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ASSEMBLY BILL NO. 387—ASSEMBLYMEN MONROE-MORENO,  
PETERS, GORELOW, SUMMERS-ARMSTRONG, CARLTON;  
ANDERSON, BILBRAY-AXELROD, BROWN-MAY, DURAN,  
FRIERSON, GONZÁLEZ, NGUYEN AND TORRES

MARCH 23, 2021

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Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to midwives.  
(BDR 54-225)

FISCAL NOTE: Effect on Local Government: Increases or Newly  
Provides for Term of Imprisonment in County or City  
Jail or Detention Facility.  
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.

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AN ACT relating to midwives; establishing the Board of Licensed Certified Professional Midwives and requiring the Board to adopt certain regulations; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain tasks relating to the regulation of licensed certified professional midwives; providing for the licensure of licensed certified professional midwives and the issuance of permits to student midwives; authorizing a licensed certified professional midwife to utilize a birth assistant under certain circumstances; prescribing requirements relating to the practice of midwifery; authorizing a licensed certified professional midwife to possess, administer and order certain drugs, devices, chemicals and solutions; exempting a licensed certified professional midwife and other providers of health care from certain liability; requiring Medicaid to cover the services of a licensed certified professional midwife; providing a penalty; and providing other matters properly relating thereto.



**Legislative Counsel's Digest:**

1 Existing law requires a midwife to perform certain duties relating to reporting  
2 births and deaths and testing newborn babies for certain diseases. (NRS 440.100,  
3 440.740, 442.008-442.110, 442.600-442.680) **Sections 2-32** of this bill provide for:  
4 (1) the licensure of licensed certified professional midwives by the Division of  
5 Public and Behavioral Health of the Department of Health and Human Services;  
6 and (2) the regulation of licensed certified professional midwives by the Division  
7 and the Board of Licensed Certified Professional Midwives created by **section 16**  
8 of this bill. **Sections 2-14, 45, 69 and 73** of this bill define certain terms related to  
9 the practice of midwifery. **Section 15** of this bill exempts other providers of health  
10 care from requirements governing the licensure and regulation of licensed certified  
11 professional midwives. **Section 15** also authorizes an unlicensed person to engage in  
12 the practice of midwifery if that person obtains from each client a statement  
13 acknowledging that the person is not regulated by the State. **Sections 36, 38, 39**  
14 **and 42-44** of this bill similarly exempt licensed certified professional midwives and  
15 student midwives from provisions governing certain other providers of health care.  
16 Licensed certified professional midwives and student midwives would also be  
17 exempt from provisions governing allopathic physicians. (NRS 630.047)

18 **Section 16** creates the Board of Licensed Certified Professional Midwives.  
19 **Sections 34, 55 and 58-62** of this bill make various changes to ensure that the  
20 Board is treated similarly to other boards that regulate health-related professions.  
21 **Section 17** of this bill prescribes certain requirements concerning the operations  
22 and duties of the Board. **Section 18** of this bill requires the Board to adopt  
23 regulations governing midwifery, including requirements governing: (1) programs  
24 of training for licensed certified professional midwives; (2) qualifications for  
25 licensure as a licensed certified professional midwife; (3) investigation of  
26 misconduct and discipline; (4) management of a client who is at a moderate or high  
27 risk of an adverse outcome; and (5) certain other aspects of the practice of  
28 midwifery.

29 **Sections 19, 20 and 21** of this bill prescribe the requirements for the issuance  
30 of a license as a licensed certified professional midwife, a license by endorsement  
31 as a licensed certified professional midwife and a permit as a student midwife,  
32 respectively. **Section 101** of this bill revises the requirements for the issuance of a  
33 license as a licensed certified professional midwife on January 1, 2024, and **section**  
34 **100** of this bill removes a reference to a provision removed by **section 101**. **Section**  
35 **22** of this bill: (1) authorizes a licensed certified professional midwife to utilize a  
36 birth assistant to perform certain simple, routine medical tasks; and (2) prescribes  
37 the required training for a birth assistant.

38 Existing federal law requires each state to adopt procedures to ensure that  
39 applicants for certain licenses and certificates comply with child support  
40 obligations. (42 U.S.C. § 666) **Sections 23 and 29** of this bill enact such procedures  
41 as applicable to an applicant for a license as a licensed certified professional  
42 midwife or a permit as a student midwife in order to comply with federal law.  
43 **Sections 102 and 107** of this bill remove a requirement that an application for a  
44 license as a licensed certified professional midwife or a permit as a student midwife  
45 include the social security number of the applicant on the date that those federal  
46 requirements are repealed, while leaving in place the other requirements of **sections**  
47 **23 and 29** until 2 years after that date. **Section 33** of this bill makes a conforming  
48 change to address applicants for licensure who do not have a social security  
49 number.

50 **Section 24** of this bill prescribes the authorized activities of a student midwife  
51 and requirements governing the supervision of a student midwife by a preceptor.  
52 **Section 25** of this bill requires a licensed certified professional midwife to obtain  
53 informed consent from each client before providing services.



54 Existing law authorizes only certain practitioners who are licensed in this State  
55 and registered with the State Board of Pharmacy to prescribe drugs and devices.  
56 (NRS 639.235, 639.23505) **Sections 26, 40, 41 and 76** of this bill authorize a  
57 licensed certified professional midwife to: (1) order, possess and administer certain  
58 drugs, devices, chemicals and solutions; and (2) order certain devices and vaccines  
59 for a client. **Sections 22, 24 and 77** of this bill authorize a birth assistant or student  
60 midwife to administer certain drugs, devices, chemicals and solutions under the  
61 direct supervision of a licensed certified professional midwife.

62 **Section 27** of this bill imposes specific requirements concerning the  
63 management of a client who is at a moderate or high risk of an adverse outcome,  
64 and **section 103** of this bill removes some of those requirements on the effective  
65 date of regulations adopted by the Board of Licensed Certified Professional  
66 Midwives to replace those requirements. **Section 105** of this bill creates the  
67 Transfer Guidelines Working Group to make recommendations to the Board for  
68 regulations governing the transfer of such a client to a medical facility. **Section 27**  
69 also exempts: (1) a licensed certified professional midwife from liability resulting  
70 from the informed refusal of such a client to consent to consultation, co-  
71 management with or referral to another provider of health care or transfer to a  
72 medical facility or the inability of the licensed certified professional midwife to  
73 arrange for such consultation or carry out such co-management, referral or transfer;  
74 and (2) other providers of health care from liability for the actions or omissions of a  
75 licensed certified professional midwife.

76 **Section 28** of this bill requires a licensed certified professional midwife to  
77 annually report certain information concerning his or her practice to the Division.

78 **Section 30** of this bill: (1) requires the Division to maintain certain records of  
79 proceedings relating to licensing, disciplinary actions and investigations; and (2)  
80 declares certain records to be confidential and certain other records to be public.

81 **Section 57** of this bill makes a conforming change to clarify that confidential  
82 records of the Division are not public records. **Section 31** of this bill makes it a  
83 misdemeanor for a person who does not hold a license as a licensed certified  
84 professional midwife or a permit as a student midwife to: (1) engage in the practice  
85 of midwifery without taking the actions required by **section 15**: or (2) represent that  
86 he or she is licensed to engage in the practice of midwifery. **Section 31** also makes  
87 it a misdemeanor for a student midwife to represent that he or she is qualified to  
88 engage in the practice of midwifery without supervision. **Section 32** of this bill  
89 authorizes the Division or the Attorney General to seek an injunction against any  
90 person violating any provision of **sections 2-32**.

91 Existing law defines the term "provider of health care" as a person who  
92 practices any of certain professions related to the provision of health care. (NRS  
93 629.031) Existing law imposes certain requirements upon providers of health care,  
94 including requirements for billing, standards for advertisements and criminal  
95 penalties for acquiring certain debts. (NRS 629.071, 629.076, 629.078) **Section 35**  
96 of this bill includes licensed certified professional midwives in the definition of  
97 "provider of health care," thereby subjecting licensed certified professional  
98 midwives to those requirements. **Section 75** of this bill makes a conforming change  
99 to clarify that licensed certified professional midwives are providers of health care.  
100 **Section 37** of this bill requires a licensed certified professional midwife to report  
101 misconduct by a person licensed or certified by the State Board of Nursing to the  
102 Executive Director of the Board.

103 **Sections 48 and 49** of this bill provide that a licensed certified professional  
104 midwife is not liable for civil damages resulting from providing emergency care or  
105 gratuitous care to an indigent person under certain circumstances. **Section 70** of this  
106 bill requires a licensed certified professional midwife who attends a birth that  
107 occurs outside a hospital which is not also attended by a physician or advanced  
108 practice registered nurse to prepare a birth certificate. **Section 71** of this bill



109 provides for the imposition of a fine upon a person who furnishes false information  
110 to a licensed certified professional midwife for the purpose of making incorrect  
111 certification of births or deaths.

112 Existing law provides that, in any civil action concerning any unwelcome or  
113 nonconsensual sexual conduct, there is a rebuttable presumption that the sexual  
114 conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in  
115 a position of authority over the alleged victim. (NRS 41.138) **Section 47** of this bill  
116 provides that a licensed certified professional midwife, student midwife or birth  
117 assistant is a person of authority for that purpose.

118 **Sections 46, 50-54, 63, 64, 66-75 and 78-99** of this bill make revisions to treat  
119 licensed certified professional midwives similarly to other providers of health care  
120 in certain respects. **Section 65** of this bill requires Medicaid to cover the services of  
121 a licensed certified professional midwife and provide reimbursement for such  
122 services at comparable rates to other providers of health care who provide similar  
123 services. **Section 56** of this bill makes a conforming change to indicate the  
124 placement of **section 65** in the Nevada Revised Statutes.

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

1 **Section 1.** Title 54 of NRS is hereby amended by adding  
2 thereto a new chapter to consist of the provisions set forth as  
3 sections 2 to 32, inclusive, of this act.

