (b) “Provider of health care” means a physician licensed under
42 chapter 630 or 633 of NRS, dentist, registered nurse, dispensing
43 optician, optometrist, ~~registered~~ *licensed* physical therapist,
44 podiatric physician, licensed psychologist, chiropractor, doctor of



1 Oriental medicine, medical laboratory director or technician,
2 licensed dietitian or a licensed hospital and its employees.

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

4 41A.017 "Provider of health care" means a physician licensed
5 pursuant to chapter 630 or 633 of NRS, physician assistant, dentist,
6 licensed nurse, dispensing optician, optometrist, ~~registered~~
7 *licensed* physical therapist, podiatric physician, licensed
8 psychologist, chiropractor, doctor of Oriental medicine, medical
9 laboratory director or technician, licensed dietitian or a licensed
10 hospital, clinic, surgery center, physicians' professional corporation
11 or group practice that employs any such person and its employees.

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

13 42.021 1. In an action for injury or death against a provider
14 of health care based upon professional negligence, if the defendant
15 so elects, the defendant may introduce evidence of any amount
16 payable as a benefit to the plaintiff as a result of the injury or death
17 pursuant to the United States Social Security Act, any state or
18 federal income disability or worker's compensation act, any health,
19 sickness or income-disability insurance, accident insurance that
20 provides health benefits or income-disability coverage, and any
21 contract or agreement of any group, organization, partnership or
22 corporation to provide, pay for or reimburse the cost of medical,
23 hospital, dental or other health care services. If the defendant elects
24 to introduce such evidence, the plaintiff may introduce evidence of
25 any amount that the plaintiff has paid or contributed to secure the
26 plaintiff's right to any insurance benefits concerning which the
27 defendant has introduced evidence.

28 2. A source of collateral benefits introduced pursuant to
29 subsection 1 may not:

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

31 (b) Be subrogated to the rights of the plaintiff against a
32 defendant.

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

40 4. In entering a judgment ordering the payment of future
41 damages by periodic payments pursuant to subsection 3, the court
42 shall make a specific finding as to the dollar amount of periodic
43 payments that will compensate the judgment creditor for such future
44 damages. As a condition to authorizing periodic payments of future
45 damages, the court shall require a judgment debtor who is not



1 adequately insured to post security adequate to assure full payment
2 of such damages awarded by the judgment. Upon termination of
3 periodic payments of future damages, the court shall order the return
4 of this security, or so much as remains, to the judgment debtor.

5 5. A judgment ordering the payment of future damages by
6 periodic payments entered pursuant to subsection 3 must specify the
7 recipient or recipients of the payments, the dollar amount of the
8 payments, the interval between payments, and the number of
9 payments or the period of time over which payments will be made.
10 Such payments must only be subject to modification in the event of
11 the death of the judgment creditor. Money damages awarded for loss
12 of future earnings must not be reduced or payments terminated by
13 reason of the death of the judgment creditor, but must be paid to
14 persons to whom the judgment creditor owed a duty of support, as
15 provided by law, immediately before the judgment creditor's death.
16 In such cases, the court that rendered the original judgment may,
17 upon petition of any party in interest, modify the judgment to award
18 and apportion the unpaid future damages in accordance with this
19 subsection.

20 6. If the court finds that the judgment debtor has exhibited a
21 continuing pattern of failing to make the periodic payments as
22 specified pursuant to subsection 5, the court shall find the judgment
23 debtor in contempt of court and, in addition to the required periodic
24 payments, shall order the judgment debtor to pay the judgment
25 creditor all damages caused by the failure to make such periodic
26 payments, including, but not limited to, court costs and attorney's
27 fees.

28 7. Following the occurrence or expiration of all obligations
29 specified in the periodic payment judgment, any obligation of the
30 judgment debtor to make further payments ceases and any security
31 given pursuant to subsection 4 reverts to the judgment debtor.

32 8. As used in this section:

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

36 (b) "Periodic payments" means the payment of money or
37 delivery of other property to the judgment creditor at regular
38 intervals.

39 (c) "Professional negligence" means a negligent act or omission
40 to act by a provider of health care in the rendering of professional
41 services, which act or omission is the proximate cause of a personal
42 injury or wrongful death. The term does not include services that are
43 outside the scope of services for which the provider of health care is
44 licensed or services for which any restriction has been imposed by
45 the applicable regulatory board or health care facility.



1 (d) "Provider of health care" means a physician licensed under
2 chapter 630 or 633 of NRS, dentist, licensed nurse, dispensing
3 optician, optometrist, ~~registered~~ *licensed* physical therapist,
4 podiatric physician, licensed psychologist, chiropractor, doctor of
5 Oriental medicine, medical laboratory director or technician,
6 licensed dietitian or a licensed hospital and its employees.