4 **Sec. 2.** *As used in this chapter, unless the context otherwise*  
5 *requires, the words and terms defined in sections 2 to 14,*  
6 *inclusive, of this act have the meanings ascribed to them in those*  
7 *sections.*

8 **Sec. 3.** *“Birth assistant” means a person who performs*  
9 *routine medical tasks and procedures under the direct supervision*  
10 *of a licensed certified professional midwife.*

11 **Sec. 4.** *“Board” means the Board of Licensed Certified*  
12 *Professional Midwives created by section 16 of this act.*

13 **Sec. 5.** *“Certified nurse-midwife” means a person who is:*

14 1. *Certified as a nurse-midwife by the American Midwifery*  
15 *Certification Board, or its successor organization; and*

16 2. *Licensed as an advanced practice registered nurse*  
17 *pursuant to NRS 632.237.*

18 **Sec. 6.** *“Co-manage” means a licensed certified professional*  
19 *midwife jointly managing the care of a client with another*  
20 *provider of health care.*

21 **Sec. 7.** *“Consult” means a client receiving an opinion*  
22 *concerning the management of a particular condition or symptom*  
23 *from an appropriate provider of health care at the direction of a*  
24 *licensed certified professional midwife.*

25 **Sec. 8.** *“Division” means the Division of Public and*  
26 *Behavioral Health of the Department of Health and Human*  
27 *Services.*



1     **Sec. 9.** *“Licensed certified professional midwife” means a*  
2 *person licensed as a licensed certified professional midwife*  
3 *pursuant to section 19 or 20 of this act.*

4     **Sec. 10.** *“Medical facility” has the meaning ascribed to it in*  
5 *NRS 449.0151.*

6     **Sec. 11.** *“Practice of midwifery” means the provision of*  
7 *autonomous care to healthy clients who are at low risk of*  
8 *developing complications before conception, while pregnant and*  
9 *during the postpartum period and to newborn infants for up to 6*  
10 *weeks after childbirth. The term includes, without limitation, co-*  
11 *management of the care of a client with a qualified provider of*  
12 *health care.*

13     **Sec. 12.** *“Provider of health care” has the meaning ascribed*  
14 *to it in NRS 629.031.*

15     **Sec. 13.** *“Refer” means a licensed certified professional*  
16 *midwife arranging for another provider of health care to assume*  
17 *primary responsibility for managing a condition or symptom.*

18     **Sec. 14.** *“Student midwife” means a person who holds a*  
19 *permit as a student midwife issued pursuant to section 21 of this*  
20 *act.*

21     **Sec. 15. 1.** *Except as otherwise provided in this section and*  
22 *sections 22 and 27 of this act, the provisions of this chapter do not*  
23 *apply to a person who holds a license, certificate or other*  
24 *credential issued pursuant to chapters 630 to 641C, inclusive, of*  
25 *NRS and is practicing within the scope of authority authorized by*  
26 *that license, certificate or other credential. For the purposes of*  
27 *this subsection, a certified nurse-midwife shall be deemed to be*  
28 *practicing within the scope of authority authorized by his or her*  
29 *license as an advanced practice registered nurse.*

30     **2.** *A person who is not licensed pursuant to this chapter and*  
31 *engages in the practice of midwifery must:*

32     **(a)** *Obtain from each client of the person a statement in the*  
33 *form prescribed by the Division signed by the person and the client*  
34 *stating that:*

35     **(1)** *The person is not a licensed certified professional*  
36 *midwife and has not had his or her credentials reviewed by any*  
37 *governmental entity; and*

38     **(2)** *There is no state agency that oversees the services*  
39 *provided by the person with which the client may file a complaint*  
40 *concerning those services; and*

41     **(b)** *Maintain the statement in the records of the person for at*  
42 *least 5 years after the person ceases providing services to the*  
43 *client.*

44     **3.** *This chapter does not prohibit:*

45     **(a)** *Gratuitous services of a person in an emergency; or*



1 (b) *Gratuitous care by friends or by members of the family.*

2 **Sec. 16. 1.** *The Board of Licensed Certified Professional*  
3 *Midwives is hereby created.*

4 2. *The Administrator of the Division shall appoint to the*  
5 *Board:*

6 (a) *Four voting members who are licensed certified*  
7 *professional midwives currently practicing in this State;*

8 (b) *One voting member who is a physician currently practicing*  
9 *in the area of pediatrics in this State;*

10 (c) *One voting member who is a provider of health care, other*  
11 *than a licensed certified professional midwife or a physician*  
12 *practicing in the area of pediatrics, who is currently providing*  
13 *neonatal care in this State;*

14 (d) *One voting member who is a representative of the general*  
15 *public; and*

16 (e) *One nonvoting member to serve as a liaison with the*  
17 *Division.*

18 3. *Each member of the Board must be a resident of this State.*

19 4. *The Administrator of the Division:*

20 (a) *May solicit nominations for appointment to the Board from*  
21 *interested persons and entities.*

22 (b) *Shall give preference when appointing the members of the*  
23 *Board to candidates who have experience collaborating with*  
24 *licensed certified professional midwives or providing or utilizing*  
25 *midwifery services outside of a hospital.*

26 5. *The Board shall adopt regulations prescribing the terms of*  
27 *its members. Such terms must not exceed 4 years. The*  
28 *Administrator of the Division may:*

29 (a) *Reappoint a member at the expiration of his or her term; or*

30 (b) *Terminate a member before the expiration of his or her*  
31 *term for cause.*

32 6. *A vacancy on the Board must be filled in the same manner*  
33 *as the initial appointment.*

34 7. *Except as otherwise provided in this subsection, members*  
35 *of the Board serve without compensation. The State Board of*  
36 *Health may, by regulation, provide for compensation of the*  
37 *members of the Board.*

38 **Sec. 17. 1.** *A majority of the voting members of the Board*  
39 *constitutes a quorum for the transaction of business, and a*  
40 *majority of a quorum present at any meeting is sufficient for any*  
41 *official action taken by the Board.*

42 2. *The Board shall:*

43 (a) *At its first meeting and annually thereafter, elect a Chair*  
44 *from among its members;*

45 (b) *Meet regularly at the call of the Chair; and*



1 (c) *Recommend to the Legislature any statutory changes to*  
2 *improve the practice of midwifery in this State.*

3 3. *To the extent practicable, any advice or recommendations*  
4 *made by the Board concerning the practice of midwifery must be*  
5 *guided by current, peer-reviewed scientific research.*

6 **Sec. 18.** 1. *The Board shall adopt any regulations*  
7 *necessary or convenient for carrying out the provisions of this*  
8 *chapter. Those regulations must include, without limitation:*

9 (a) *Requirements concerning the approval by the Division of*  
10 *programs of training for licensed certified professional midwives*  
11 *and birth assistants, including, without limitation, the required*  
12 *training and instruction that must be provided by such a program*  
13 *and the procedure for obtaining such approval. Those regulations*  
14 *must require that a program for the training of licensed certified*  
15 *professional midwives be accredited by the Midwifery Education*  
16 *Accreditation Council, or its successor organization.*

17 (b) *Requirements governing the issuance and renewal of a*  
18 *license as a licensed certified professional midwife, including,*  
19 *without limitation:*

20 (1) *The educational qualifications that, except as otherwise*  
21 *provided in section 19 of this act and in addition to the*  
22 *qualifications prescribed by that section, are necessary to obtain a*  
23 *license pursuant to that section.*

24 (2) *The period for which a license is valid.*

25 (3) *A requirement that an applicant for the renewal of a*  
26 *license must have completed continuing education in cultural*  
27 *humility or the elimination of racism or bias.*

28 (c) *The procedure for filing a complaint with the Division*  
29 *concerning a licensed certified professional midwife or student*  
30 *midwife.*

31 (d) *Grounds for the Division to impose disciplinary action*  
32 *against a licensed certified professional midwife or student*  
33 *midwife and the procedure by which the Division will impose such*  
34 *disciplinary action.*

35 (e) *Requirements governing the reinstatement of a license that*  
36 *has been revoked, including, without limitation, the procedure to*  
37 *apply for reinstatement.*

38 (f) *Regulations governing the ordering, usage and*  
39 *administration of drugs, vaccines, chemicals, solutions and*  
40 *devices pursuant to section 26 of this act.*

41 (g) *Regulations concerning the management by a licensed*  
42 *certified professional midwife of a client who may have a*  
43 *condition that puts the client at a moderate or high risk of an*  
44 *adverse outcome for the client or the fetus or newborn infant of*  
45 *the client. The regulations must, to the extent practicable, be*



1 *guided by current, peer-reviewed scientific research and must*  
2 *include, without limitation:*

3 (1) *A list of conditions or symptoms associated with a risk*  
4 *of serious permanent harm or death to a client or the fetus or*  
5 *newborn infant of a client;*

6 (2) *A list of conditions or symptoms associated with a risk*  
7 *of greater than minimal harm to a client or the fetus or newborn*  
8 *infant of a client that do not pose a risk of serious permanent*  
9 *harm or death; and*

10 (3) *Specific requirements for each condition or symptom*  
11 *listed pursuant to subparagraphs (1) and (2) governing:*

12 (I) *The circumstances under which a licensed certified*  
13 *professional midwife must arrange for the client to consult with*  
14 *another provider of health care, co-manage the care of the client*  
15 *with another provider of health care, refer primary responsibility*  
16 *for the care of a client to another provider of health care or*  
17 *transfer the care of the client to a medical facility, procedures for*  
18 *such consultation, co-management, referral or transfer and*  
19 *requirements to ensure that a provider of health care who is*  
20 *consulted, with whom a client's condition or symptom is co-*  
21 *managed or to whom primary responsibility for the care of a client*  
22 *is referred is appropriately qualified; and*

23 (II) *The information that must be included on the form*  
24 *for providing informed refusal to consent to consultation, co-*  
25 *management, referral or transfer pursuant to section 27 of this act*  
26 *and the management of a client who provides such informed*  
27 *refusal to consent.*

28 (h) *Requirements governing the screening of clients in*  
29 *accordance with chapter 442 of NRS and necessary measures for*  
30 *the prevention of communicable diseases.*

31 (i) *Requirements concerning the records of treatment and*  
32 *outcomes that must be kept by a licensed certified professional*  
33 *midwife.*

34 (j) *Any other requirements necessary to optimize obstetrical*  
35 *and neonatal outcomes for clients of licensed certified*  
36 *professional midwives.*

37 2. *The Board may, by regulation, require an applicant for a*  
38 *license as a licensed certified professional midwife, including,*  
39 *without limitation, an applicant for a license by endorsement*  
40 *pursuant to section 20 of this act, to submit to the Division a*  
41 *complete set of his or her fingerprints and written permission*  
42 *authorizing the Division to forward the fingerprints to the Central*  
43 *Repository for Nevada Records of Criminal History for submission*  
44 *to the Federal Bureau of Investigation for its report.*





1       **Sec. 19. 1.** *An applicant for a license as a licensed certified*  
2 *professional midwife, other than a license by endorsement*  
3 *pursuant to section 20 of this act, must submit to the Division an*  
4 *application pursuant to this section in the form prescribed by the*  
5 *Division. The application must be accompanied by a fee in the*  
6 *amount prescribed by regulation of the State Board of Health*  
7 *pursuant to NRS 439.150, which must not exceed \$1,000. The*  
8 *application must include, without limitation, proof that the*  
9 *applicant:*

10       (a) *Is certified as a certified professional midwife by the North*  
11 *American Registry of Midwives, or its successor organization; and*

12       (b) *Has completed any educational requirements prescribed by*  
13 *the Board pursuant to section 18 of this act or holds a Midwifery*  
14 *Bridge Certificate issued by the North American Registry of*  
15 *Midwives, or its successor organization, and has completed the*  
16 *Portfolio Evaluation Process prescribed by that organization.*

17       **2.** *A license as a licensed certified professional midwife may*  
18 *be renewed upon submission to the Division of a renewal*  
19 *application in the form prescribed by the Division. The renewal*  
20 *application must:*

21       (a) *Be accompanied by a renewal fee in the amount prescribed*  
22 *by regulation of the State Board of Health pursuant to NRS*  
23 *439.150, which must not exceed \$1,000; and*

24       (b) *Include any information required by the regulations*  
25 *adopted by the Board pursuant to section 18 of this act.*

26       **Sec. 20. 1.** *The Division shall issue a license by*  
27 *endorsement as a licensed certified professional midwife to an*  
28 *applicant who meets the requirements set forth in this section. An*  
29 *applicant may submit to the Division an application for such a*  
30 *license if the applicant holds a corresponding valid and*  
31 *unrestricted license as a licensed certified professional midwife in*  
32 *the District of Columbia or any state or territory of the United*  
33 *States.*

34       **2.** *An applicant for a license by endorsement pursuant to this*  
35 *section must submit to the Division with his or her application:*

36       (a) *Proof satisfactory to the Board that the applicant:*

37           (1) *Satisfies the requirements of subsection 1;*

38           (2) *Has not been disciplined or investigated by the*  
39 *corresponding regulatory authority of the District of Columbia or*  
40 *any state or territory in which the applicant currently holds or has*  
41 *held a license as a licensed certified professional midwife or any*  
42 *other type of midwife;*

43           (3) *Has not been held civilly or criminally liable for*  
44 *malpractice in the District of Columbia or any state or territory of*  
45 *the United States;*



1 (4) *Is certified as a certified professional midwife by the*  
2 *North American Registry of Midwives, or its successor*  
3 *organization; and*

4 (5) *Holds a Midwifery Bridge Certificate issued by the*  
5 *North American Registry of Midwives, or its successor*  
6 *organization, and has completed the Portfolio Evaluation Process*  
7 *prescribed by that organization or meets the educational*  
8 *requirements prescribed by the Board pursuant to section 18 of*  
9 *this act;*

10 (b) *An affidavit stating that the information contained in the*  
11 *application and any accompanying material is true and correct;*

12 (c) *The fee prescribed by the State Board of Health pursuant*  
13 *to NRS 439.150, which must not exceed \$1,000; and*

14 (d) *Any other information required by the Division.*

15 3. *Not later than 15 business days after receiving an*  
16 *application for a license by endorsement as a licensed certified*  
17 *professional midwife pursuant to this section, the Division shall*  
18 *provide written notice to the applicant of any additional*  
19 *information required by the Division to consider the application.*  
20 *Unless the Division denies the application for good cause, the*  
21 *Division shall approve the application and issue a license by*  
22 *endorsement as a licensed certified professional midwife to the*  
23 *applicant not later than:*

24 (a) *Forty-five days after receiving the application; or*

25 (b) *If the Board requires the applicant to submit his or her*  
26 *fingerprints pursuant to section 18 of this act, 10 days after the*  
27 *Board receives a report on the applicant's background based on*  
28 *the submission of the applicant's fingerprints,*  
29 *↪ whichever occurs later.*

30 **Sec. 21. 1.** *An applicant for a permit as a student midwife*  
31 *must submit to the Division an application in the form prescribed*  
32 *by the Division. The application must be accompanied by a fee of*  
33 *\$100 and must include, without limitation:*

34 (a) *A copy of an agreement with at least one preceptor to*  
35 *supervise the applicant and proof that each preceptor meets the*  
36 *requirements of section 24 of this act; and*

37 (b) *Proof that the applicant is enrolled in a program of*  
38 *training for licensed certified professional midwives approved by*  
39 *the Division.*

40 2. *A permit as a student midwife is valid for 2 years after the*  
41 *date of issuance and may be renewed upon submission to the*  
42 *Division of:*

43 (a) *A renewal application in the form prescribed by the*  
44 *Division; and*

45 (b) *A renewal fee of \$100.*



1       3. Upon approving an application for the issuance or renewal  
2 of a permit as a student midwife, the Division shall provide to the  
3 applicant a written copy of the provisions of section 24 of this act  
4 and any regulations adopted pursuant to section 18 of this act that  
5 apply to student midwives.

6       **Sec. 22.** 1. A licensed certified professional midwife may  
7 utilize a birth assistant to perform the tasks and procedures  
8 authorized by subsection 3. Except as otherwise provided in  
9 subsection 2, a birth assistant, including, without limitation, a  
10 provider of health care serving as a birth assistant, must:

11       (a) Be at least 18 years of age;

12       (b) Have completed the training for birth assistants approved  
13 by the Division;

14       (c) Have completed training in cultural humility or the  
15 elimination of racism or bias;

16       (d) Hold current certification in the techniques of  
17 administering neonatal resuscitation issued by an instructor  
18 certified by the American Academy of Pediatrics, or its successor  
19 organization; and

20       (e) Hold current certification in the techniques of  
21 administering cardiopulmonary resuscitation.

22       2. A birth assistant who is a licensed certified professional  
23 midwife is not required to possess the qualifications set forth in  
24 subsection 1.

25       3. A birth assistant may perform routine clinical tasks and  
26 procedures under the direct supervision of a licensed certified  
27 professional midwife who is present on the premises and able to  
28 intervene if necessary. Such tasks include, without limitation:

29       (a) Administering medications, including, without limitation  
30 and to the extent applicable, any medication described in  
31 subsection 2 of section 26 of this act, intradermally,  
32 subcutaneously and intramuscularly and performing skin tests;

33       (b) Providing medication, including, without limitation and to  
34 the extent applicable, any medication described in subsection 2 of  
35 section 26 of this act, to a patient to self-administer orally,  
36 sublingually, topically or rectally;

37       (c) Administering oxygen;

38       (d) Assisting in the care of a newborn infant immediately after  
39 birth;

40       (e) Placing a device used for auscultation of fetal heart tones;

41       (f) Assisting a client with activities of daily living and assisting  
42 the client in moving between the bed and bathroom;

43       (g) Performing cardiopulmonary or neonatal resuscitation;  
44 and

45       (h) Checking vital signs.



1       4. A birth assistant shall not assess clinical information or  
2       make clinical decisions.

3       **Sec. 23. 1.** In addition to any other requirements set forth  
4       in this chapter:

5       (a) An applicant for the issuance of a license as a licensed  
6       certified professional midwife or a permit as a student midwife in  
7       this State shall include the social security number of the applicant  
8       in the application submitted to the Division.

9       (b) An applicant for the issuance of a license as a licensed  
10      certified professional midwife or a permit as a student midwife in  
11      this State shall submit to the Division of Public and Behavioral  
12      Health of the Department of Health and Human Services the  
13      statement prescribed by the Division of Welfare and Supportive  
14      Services of the Department of Health and Human Services  
15      pursuant to NRS 425.520. The statement must be completed and  
16      signed by the applicant.

17      2. The Division of Public and Behavioral Health of the  
18      Department of Health and Human Services shall include the  
19      statement required pursuant to subsection 1 in:

20      (a) The application or any other forms that must be submitted  
21      for the issuance or renewal of the license or permit; or

22      (b) A separate form prescribed by the Division.

23      3. A license as a licensed certified professional midwife or a  
24      permit as a student midwife may not be issued or renewed by the  
25      Division if the applicant:

26      (a) Fails to submit the statement required pursuant to  
27      subsection 1; or

28      (b) Indicates on the statement submitted pursuant to  
29      subsection 1 that the applicant is subject to a court order for the  
30      support of a child and is not in compliance with the order or a  
31      plan approved by the district attorney or other public agency  
32      enforcing the order for the repayment of the amount owed  
33      pursuant to the order.

34      4. If an applicant indicates on the statement submitted  
35      pursuant to subsection 1 that the applicant is subject to a court  
36      order for the support of a child and is not in compliance with the  
37      order or a plan approved by the district attorney or other public  
38      agency enforcing the order for the repayment of the amount owed  
39      pursuant to the order, the Division shall advise the applicant to  
40      contact the district attorney or other public agency enforcing the  
41      order to determine the actions that the applicant may take to  
42      satisfy the arrearage.