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

8 52.320 As used in NRS 52.320 to 52.375, inclusive, unless the
9 context otherwise requires:

10 1. "Custodian of medical records" means a chiropractor,
11 physician, ~~registered~~ *licensed* physical therapist or licensed nurse
12 who prepares and maintains medical records, or any employee or
13 agent of such a person or a facility for convalescent care, medical
14 laboratory or hospital who has care, custody and control of medical
15 records for such a person or institution.

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

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

20 239.010 1. Except as otherwise provided in this section and
21 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
22 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
23 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
24 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
25 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
26 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
27 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
28 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140,
29 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130,
30 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044,
31 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625,
32 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
33 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772,
34 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925,
35 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131,
36 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625,
37 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450,
38 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105,
39 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,
40 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030,
41 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
42 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,
43 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685,
44 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438,
45 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,



1 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510,
2 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
3 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
4 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,
5 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
6 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495,
7 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
8 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035,
9 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315,
10 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698,
11 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,
12 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,
13 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
14 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
15 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
16 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,
17 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
18 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,
19 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
20 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
21 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940,
22 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
23 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452,
24 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,
25 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710,
26 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
27 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
28 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
29 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,
30 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,
31 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,
32 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
33 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,
34 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,
35 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,
36 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,
37 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,
38 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,
39 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,
40 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
41 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
42 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.277,
43 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.070,
44 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
45 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,



1 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
2 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,
3 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 6 of*
4 *this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada
5 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and
6 unless otherwise declared by law to be confidential, all public books
7 and public records of a governmental entity must be open at all
8 times during office hours to inspection by any person, and may be
9 fully copied or an abstract or memorandum may be prepared from
10 those public books and public records. Any such copies, abstracts or
11 memoranda may be used to supply the general public with copies,
12 abstracts or memoranda of the records or may be used in any other
13 way to the advantage of the governmental entity or of the general
14 public. This section does not supersede or in any manner affect the
15 federal laws governing copyrights or enlarge, diminish or affect in
16 any other manner the rights of a person in any written book or
17 record which is copyrighted pursuant to federal law.

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

20 3. A governmental entity that has legal custody or control of a
21 public book or record shall not deny a request made pursuant to
22 subsection 1 to inspect or copy or receive a copy of a public book or
23 record on the basis that the requested public book or record contains
24 information that is confidential if the governmental entity can
25 redact, delete, conceal or separate the confidential information from
26 the information included in the public book or record that is not
27 otherwise confidential.

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

32 (a) Shall not refuse to provide a copy of that public record in a
33 readily available medium because the officer, employee or agent has
34 already prepared or would prefer to provide the copy in a different
35 medium.

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

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

41 372.7285 1. In administering the provisions of NRS 372.325,
42 the Department shall apply the exemption to the sale of a medical
43 device to a governmental entity that is exempt pursuant to that
44 section without regard to whether the person using the medical



1 device or the governmental entity that purchased the device is
2 deemed to be the holder of title to the device if:

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

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

7 (c) The purchase of the medical device is made pursuant to a
8 contract between the governmental entity that purchases the medical
9 device and the person who sells the medical device to the
10 governmental entity.

11 2. As used in this section:

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

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

19 (c) "Provider of health care" means a physician licensed
20 pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist,
21 licensed nurse, dispensing optician, optometrist, practitioner of
22 respiratory care, ~~registered~~ *licensed* physical therapist, podiatric
23 physician, licensed psychologist, licensed audiologist, licensed
24 speech-language pathologist, licensed hearing aid specialist,
25 licensed marriage and family therapist, licensed clinical professional
26 counselor, chiropractor, licensed dietitian or doctor of Oriental
27 medicine in any form.

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

29 374.731 1. In administering the provisions of NRS 374.330,
30 the Department shall apply the exemption to the sale of a medical
31 device to a governmental entity that is exempt pursuant to that
32 section without regard to whether the person using the medical
33 device or the governmental entity that purchased the device is
34 deemed to be the holder of title to the device if:

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

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

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

43 2. As used in this section:

44 (a) "Medicaid" means the program established pursuant to Title
45 XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to



1 provide assistance for part or all of the cost of medical care rendered
2 on behalf of indigent persons.

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

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

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

16 385B.080 1. The Nevada Interscholastic Activities
17 Association shall adopt a policy concerning the prevention and
18 treatment of injuries to the head which may occur during a pupil's
19 participation in interscholastic activities and events, including,
20 without limitation, a concussion of the brain. The policy must
21 provide information concerning the nature and risk of injuries to the
22 head which may occur during a pupil's participation in
23 interscholastic activities and events, including, without limitation,
24 the risks associated with continuing to participate in the activity or
25 event after sustaining such an injury.