43      **Sec. 24. 1.** A student midwife may engage in the practice of  
44      midwifery, including, without limitation, by using or administering  
45      any drug, vaccine, device, chemical or solution described in



1 *subsection 1, 2 or 3 of section 26 of this act, under the direct*  
2 *supervision of a preceptor who is present on the premises and able*  
3 *to intervene if necessary. The preceptor is responsible for each*  
4 *client to whom the student midwife provides midwifery services.*

5 *2. A preceptor must be a person engaged in the practice of*  
6 *midwifery who is approved by the North American Registry of*  
7 *Midwives, or its successor organization, to serve as a preceptor.*

8 *3. A preceptor shall:*

9 *(a) Provide to each client in the form prescribed by the*  
10 *Division notice that a student midwife may be involved in the care*  
11 *of the client;*

12 *(b) Explain the scope of the activities that the student midwife*  
13 *may perform under the supervision of the preceptor; and*

14 *(c) Review and evaluate all care provided by a student midwife*  
15 *under his or her supervision and attend every encounter between*  
16 *the student midwife and a client.*

17 *4. Not later than 10 days after the preceptor of a student*  
18 *midwife ceases to serve as his or her preceptor, the student*  
19 *midwife shall notify the Division. If the student midwife has no*  
20 *additional preceptor, the student midwife must cease engaging in*  
21 *the practice of midwifery until he or she submits to the Division a*  
22 *written agreement with a new preceptor who meets the*  
23 *requirements of this section.*

24 **Sec. 25.** *Upon accepting a client, a licensed certified*  
25 *professional midwife shall obtain from the client informed written*  
26 *consent regarding the care to be provided by the licensed certified*  
27 *professional midwife. Informed written consent requires that the*  
28 *licensed certified professional midwife provide to the client:*

29 *1. A description of the educational background and*  
30 *credentials of the licensed certified professional midwife;*

31 *2. A description of the practice of midwifery as set forth in*  
32 *section 11 of this act and the limitations on the practice of a*  
33 *licensed certified professional midwife;*

34 *3. Instructions for obtaining a copy of the provisions of*  
35 *sections 2 to 32, inclusive, of this act and the regulations adopted*  
36 *pursuant to section 18 of this act;*

37 *4. Instructions for filing a complaint with the Division in*  
38 *accordance with the regulations adopted pursuant to section 18 of*  
39 *this act;*

40 *5. A description of the actions that the licensed certified*  
41 *professional midwife will take in an emergency, including, without*  
42 *limitation, the conditions under which the licensed certified*  
43 *professional midwife will recommend the transfer of the client to a*  
44 *medical facility and the procedure that the licensed certified*  
45 *professional midwife will follow when making such a transfer;*



1 6. A description of the procedures that will be used during the  
2 birth in the client's chosen setting, the risks and benefits of birth  
3 in that setting and the conditions that may arise during delivery;

4 7. A disclosure of whether the licensed certified professional  
5 midwife holds liability insurance and, if so, the amount for which  
6 the licensed certified professional midwife is insured;

7 8. A summary of the provisions of section 27 of this act and  
8 the regulations adopted pursuant to section 18 of this act  
9 governing consultation, co-management, referral and transfer and  
10 a description of the procedures established by the licensed certified  
11 professional midwife for consultation, co-management, referral  
12 and transfer; and

13 9. Any other information required by regulation of the Board.

14 **Sec. 26. 1.** A licensed certified professional midwife may  
15 use the following devices:

16 (a) Dopplers, syringes, needles, phlebotomy equipment,  
17 sutures, urinary catheters, intravenous equipment, amnihooks,  
18 airway suction devices, electronic fetal monitors,  
19 tocodynamometer monitors, equipment for administering oxygen,  
20 glucose monitoring systems and testing strips, neonatal and adult  
21 oximetry equipment, centrifuges and equipment for conducting  
22 screenings of hearing ability;

23 (b) Equipment for administering nitrous oxide, including,  
24 without limitation, scavenging systems;

25 (c) Neonatal and adult resuscitation equipment, including,  
26 without limitation, airway devices; and

27 (d) Any other device authorized by regulation of the Board.

28 2. A licensed certified professional midwife may possess and  
29 administer:

30 (a) Oxytocin, misoprostol, methylergonovine, tranexamic acid,  
31 lidocaine, penicillin, ampicillin, cefazolin, clindamycin,  
32 epinephrine, diphenhydramine, ondansetron, phylloquinone,  
33 erythromycin ointment and nitrous oxide;

34 (b) Influenza vaccine, hepatitis B vaccine and diphtheria,  
35 tetanus and pertussis vaccine;

36 (c) Rho (D) immune globulin and hepatitis B immune  
37 globulin; and

38 (d) Any other drugs or vaccines authorized by regulation of the  
39 Board.

40 3. A licensed certified professional midwife may possess and  
41 administer:

42 (a) Oxygen, lactated Ringers solution, 5 percent dextrose in  
43 lactated Ringers solution, 0.9 percent sodium chloride solution  
44 and sterile water; and



1 (b) Any other chemicals or solutions authorized by regulation  
2 of the Board.

3 4. A licensed certified professional midwife may order for a  
4 client:

5 (a) Breast pumps, compression stockings and belts, maternity  
6 belts, diaphragms, cervical caps, glucometers, glucose testing  
7 strips, iron supplements and prenatal vitamins; and

8 (b) Any vaccine described in paragraph (b) of subsection 2.

9 **Sec. 27. 1.** Except as otherwise provided in subsections 4  
10 and 5, a licensed certified professional midwife must recommend  
11 and, with the consent of the client, arrange for consultation or co-  
12 management with or referral to a qualified provider of health care  
13 or transfer to an appropriate medical facility if the licensed  
14 certified professional midwife determines that any of the following  
15 conditions or symptoms exist:

16 (a) Complete placenta previa;

17 (b) Partial placenta previa after the 27th week of gestation;

18 (c) Infection with the human immunodeficiency virus;

19 (d) Cardiovascular disease;

20 (e) Severe mental illness that may cause the client to cause  
21 harm to themselves or others;

22 (f) Pre-eclampsia or eclampsia;

23 (g) Fetal growth restriction, oligohydramnios or moderate or  
24 severe polyhydramnios in the pregnancy;

25 (h) Potentially serious anatomic fetal abnormalities;

26 (i) Diabetes that requires insulin or other medication for  
27 management;

28 (j) Gestational age of greater than 43 weeks; or

29 (k) Any other condition or symptom which, in the judgment of  
30 the licensed certified professional midwife, could threaten the life  
31 of the client or the fetus or newborn infant of the client.

32 2. Except as otherwise provided in subsections 4 and 5, a  
33 licensed certified professional midwife must recommend and, with  
34 the consent of the client, arrange for consultation or co-  
35 management with or referral to a qualified provider of health care  
36 if the licensed certified professional midwife determines that any  
37 of the following conditions or symptoms exist:

38 (a) Prior cesarean section or other surgery resulting in a  
39 uterine scar;

40 (b) Multifetal gestation; or

41 (c) Non-cephalic presentation after 36 weeks of gestation.

42 3. A licensed certified professional midwife who recommends  
43 to a client consultation, co-management, referral or transfer shall  
44 document in the record of the client:

45 (a) The contents of the recommendation;



1 (b) *The condition or symptom for which the recommendation*  
2 *was made;*

3 (c) *Whether the client consented to the consultation, co-*  
4 *management, referral or transfer; and*

5 (d) *If the client provides consent, the name, profession and*  
6 *specialty of the provider of health care with whom the licensed*  
7 *certified professional midwife consulted or co-managed or to*  
8 *whom the client was referred or the medical facility to which the*  
9 *client was transferred.*

10 4. *A client may provide informed refusal to consent to*  
11 *consultation, co-management, referral or transfer in writing on a*  
12 *form prescribed by the Division. If a client provides informed*  
13 *refusal to consent to:*

14 (a) *Consultation, co-management, referral or transfer after the*  
15 *licensed certified professional midwife has determined that a*  
16 *condition or symptom described in subsection 1 exists, the licensed*  
17 *certified professional midwife must attempt to locate a qualified*  
18 *provider of health care for which the client consents to*  
19 *consultation, co-management or referral or an appropriate*  
20 *medical facility for which the client consents to transfer. If the*  
21 *licensed certified professional midwife is unable to locate such a*  
22 *provider of health care who is willing to consult, co-manage or*  
23 *accept the referral or such a medical facility which is willing to*  
24 *accept the transfer, the licensed certified professional midwife is*  
25 *not liable for any damages resulting from the failure to consult,*  
26 *co-manage, refer or transfer. If the condition or symptom*  
27 *threatens the life or health of the client or the fetus or the*  
28 *newborn infant of the client during labor or delivery, the licensed*  
29 *certified professional midwife must call 911 and provide care until*  
30 *relieved by a qualified provider of health care.*

31 (b) *Consultation, co-management or referral after the licensed*  
32 *certified professional midwife has determined that a condition or*  
33 *symptom described in subsection 2 exists, the licensed certified*  
34 *professional midwife:*

35 (1) *May continue to serve as the primary provider of health*  
36 *care for the client until the client provides such consent; and*

37 (2) *Is not liable for any damages resulting from the failure*  
38 *to consult, co-manage or refer.*

39 5. *If, after determining that a condition or symptom described*  
40 *in:*

41 (a) *Subsection 1 exists and making a reasonable effort to*  
42 *arrange for consultation with, co-management of the condition or*  
43 *symptom with or referral of the client to a qualified provider of*  
44 *health care or the transfer of the client to an appropriate medical*  
45 *facility, a licensed certified professional midwife is unable to*





1 *locate a qualified provider of health care who is willing to consult,*  
2 *co-manage or accept the referral or an appropriate medical*  
3 *facility willing to accept the transfer, the licensed certified*  
4 *professional midwife shall be deemed to be in compliance with the*  
5 *requirements of this section and is not liable for any damages*  
6 *resulting from the inability of the licensed certified professional*  
7 *midwife to consult, co-manage, refer or transfer. If the condition*  
8 *or symptom threatens the life or health of the client or the fetus or*  
9 *newborn infant of the client during labor or delivery, the licensed*  
10 *certified professional midwife must call 911 and provide care until*  
11 *relieved by a qualified provider of health care.*

12 (b) *Subsection 2 exists and making a reasonable effort to*  
13 *arrange for consultation with, co-management of the condition or*  
14 *symptom with or referral of the client to a qualified provider of*  
15 *health care, a licensed certified professional midwife is unable to*  
16 *locate a qualified provider of health care who is willing to consult,*  
17 *co-manage or accept the referral, the licensed certified*  
18 *professional midwife shall be deemed to be in compliance with the*  
19 *requirements of this section and is not liable for any damages*  
20 *resulting from the inability of the licensed certified professional*  
21 *midwife to arrange for consultation, co-manage or refer.*

22 6. *A provider of health care who is not a licensed certified*  
23 *professional midwife is not liable for any damages resulting from*  
24 *any act or omission of a licensed certified professional midwife*  
25 *and is not required to adhere to any standards of care governing*  
26 *the practice of midwifery. Such a provider of health care is only*  
27 *liable for the damages resulting from his or her own acts or*  
28 *omissions in accordance with the standards of care governing his*  
29 *or her profession.*

30 **Sec. 28.** 1. *On or before January 31 of each year, a*  
31 *licensed certified professional midwife shall submit to the Division*  
32 *a report that includes, for the immediately preceding calendar*  
33 *year:*

34 (a) *The total number of clients who, when accepted by the*  
35 *licensed certified professional midwife as clients, intended to*  
36 *deliver their babies outside of a hospital;*

37 (b) *The number of live births attended by the licensed certified*  
38 *professional midwife outside of a hospital;*

39 (c) *The number of cases of fetal demise, deaths of newborns*  
40 *and maternal deaths attended by the licensed certified professional*  
41 *midwife;*

42 (d) *The number of clients transferred to a medical facility*  
43 *during the antepartum, intrapartum or immediate postpartum*  
44 *periods and the reason for and outcome of each such transfer;*



1 (e) A brief description of any complications resulting in  
2 maternal or infant morbidity or mortality;

3 (f) The planned location and actual location of each delivery;  
4 and

5 (g) Any other information required by regulation of the Board.

6 2. Not later than 30 days after attending a maternal or  
7 newborn infant death, a licensed certified professional midwife  
8 shall report the death to the Division and the Board.

9 **Sec. 29.** 1. If the Division receives a copy of a court order  
10 issued pursuant to NRS 425.540 that provides for the suspension  
11 of all professional, occupational and recreational licenses,  
12 certificates and permits issued to a person who is the holder of a  
13 license or permit issued pursuant to this chapter, the Division  
14 shall deem the license or permit issued to that person to be  
15 suspended at the end of the 30th day after the date on which the  
16 court order was issued unless the Division receives a letter issued  
17 to the holder of the license by the district attorney or other public  
18 agency pursuant to NRS 425.550 stating that the holder of the  
19 license has complied with the subpoena or warrant or has satisfied  
20 the arrearage pursuant to NRS 425.560.

21 2. The Division shall reinstate a license or permit issued  
22 pursuant to this chapter that has been suspended by a district  
23 court pursuant to NRS 425.540 if:

24 (a) The Division receives a letter issued by the district attorney  
25 or other public agency pursuant to NRS 425.550 to the person  
26 whose license or permit was suspended stating that the person  
27 whose license or permit was suspended has complied with the  
28 subpoena or warrant or has satisfied the arrearage pursuant to  
29 NRS 425.560; and

30 (b) The person whose license or permit was suspended pays the  
31 appropriate fee required pursuant to this chapter.

32 **Sec. 30.** 1. The Division shall keep a record of its  
33 proceedings relating to licensing, disciplinary actions and  
34 investigations. Except as otherwise provided in this chapter, the  
35 record must be open to public inspection at all reasonable times.

36 2. Except as otherwise provided in this section and NRS  
37 239.0115, a complaint filed with the Division, all documents and  
38 other information filed with the complaint and all documents and  
39 other information compiled as a result of an investigation  
40 conducted to determine whether to initiate disciplinary action  
41 against a person are confidential and privileged, unless the person  
42 submits a written statement to the Division requesting that such  
43 documents and information be made public records.

44 3. A complaint or other document filed by the Division to  
45 initiate disciplinary action, any written opinion rendered by the



1 *Division and all documents and information considered by the*  
2 *Division when determining whether to impose discipline are public*  
3 *records.*

4 *4. An order that imposes discipline and the findings of fact*  
5 *and conclusions of law supporting that order are public records.*

6 *5. The provisions of this section do not prohibit the Division*  
7 *from communicating or cooperating with or providing any*  
8 *documents or other information to any other licensing board or*  
9 *any other agency that is investigating a person, including, without*  
10 *limitation, a law enforcement agency.*

11 **Sec. 31. 1.** *A person who is not licensed as a licensed*  
12 *certified professional midwife or does not hold a permit as a*  
13 *student midwife or a person whose license as a licensed certified*  
14 *professional midwife or permit as a student midwife has been*  
15 *suspended or revoked by the Division shall not:*

16 *(a) Engage in the practice of midwifery without complying*  
17 *with the requirements of subsection 2 of section 15 of this act;*

18 *(b) Use in connection with his or her name the words*  
19 *“licensed certified professional midwife,” “certified professional*  
20 *midwife,” “licensed midwife” or “student midwife” or any other*  
21 *letters, words or insignia indicating or implying that he or she is*  
22 *licensed or holds a permit to engage in the practice of midwifery,*  
23 *or in any other way, orally, or in writing or print, or by sign,*  
24 *directly or by implication, represent himself or herself as licensed*  
25 *or holding a permit engage in the practice of midwifery in this*  
26 *State; or*

27 *(c) List or cause to have listed in any directory, including,*  
28 *without limitation, a telephone directory, his or her name or the*  
29 *name of his or her company under the heading “licensed certified*  
30 *professional midwife,” “certified professional midwife,” “licensed*  
31 *midwife” or any other term that indicates or implies that he or she*  
32 *is licensed or holds a permit to engage in the practice of midwifery*  
33 *in this State.*

34 *2. A student midwife shall not use in connection with his or*  
35 *her name the words “licensed certified professional midwife,”*  
36 *“certified professional midwife,” “licensed midwife” or any other*  
37 *letters, words or insignia indicating or implying that he or she is*  
38 *licensed to engage in the practice of midwifery without*  
39 *supervision, or in any other way, orally, or in writing or print, or*  
40 *by sign, directly or by implication, represent himself or herself as*  
41 *licensed to engage in the practice of midwifery without supervision*  
42 *in this State.*

43 *3. A person or entity shall not operate a program of training*  
44 *for licensed certified professional midwives or birth assistants or*  
45 *advertise or otherwise represent that the person or entity is*



1 *authorized to operate such a program unless the person or entity*  
2 *has been approved to offer such a program by the Division.*

3 4. *A person who violates any provision of this section is guilty*  
4 *of a misdemeanor.*

5 **Sec. 32.** 1. *The Division or the Attorney General may*  
6 *maintain in any court of competent jurisdiction a suit to enjoin*  
7 *any person from violating a provision of this chapter or any*  
8 *regulations adopted pursuant thereto.*

9 2. *Such an injunction:*

10 (a) *May be issued without proof of actual damage sustained by*  
11 *any person as a preventive or punitive measure.*

12 (b) *Does not relieve any person or business entity from any*  
13 *other legal action.*

14 **Sec. 33.** NRS 622.238 is hereby amended to read as follows:

15 622.238 1. The Legislature hereby finds and declares that:

16 (a) It is in the best interests of this State to make full use of the  
17 skills and talents of every resident of this State.

18 (b) It is the public policy of this State that each resident of this  
19 State, regardless of his or her immigration or citizenship status, is  
20 eligible to receive the benefit of applying for a license, certificate or  
21 permit pursuant to 8 U.S.C. § 1621(d).

22 2. Notwithstanding any other provision of this title, a  
23 regulatory body shall not deny the application of a person for the  
24 issuance of a license pursuant to this title based solely on his or her  
25 immigration or citizenship status.

26 3. Notwithstanding the provisions of NRS 623.225, 623A.185,  
27 624.268, 625.387, 625A.105, 628.0345, 628B.320, 630.197,  
28 630A.246, 631.225, 632.3446, 633.307, 634.095, 634A.115,  
29 635.056, 636.159, 637.113, 637B.166, 638.103, 639.129, 640.095,  
30 640A.145, 640B.340, 640C.430, 640D.120, 640E.200, 641.175,  
31 641A.215, 641B.206, 641C.280, 642.0195, 643.095, 644A.485,  
32 645.358, 645A.025, 645B.023, 645B.420, 645C.295, 645C.655,  
33 645D.195, 645E.210, 645G.110, 645H.550, 648.085, 649.233,  
34 652.075, 653.550, 654.145, 655.075 and 656.155, *and section 23 of*  
35 *this act*, an applicant for a license who does not have a social  
36 security number must provide an alternative personally identifying  
37 number, including, without limitation, his or her individual taxpayer  
38 identification number, when completing an application for a license.

39 4. A regulatory body shall not disclose to any person who is  
40 not employed by the regulatory body the social security number or  
41 alternative personally identifying number, including, without  
42 limitation, an individual taxpayer identification number, of an  
43 applicant for a license for any purpose except:

44 (a) Tax purposes;

45 (b) Licensing purposes; and



1 (c) Enforcement of an order for the payment of child support.  
2 5. A social security number or alternative personally  
3 identifying number, including, without limitation, an individual  
4 taxpayer identification number, provided to a regulatory body is  
5 confidential and is not a public record for the purposes of chapter  
6 239 of NRS.

7 **Sec. 34.** NRS 622.520 is hereby amended to read as follows:

8 622.520 1. A regulatory body that regulates a profession  
9 pursuant to chapters 630, 630A, 632 to 641C, inclusive, *and*  
10 *sections 2 to 32, inclusive, of this act*, 644A or 653 of NRS in this  
11 State may enter into a reciprocal agreement with the corresponding  
12 regulatory authority of the District of Columbia or any other state or  
13 territory of the United States for the purposes of:

14 (a) Authorizing a qualified person licensed in the profession in  
15 that state or territory to practice concurrently in this State and one or  
16 more other states or territories of the United States; and

17 (b) Regulating the practice of such a person.

18 2. A regulatory body may enter into a reciprocal agreement  
19 pursuant to subsection 1 only if the regulatory body determines that:

20 (a) The corresponding regulatory authority is authorized by law  
21 to enter into such an agreement with the regulatory body; and

22 (b) The applicable provisions of law governing the practice of  
23 the respective profession in the state or territory on whose behalf the  
24 corresponding regulatory authority would execute the reciprocal  
25 agreement are substantially similar to the corresponding provisions  
26 of law in this State.