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

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

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

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

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

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



- 1 4. As used in this section, “provider of health care” means [a] :
2 (a) A physician licensed under chapter 630 or 633 of NRS [-a] ;
3 (b) A licensed physical therapist ; ~~licensed under chapter 640 of~~
4 ~~NRS~~ or [an]
5 (c) An athletic trainer licensed under chapter 640B of NRS.

6 **Sec. 34.** NRS 392.452 is hereby amended to read as follows:
7 392.452 1. For those competitive sports not governed by the
8 Nevada Interscholastic Activities Association pursuant to chapter
9 385B of NRS, the board of trustees of each school district shall
10 adopt a policy concerning the prevention and treatment of injuries to
11 the head which may occur during a pupil’s participation in
12 competitive sports within the school district, including, without
13 limitation, a concussion of the brain. To the extent practicable, the
14 policy must be consistent with the policy adopted by the Nevada
15 Interscholastic Activities Association pursuant to NRS 385B.080.
16 The policy must provide information concerning the nature and risk
17 of injuries to the head which may occur during a pupil’s
18 participation in competitive sports, including, without limitation, the
19 risks associated with continuing to participate in competitive sports
20 after sustaining such an injury.

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

24 (a) Must be immediately removed from the competitive sport;
25 and

26 (b) May return to the competitive sport if the parent or legal
27 guardian of the pupil provides a signed statement of a provider of
28 health care indicating that the pupil is medically cleared for
29 participation in the competitive sport and the date on which the
30 pupil may return to the competitive sport.

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

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

36 (b) Must sign a statement on a form prescribed by the board of
37 trustees acknowledging that the pupil and his or her parent or
38 guardian have read and understand the terms and conditions of the
39 policy.

- 40 4. As used in this section, “provider of health care” means [a] :
41 (a) A physician licensed under chapter 630 or 633 of NRS [-a] ;
42 (b) A licensed physical therapist ; ~~licensed under chapter 640 of~~
43 ~~NRS~~ or [an]
44 (c) An athletic trainer licensed under chapter 640B of NRS.



1 **Sec. 35.** NRS 432B.220 is hereby amended to read as follows:
2 432B.220 1. Any person who is described in subsection 4
3 and who, in his or her professional or occupational capacity, knows
4 or has reasonable cause to believe that a child has been abused or
5 neglected shall:

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

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

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

15 (a) A person directly responsible or serving as a volunteer for or
16 an employee of a public or private home, institution or facility
17 where the child is receiving child care outside of the home for a
18 portion of the day, the person shall make the report to a law
19 enforcement agency.

20 (b) An agency which provides child welfare services or a law
21 enforcement agency, the person shall make the report to an agency
22 other than the one alleged to have committed the act or omission,
23 and the investigation of the abuse or neglect of the child must be
24 made by an agency other than the one alleged to have committed the
25 act or omission.

26 3. Any person who is described in paragraph (a) of subsection
27 4 who delivers or provides medical services to a newborn infant and
28 who, in his or her professional or occupational capacity, knows or
29 has reasonable cause to believe that the newborn infant has been
30 affected by a fetal alcohol spectrum disorder or prenatal substance
31 abuse or has withdrawal symptoms resulting from prenatal drug
32 exposure shall, as soon as reasonably practicable but not later than
33 24 hours after the person knows or has reasonable cause to believe
34 that the newborn infant is so affected or has such symptoms, notify
35 an agency which provides child welfare services of the condition of
36 the infant and refer each person who is responsible for the welfare
37 of the infant to an agency which provides child welfare services for
38 appropriate counseling, training or other services. A notification and
39 referral to an agency which provides child welfare services pursuant
40 to this subsection shall not be construed to require prosecution for
41 any illegal action.

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

44 (a) A person providing services *authorized pursuant to section*
45 *2 of this act or services* licensed or certified in this State pursuant



1 to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634,
2 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D,
3 640E, 641, 641A, 641B or 641C of NRS.

4 (b) Any personnel of a medical facility licensed pursuant to
5 chapter 449 of NRS who are engaged in the admission, examination,
6 care or treatment of persons or an administrator, manager or other
7 person in charge of such a medical facility upon notification of
8 suspected abuse or neglect of a child by a member of the staff of the
9 medical facility.

10 (c) A coroner.