27 3. A reciprocal agreement entered into pursuant to subsection 1  
28 must not authorize a person to practice his or her profession  
29 concurrently in this State unless the person:

30 (a) Has an active license to practice his or her profession in  
31 another state or territory of the United States.

32 (b) Has been in practice for at least the 5 years immediately  
33 preceding the date on which the person submits an application for  
34 the issuance of a license pursuant to a reciprocal agreement entered  
35 into pursuant to subsection 1.

36 (c) Has not had his or her license suspended or revoked in any  
37 state or territory of the United States.

38 (d) Has not been refused a license to practice in any state or  
39 territory of the United States for any reason.

40 (e) Is not involved in and does not have pending any  
41 disciplinary action concerning his or her license or practice in any  
42 state or territory of the United States.

43 (f) Pays any applicable fees for the issuance of a license that are  
44 otherwise required for a person to obtain a license in this State.



1 (g) Submits to the applicable regulatory body the statement  
2 required by NRS 425.520.

3 4. If the regulatory body enters into a reciprocal agreement  
4 pursuant to subsection 1, the regulatory body must prepare an  
5 annual report before January 31 of each year outlining the progress  
6 of the regulatory body as it relates to the reciprocal agreement and  
7 submit the report to the Director of the Legislative Counsel Bureau  
8 for transmittal to the next session of the Legislature in odd-  
9 numbered years or to the Legislative Committee on Health Care in  
10 even-numbered years.

11 **Sec. 35.** NRS 629.031 is hereby amended to read as follows:

12 629.031 Except as otherwise provided by a specific statute:

13 1. "Provider of health care" means:

14 (a) A physician licensed pursuant to chapter 630, 630A or 633  
15 of NRS;

16 (b) A physician assistant;

17 (c) A dentist;

18 (d) A licensed nurse;

19 (e) A person who holds a license as an attendant or who is  
20 certified as an emergency medical technician, advanced emergency  
21 medical technician or paramedic pursuant to chapter 450B of NRS;

22 (f) A dispensing optician;

23 (g) An optometrist;

24 (h) A speech-language pathologist;

25 (i) An audiologist;

26 (j) A practitioner of respiratory care;

27 (k) A licensed physical therapist;

28 (l) An occupational therapist;

29 (m) A podiatric physician;

30 (n) A licensed psychologist;

31 (o) A licensed marriage and family therapist;

32 (p) A licensed clinical professional counselor;

33 (q) A music therapist;

34 (r) A chiropractor;

35 (s) An athletic trainer;

36 (t) A perfusionist;

37 (u) A doctor of Oriental medicine in any form;

38 (v) A medical laboratory director or technician;

39 (w) A pharmacist;

40 (x) A licensed dietitian;

41 (y) An associate in social work, a social worker, an independent  
42 social worker or a clinical social worker licensed pursuant to chapter  
43 641B of NRS;

44 (z) An alcohol and drug counselor or a problem gambling  
45 counselor who is certified pursuant to chapter 641C of NRS;



1 (aa) An alcohol and drug counselor or a clinical alcohol and  
2 drug counselor who is licensed pursuant to chapter 641C of NRS;

3 ~~{or}~~

4 (bb) *A licensed certified professional midwife; or*

5 (cc) A medical facility as the employer of any person specified  
6 in this subsection.

7 2. For the purposes of NRS 629.400 to 629.490, inclusive, the  
8 term includes:

9 (a) A person who holds a license or certificate issued pursuant to  
10 chapter 631 of NRS; and

11 (b) A person who holds a current license or certificate to  
12 practice his or her respective discipline pursuant to the applicable  
13 provisions of law of another state or territory of the United States.

14 **Sec. 36.** NRS 630A.090 is hereby amended to read as follows:  
15 630A.090 1. This chapter does not apply to:

16 (a) The practice of dentistry, chiropractic, Oriental medicine,  
17 podiatry, optometry, perfusion, respiratory care, faith or Christian  
18 Science healing, nursing, *midwifery*, veterinary medicine or fitting  
19 hearing aids.

20 (b) A medical officer of the Armed Forces or a medical officer  
21 of any division or department of the United States in the discharge  
22 of his or her official duties, including, without limitation, providing  
23 medical care in a hospital in accordance with an agreement entered  
24 into pursuant to NRS 449.2455.

25 (c) Licensed or certified nurses in the discharge of their duties as  
26 nurses.

27 (d) Homeopathic physicians who are called into this State, other  
28 than on a regular basis, for consultation or assistance to any  
29 physician licensed in this State, and who are legally qualified to  
30 practice in the state or country where they reside.

31 2. This chapter does not repeal or affect any statute of Nevada  
32 regulating or affecting any other healing art.

33 3. This chapter does not prohibit:

34 (a) Gratuitous services of a person in case of emergency.

35 (b) The domestic administration of family remedies.

36 4. This chapter does not authorize a homeopathic physician to  
37 practice medicine, including allopathic medicine, except as  
38 otherwise provided in NRS 630A.040.

39 **Sec. 37.** NRS 632.472 is hereby amended to read as follows:

40 632.472 1. The following persons shall report in writing to  
41 the Executive Director of the Board any conduct of a licensee or  
42 holder of a certificate which constitutes a violation of the provisions  
43 of this chapter:

44 (a) Any physician, dentist, dental hygienist, *licensed certified*  
45 *professional midwife*, chiropractor, optometrist, podiatric physician,



1 medical examiner, resident, intern, professional or practical nurse,  
2 nursing assistant, medication aide - certified, perfusionist, physician  
3 assistant licensed pursuant to chapter 630 or 633 of NRS,  
4 psychiatrist, psychologist, marriage and family therapist, clinical  
5 professional counselor, alcohol or drug counselor, music therapist,  
6 holder of a license or limited license issued pursuant to chapter 653  
7 of NRS, driver of an ambulance, paramedic or other person  
8 providing medical services licensed or certified to practice in this  
9 State.

10 (b) Any personnel of a medical facility or facility for the  
11 dependent engaged in the admission, examination, care or treatment  
12 of persons or an administrator, manager or other person in charge of  
13 a medical facility or facility for the dependent upon notification by a  
14 member of the staff of the facility.

15 (c) A coroner.

16 (d) Any person who maintains or is employed by an agency to  
17 provide personal care services in the home.

18 (e) Any person who operates, who is employed by or who  
19 contracts to provide services for an intermediary service  
20 organization as defined in NRS 449.4304.

21 (f) Any person who maintains or is employed by an agency to  
22 provide nursing in the home.

23 (g) Any employee of the Department of Health and Human  
24 Services.

25 (h) Any employee of a law enforcement agency or a county's  
26 office for protective services or an adult or juvenile probation  
27 officer.

28 (i) Any person who maintains or is employed by a facility or  
29 establishment that provides care for older persons.

30 (j) Any person who maintains, is employed by or serves as a  
31 volunteer for an agency or service which advises persons regarding  
32 the abuse, neglect or exploitation of an older person and refers them  
33 to persons and agencies where their requests and needs can be met.

34 (k) Any social worker.

35 (l) Any person who operates or is employed by a community  
36 health worker pool or with whom a community health worker pool  
37 contracts to provide the services of a community health worker, as  
38 defined in NRS 449.0027.

39 (m) Any person who operates or is employed by a peer support  
40 recovery organization.

41 2. Every physician who, as a member of the staff of a medical  
42 facility or facility for the dependent, has reason to believe that a  
43 nursing assistant or medication aide - certified has engaged in  
44 conduct which constitutes grounds for the denial, suspension or  
45 revocation of a certificate shall notify the superintendent, manager





1 or other person in charge of the facility. The superintendent,  
2 manager or other person in charge shall make a report as required in  
3 subsection 1.

4 3. A report may be filed by any other person.

5 4. Any person who in good faith reports any violation of the  
6 provisions of this chapter to the Executive Director of the Board  
7 pursuant to this section is immune from civil liability for reporting  
8 the violation.

9 5. As used in this section:

10 (a) "Agency to provide personal care services in the home" has  
11 the meaning ascribed to it in NRS 449.0021.

12 (b) "Community health worker pool" has the meaning ascribed  
13 to it in NRS 449.0028.

14 (c) "Peer support recovery organization" has the meaning  
15 ascribed to it in NRS 449.01563.

16 **Sec. 38.** NRS 633.171 is hereby amended to read as follows:

17 633.171 1. This chapter does not apply to:

18 (a) The practice of medicine or perfusion pursuant to chapter  
19 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory  
20 care, faith or Christian Science healing, nursing, *midwifery*,  
21 veterinary medicine or fitting hearing aids.

22 (b) A medical officer of the Armed Forces or a medical officer  
23 of any division or department of the United States in the discharge  
24 of his or her official duties, including, without limitation, providing  
25 medical care in a hospital in accordance with an agreement entered  
26 into pursuant to NRS 449.2455.

27 (c) Osteopathic physicians who are called into this State, other  
28 than on a regular basis, for consultation or assistance to a physician  
29 licensed in this State, and who are legally qualified to practice in the  
30 state where they reside.

31 (d) Osteopathic physicians who are temporarily exempt from  
32 licensure pursuant to NRS 633.420 and are practicing osteopathic  
33 medicine within the scope of the exemption.

34 2. This chapter does not repeal or affect any law of this State  
35 regulating or affecting any other healing art.

36 3. This chapter does not prohibit:

37 (a) Gratuitous services of a person in cases of emergency.

38 (b) The domestic administration of family remedies.