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

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

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

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

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

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

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

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

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

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

36 6. If a person who is required to make a report pursuant to
37 subsection 1 knows or has reasonable cause to believe that a child
38 has died as a result of abuse or neglect, the person shall, as soon as
39 reasonably practicable, report this belief to an agency which
40 provides child welfare services or a law enforcement agency. If such
41 a report is made to a law enforcement agency, the law enforcement
42 agency shall notify an agency which provides child welfare services
43 and the appropriate medical examiner or coroner of the report. If
44 such a report is made to an agency which provides child welfare
45 services, the agency which provides child welfare services shall



1 notify the appropriate medical examiner or coroner of the report.
2 The medical examiner or coroner who is notified of a report
3 pursuant to this subsection shall investigate the report and submit
4 his or her written findings to the appropriate agency which provides
5 child welfare services, the appropriate district attorney and a law
6 enforcement agency. The written findings must include, if
7 obtainable, the information required pursuant to the provisions of
8 subsection 2 of NRS 432B.230.

9 7. The agency, board, bureau, commission, department,
10 division or political subdivision of the State responsible for the
11 licensure, certification or endorsement of a person who is described
12 in subsection 4 and who is required in his or her professional or
13 occupational capacity to be licensed, certified or endorsed in this
14 State shall, at the time of initial licensure, certification or
15 endorsement:

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 licensed, certified or endorsed in
24 this State.

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

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

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

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

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

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

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



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

3 10. As used in this section:

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

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

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

10 439A.0195 "Practitioner" means a physician licensed under
11 chapter 630, 630A or 633 of NRS, dentist, licensed nurse,
12 dispensing optician, optometrist, ~~registered~~ *licensed* physical
13 therapist, podiatric physician, licensed psychologist, chiropractor,
14 doctor of Oriental medicine in any form, medical laboratory director
15 or technician, pharmacist or other person whose principal
16 occupation is the provision of services for health.

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

18 455A.200 1. Each organization for youth sports that
19 sanctions or sponsors competitive sports for youths in this State
20 shall adopt a policy concerning the prevention and treatment of
21 injuries to the head which may occur during a youth's participation
22 in those competitive sports, including, without limitation, a
23 concussion of the brain. To the extent practicable, the policy must
24 be consistent with the policy adopted by the Nevada Interscholastic
25 Activities Association pursuant to NRS 385B.080. The policy must
26 provide information concerning the nature and risk of injuries to the
27 head which may occur during a youth's participation in competitive
28 sports, including, without limitation, the risks associated with
29 continuing to participate in competitive sports after sustaining such
30 an injury.

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

34 (a) Must be immediately removed from the competitive sport;
35 and

36 (b) May return to the competitive sport if the parent or legal
37 guardian of the youth provides a signed statement of a provider of
38 health care indicating that the youth is medically cleared for
39 participation in the competitive sport and the date on which the
40 youth may return to the competitive sport.

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

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



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

4. As used in this section:

(a) "Provider of health care" means ~~an~~:

(1) A physician licensed under chapter 630 or 633 of NRS ~~an~~;

(2) An advanced practice registered nurse who holds a valid license as an advanced practice registered nurse issued by the State Board of Nursing pursuant to NRS 632.237 ~~an~~;

(3) A licensed physical therapist ; ~~licensed under chapter 640 of NRS~~ or ~~an~~

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

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

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

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

(a) Liability insurance provided to:

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

(I) Cities and towns;

(II) School districts; and

(III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

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

(b) Liability insurance for:

(1) Defective products;

(2) Medical or dental malpractice of:

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

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

(III) Any related corporate entity.

(3) Malpractice of attorneys;

(4) Malpractice of architects and engineers; and

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



1 (c) Vehicle insurance, reported separately for:

- 2 (1) Private vehicles;
3 (2) Commercial vehicles;
4 (3) Liability insurance; and
5 (4) Insurance for property damage;

6 (d) Workers' compensation insurance; and

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

12 2. The Commissioner may require that the report include,
13 without limitation, information specifically pertaining to this State
14 or to an insurer in its entirety, in the aggregate or by type of
15 insurance, and for a previous or current year, regarding:

- 16 (a) Premiums directly written;
17 (b) Premiums directly earned;
18 (c) Number of policies issued;
19 (d) Net investment income, using appropriate estimates when
20 necessary;
21 (e) Losses paid;
22 (f) Losses incurred;
23 (g) Loss reserves, including:
24 (1) Losses unpaid on reported claims; and
25 (2) Losses unpaid on incurred but not reported claims;
26 (h) Number of claims, including:
27 (1) Claims paid; and
28 (2) Claims that have arisen but are unpaid;
29 (i) Expenses for adjustment of losses, including allocated and
30 unallocated losses;
31 (j) Net underwriting gain or loss;
32 (k) Net operation gain or loss, including net investment income;
33 and

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

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

- 37 (a) Recoverable federal income tax;
38 (b) Net unrealized capital gain or loss; and
39 (c) All other expenses not included in subsection 2.

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