39 **Sec. 39.** NRS 637B.080 is hereby amended to read as follows:

40 637B.080 The provisions of this chapter do not apply to any  
41 person who:

42 1. Holds a current credential issued by the Department of  
43 Education pursuant to chapter 391 of NRS and any regulations  
44 adopted pursuant thereto and engages in the practice of audiology or  
45 speech-language pathology within the scope of that credential;



1 2. Is employed by the Federal Government and engages in the  
2 practice of audiology or speech-language pathology within the  
3 scope of that employment;

4 3. Is a student enrolled in a program or school approved by the  
5 Board, is pursuing a degree in audiology or speech-language  
6 pathology and is clearly designated to the public as a student; or

7 4. Holds a current license issued pursuant to chapters 630 to  
8 637, inclusive, 640 to 641C, inclusive, or 653 of NRS ~~§~~ *or sections*  
9 *2 to 32, inclusive, of this act,*

10 *↪* and who does not engage in the private practice of audiology or  
11 speech-language pathology in this State.

12 **Sec. 40.** NRS 639.0125 is hereby amended to read as follows:

13 639.0125 "Practitioner" means:

14 1. A physician, dentist, veterinarian or podiatric physician who  
15 holds a license to practice his or her profession in this State;

16 2. A hospital, pharmacy or other institution licensed, registered  
17 or otherwise permitted to distribute, dispense, conduct research with  
18 respect to or administer drugs in the course of professional practice  
19 or research in this State;

20 3. An advanced practice registered nurse who has been  
21 authorized to prescribe controlled substances, poisons, dangerous  
22 drugs and devices;

23 4. A physician assistant who:

24 (a) Holds a license issued by the Board of Medical Examiners;  
25 and

26 (b) Is authorized by the Board to possess, administer, prescribe  
27 or dispense controlled substances, poisons, dangerous drugs or  
28 devices under the supervision of a physician as required by chapter  
29 630 of NRS;

30 5. A physician assistant who:

31 (a) Holds a license issued by the State Board of Osteopathic  
32 Medicine; and

33 (b) Is authorized by the Board to possess, administer, prescribe  
34 or dispense controlled substances, poisons, dangerous drugs or  
35 devices under the supervision of an osteopathic physician as  
36 required by chapter 633 of NRS; ~~§~~

37 6. An optometrist who is certified by the Nevada State Board  
38 of Optometry to prescribe and administer pharmaceutical agents  
39 pursuant to NRS 636.288, when the optometrist prescribes or  
40 administers pharmaceutical agents within the scope of his or her  
41 certification ~~§~~ *;* *or*

42 *7. A licensed certified professional midwife, for the purpose*  
43 *of ordering:*

44 *(a) Any device or drug described in subsection 1 or 2 of section*  
45 *26 of this act for use in his or her practice in accordance with the*



1 *provisions of that section and any regulations adopted pursuant to*  
2 *section 18 of this act; and*

3 *(b) Any device or vaccine described in subsection 4 of section*  
4 *26 of this act for a client.*

5 **Sec. 41.** NRS 639.23505 is hereby amended to read as  
6 follows:

7 639.23505 ~~[A]~~

8 **1.** *Except as otherwise provided in subsection 2, a* practitioner  
9 shall not dispense for human consumption any controlled substance  
10 or dangerous drug if the practitioner charges a patient for that  
11 substance or drug, either separately or together with charges for  
12 other professional services:

13 ~~[1.]~~ **(a)** Unless the practitioner first applies for and obtains a  
14 certificate from the Board and pays the required fee; and

15 ~~[2.]~~ **(b)** Issues a written prescription.

16 **2.** *A licensed certified professional midwife may administer*  
17 *drugs and devices ordered pursuant to section 26 of this act in*  
18 *accordance with the provisions of that section and any regulations*  
19 *adopted pursuant to section 18 of this act without obtaining a*  
20 *certificate from the Board.*

21 **Sec. 42.** NRS 640A.070 is hereby amended to read as follows:

22 640A.070 This chapter does not apply to a person:

23 1. Holding a current license or certificate issued pursuant to  
24 chapter 391, 630 to 637B, inclusive, 640 or 640B to 641B,  
25 inclusive, of NRS, *or sections 2 to 32, inclusive, of this act* who  
26 practices within the scope of that license or certificate.

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

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

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

35 **Sec. 43.** NRS 640B.145 is hereby amended to read as follows:

36 640B.145 The provisions of this chapter do not apply to:

37 1. A person who is licensed pursuant to chapters 630 to 637,  
38 inclusive, or chapter 640 or 640A of NRS, *or sections 2 to 32,*  
39 *inclusive, of this act* when acting within the scope of that license.

40 2. A person who is employed by the Federal Government and  
41 engages in the practice of athletic training within the scope of that  
42 employment.

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



1       **Sec. 44.** NRS 640C.100 is hereby amended to read as follows:

2       640C.100 1. The provisions of this chapter do not apply to:

3       (a) A person licensed pursuant to chapter 630, 630A, 631, 632,  
4       633, 634, 634A, 635, 640, 640A or 640B of NRS *or sections 2 to*  
5       *32, inclusive, of this act* if the massage therapy, reflexology or  
6       structural integration is performed in the course of the practice for  
7       which the person is licensed.

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

12       (c) A person licensed or registered as an esthetician,  
13       esthetician's apprentice, hair designer, hair designer's apprentice,  
14       hair braider, shampoo technologist, cosmetologist or  
15       cosmetologist's apprentice pursuant to chapter 644A of NRS if the  
16       person is massaging, cleansing or stimulating the scalp, face, neck  
17       or skin within the permissible scope of practice for an esthetician,  
18       esthetician's apprentice, hair designer, hair designer's apprentice,  
19       hair braider, shampoo technologist, cosmetologist or  
20       cosmetologist's apprentice pursuant to that chapter.

21       (d) A person licensed or registered as a nail technologist or nail  
22       technologist's apprentice pursuant to chapter 644A of NRS if the  
23       person is massaging, cleansing or stimulating the hands, forearms,  
24       feet or lower legs within the permissible scope of practice for a nail  
25       technologist or nail technologist's apprentice.

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

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

32       (g) A person who practices massage therapy, reflexology or  
33       structural integration solely on members of his or her immediate  
34       family.

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

36       2. Except as otherwise provided in subsection 3 and NRS  
37       640C.330, the provisions of this chapter preempt the licensure and  
38       regulation of a massage therapist, reflexologist or structural  
39       integration practitioner by a county, city or town, including, without  
40       limitation, conducting a criminal background investigation and  
41       examination of a massage therapist, reflexologist or structural  
42       integration practitioner or applicant for a license to practice massage  
43       therapy, reflexology or structural integration.

44       3. The provisions of this chapter do not prohibit a county, city  
45       or town from requiring a massage therapist, reflexologist or



1 structural integration practitioner to obtain a license or permit to  
2 transact business within the jurisdiction of the county, city or town,  
3 if the license or permit is required of other persons, regardless of  
4 occupation or profession, who transact business within the  
5 jurisdiction of the county, city or town.

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

9 **Sec. 45.** The preliminary chapter of NRS is hereby amended  
10 by adding thereto a new section to read as follows:

11 *Except as otherwise expressly provided in a particular statute*  
12 *or required by the context, "licensed certified professional*  
13 *midwife" means a person licensed as a licensed certified*  
14 *professional midwife pursuant to section 19 or 20 of this act.*

15 **Sec. 46.** NRS 7.095 is hereby amended to read as follows:

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

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

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

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

25 (d) Fifteen percent of the amount of recovery that exceeds  
26 \$600,000.

27 2. The limitations set forth in subsection 1 apply to all forms of  
28 recovery, including, without limitation, settlement, arbitration and  
29 judgment.

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

36 4. As used in this section:

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

44 (b) "Provider of health care" means a physician licensed under  
45 chapter 630 or 633 of NRS, dentist, registered nurse, *licensed*



1 *certified professional midwife*, dispensing optician, optometrist,  
2 registered physical therapist, podiatric physician, licensed  
3 psychologist, chiropractor, doctor of Oriental medicine, holder of a  
4 license or a limited license issued under the provisions of chapter  
5 653 of NRS, medical laboratory director or technician, licensed  
6 dietitian or a licensed hospital and its employees.

7 **Sec. 47.** NRS 41.138 is hereby amended to read as follows:

8 41.138 1. In any civil action concerning any unwelcome or  
9 nonconsensual sexual conduct, including, without limitation, sexual  
10 harassment, there is a rebuttable presumption that the sexual  
11 conduct was unwelcome or nonconsensual if the alleged perpetrator  
12 was a person in a position of authority over the alleged victim.

13 2. As used in this section:

14 (a) "Person in a position of authority" means a parent, relative,  
15 household member, employer, supervisor, youth leader, scout  
16 leader, coach, mentor in a mentoring program, teacher, professor,  
17 counselor, school administrator, religious leader, doctor, nurse,  
18 *licensed certified professional midwife, student midwife, birth*  
19 *assistant*, psychologist, other health care provider, guardian ad  
20 litem, guardian, babysitter, police officer or other law enforcement  
21 officer or any other person who, by reason of his or her position, is  
22 able to exercise significant or undue influence over the victim.

23 (b) "Sexual harassment" has the meaning ascribed to it in  
24 NRS 176A.280.

25 **Sec. 48.** NRS 41.505 is hereby amended to read as follows:

26 41.505 1. Any person licensed under the provisions of  
27 chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of*  
28 *this act* and any person who holds an equivalent license issued by  
29 another state, who renders emergency care or assistance, including,  
30 without limitation, emergency obstetrical care or assistance, in an  
31 emergency, gratuitously and in good faith, is not liable for any civil  
32 damages as a result of any act or omission, not amounting to gross  
33 negligence, by that person in rendering the emergency care or  
34 assistance or as a result of any failure to act, not amounting to gross  
35 negligence, to provide or arrange for further medical treatment for  
36 the injured or ill person. This section does not excuse a physician,  
37 physician assistant , ~~for~~ nurse *or licensed certified professional*  
38 *midwife* from liability for damages resulting from that person's acts  
39 or omissions which occur in a licensed medical facility relative to  
40 any person with whom there is a preexisting relationship as a  
41 patient.

42 2. Any person licensed under the provisions of chapter 630,  
43 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* and any  
44 person who holds an equivalent license issued by another state who:



1 (a) Is retired or otherwise does not practice on a full-time basis;  
2 and

3 (b) Gratuitously and in good faith, renders medical care within  
4 the scope of that person's license to an indigent person,  
5 ↪ is not liable for any civil damages as a result of any act or  
6 omission by that person, not amounting to gross negligence or  
7 reckless, willful or wanton conduct, in rendering that care.

8 3. Any person licensed to practice medicine under the  
9 provisions of chapter 630 or 633 of NRS or licensed to practice  
10 dentistry under the provisions of chapter 631 of NRS who renders  
11 care or assistance to a patient for a governmental entity or a  
12 nonprofit organization is not liable for any civil damages as a result  
13 of any act or omission by that person in rendering that care or  
14 assistance if the care or assistance is rendered gratuitously, in good  
15 faith and in a manner not amounting to gross negligence or reckless,  
16 willful or wanton conduct.

17 4. As used in this section, "gratuitously" has the meaning  
18 ascribed to it in NRS 41.500.

19 **Sec. 49.** NRS 41.506 is hereby amended to read as follows:

20 41.506 1. Any person licensed under the provisions of  
21 chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of*  
22 *this act* and any person who holds an equivalent license issued by  
23 another state who renders emergency obstetrical care or assistance  
24 to a pregnant woman during labor or the delivery of the child is not  
25 liable for any civil damages as a result of any act or omission by that  
26 person in rendering that care or assistance if:

27 (a) The care or assistance is rendered in good faith and in a  
28 manner not amounting to gross negligence or reckless, willful or  
29 wanton conduct;

30 (b) The person has not previously provided prenatal or  
31 obstetrical care to the woman; and

32 (c) The damages are reasonably related to or primarily caused  
33 by a lack of prenatal care received by the woman.

34 2. A licensed medical facility in which such care or assistance  
35 is rendered is not liable for any civil damages as a result of any act  
36 or omission by the person in rendering that care or assistance if that  
37 person is not liable for any civil damages pursuant to subsection 1  
38 and the actions of the medical facility relating to the rendering of  
39 that care or assistance do not amount to gross negligence or  
40 reckless, willful or wanton conduct.

41 **Sec. 50.** NRS 41A.017 is hereby amended to read as follows:

42 41A.017 "Provider of health care" means a physician licensed  
43 pursuant to chapter 630 or 633 of NRS, physician assistant, dentist,  
44 licensed nurse, *licensed certified professional midwife*, dispensing  
45 optician, optometrist, registered physical therapist, podiatric



1 physician, licensed psychologist, chiropractor, doctor of Oriental  
2 medicine, holder of a license or a limited license issued under the  
3 provisions of chapter 653 of NRS, medical laboratory director or  
4 technician, licensed dietitian or a licensed hospital, clinic, surgery  
5 center, physicians' professional corporation or group practice that  
6 employs any such person and its employees.

7 **Sec. 51.** NRS 42.021 is hereby amended to read as follows:

8 42.021 1. In an action for injury or death against a provider  
9 of health care based upon professional negligence, if the defendant  
10 so elects, the defendant may introduce evidence of any amount  
11 payable as a benefit to the plaintiff as a result of the injury or death  
12 pursuant to the United States Social Security Act, any state or  
13 federal income disability or worker's compensation act, any health,  
14 sickness or income-disability insurance, accident insurance that  
15 provides health benefits or income-disability coverage, and any  
16 contract or agreement of any group, organization, partnership or  
17 corporation to provide, pay for or reimburse the cost of medical,  
18 hospital, dental or other health care services. If the defendant elects  
19 to introduce such evidence, the plaintiff may introduce evidence of  
20 any amount that the plaintiff has paid or contributed to secure the  
21 plaintiff's right to any insurance benefits concerning which the  
22 defendant has introduced evidence.

23 2. A source of collateral benefits introduced pursuant to  
24 subsection 1 may not:

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

26 (b) Be subrogated to the rights of the plaintiff against a  
27 defendant.

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

35 4. In entering a judgment ordering the payment of future  
36 damages by periodic payments pursuant to subsection 3, the court  
37 shall make a specific finding as to the dollar amount of periodic  
38 payments that will compensate the judgment creditor for such future  
39 damages. As a condition to authorizing periodic payments of future  
40 damages, the court shall require a judgment debtor who is not  
41 adequately insured to post security adequate to assure full payment  
42 of such damages awarded by the judgment. Upon termination of  
43 periodic payments of future damages, the court shall order the return  
44 of this security, or so much as remains, to the judgment debtor.





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

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

24 7. Following the occurrence or expiration of all obligations  
25 specified in the periodic payment judgment, any obligation of the  
26 judgment debtor to make further payments ceases and any security  
27 given pursuant to subsection 4 reverts to the judgment debtor.

28 8. As used in this section:

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

32 (b) "Periodic payments" means the payment of money or  
33 delivery of other property to the judgment creditor at regular  
34 intervals.

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

42 (d) "Provider of health care" means a physician licensed under  
43 chapter 630 or 633 of NRS, dentist, licensed nurse, *licensed*  
44 *certified professional midwife*, dispensing optician, optometrist,  
45 registered physical therapist, podiatric physician, licensed



1 psychologist, chiropractor, doctor of Oriental medicine, holder of a  
2 license or a limited license issued under the provisions of chapter  
3 653 of NRS, medical laboratory director or technician, licensed  
4 dietitian or a licensed hospital and its employees.

5 **Sec. 52.** NRS 52.320 is hereby amended to read as follows:

6 52.320 As used in NRS 52.320 to 52.375, inclusive, unless the  
7 context otherwise requires:

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

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

18 **Sec. 53.** NRS 200.5093 is hereby amended to read as follows:

19 200.5093 1. Any person who is described in subsection 4 and  
20 who, in a professional or occupational capacity, knows or has  
21 reasonable cause to believe that an older person or vulnerable  
22 person has been abused, neglected, exploited, isolated or abandoned  
23 shall:

24 (a) Except as otherwise provided in subsection 2, report the  
25 abuse, neglect, exploitation, isolation or abandonment of the older  
26 person or vulnerable person to:

27 (1) The local office of the Aging and Disability Services  
28 Division of the Department of Health and Human Services;

29 (2) A police department or sheriff's office; or

30 (3) A toll-free telephone service designated by the Aging and  
31 Disability Services Division of the Department of Health and  
32 Human Services; and

33 (b) Make such a report as soon as reasonably practicable but not  
34 later than 24 hours after the person knows or has reasonable cause to  
35 believe that the older person or vulnerable person has been abused,  
36 neglected, exploited, isolated or abandoned.

37 2. If a person who is required to make a report pursuant to  
38 subsection 1 knows or has reasonable cause to believe that the  
39 abuse, neglect, exploitation, isolation or abandonment of the older  
40 person or vulnerable person involves an act or omission of the  
41 Aging and Disability Services Division, another division of the  
42 Department of Health and Human Services or a law enforcement  
43 agency, the person shall make the report to an agency other than the  
44 one alleged to have committed the act or omission.



1 3. Each agency, after reducing a report to writing, shall forward  
2 a copy of the report to the Aging and Disability Services Division of  
3 the Department of Health and Human Services and the Unit for the  
4 Investigation and Prosecution of Crimes.

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

7 (a) Every physician, dentist, dental hygienist, chiropractor,  
8 optometrist, podiatric physician, medical examiner, resident, intern,  
9 professional or practical nurse, physician assistant licensed pursuant  
10 to chapter 630 or 633 of NRS, *licensed certified professional*  
11 *midwife*, perfusionist, psychiatrist, psychologist, marriage and  
12 family therapist, clinical professional counselor, clinical alcohol and  
13 drug counselor, alcohol and drug counselor, music therapist, athletic  
14 trainer, driver of an ambulance, paramedic, licensed dietitian, holder  
15 of a license or a limited license issued under the provisions of  
16 chapter 653 of NRS or other person providing medical services  
17 licensed or certified to practice in this State, who examines, attends  
18 or treats an older person or vulnerable person who appears to have  
19 been abused, neglected, exploited, isolated or abandoned.

20 (b) Any personnel of a hospital or similar institution engaged in  
21 the admission, examination, care or treatment of persons or an  
22 administrator, manager or other person in charge of a hospital or  
23 similar institution upon notification of the suspected abuse, neglect,  
24 exploitation, isolation or abandonment of an older person or  
25 vulnerable person by a member of the staff of the hospital.

26 (c) A coroner.

27 (d) Every person who maintains or is employed by an agency to  
28 provide personal care services in the home.

29 (e) Every person who maintains or is employed by an agency to  
30 provide nursing in the home.

31 (f) Every person who operates, who is employed by or who  
32 contracts to provide services for an intermediary service  
33 organization as defined in NRS 449.4304.

34 (g) Any employee of the Department of Health and Human  
35 Services, except the State Long-Term Care Ombudsman appointed  
36 pursuant to NRS 427A.125 and any of his or her advocates or  
37 volunteers where prohibited from making such a report pursuant to  
38 45 C.F.R. § 1321.11.

39 (h) Any employee of a law enforcement agency or a county's  
40 office for protective services or an adult or juvenile probation  
41 officer.

42 (i) Any person who maintains or is employed by a facility or  
43 establishment that provides care for older persons or vulnerable  
44 persons.



1 (j) Any person who maintains, is employed by or serves as a  
2 volunteer for an agency or service which advises persons regarding  
3 the abuse, neglect, exploitation, isolation or abandonment of an  
4 older person or vulnerable person and refers them to persons and  
5 agencies where their requests and needs can be met.

6 (k) Every social worker.

7 (l) Any person who owns or is employed by a funeral home or  
8 mortuary.

9 (m) Every person who operates or is employed by a peer support  
10 recovery organization, as defined in NRS 449.01563.

11 (n) Every person who operates or is employed by a community  
12 health worker pool, as defined in NRS 449.0028, or with whom a  
13 community health worker pool contracts to provide the services of a  
14 community health worker, as defined in NRS 449.0027.

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

16 6. If a person who is required to make a report pursuant to  
17 subsection 1 knows or has reasonable cause to believe that an older  
18 person or vulnerable person has died as a result of abuse, neglect,  
19 isolation or abandonment, the person shall, as soon as reasonably  
20 practicable, report this belief to the appropriate medical examiner or  
21 coroner, who shall investigate the cause of death of the older person  
22 or vulnerable person and submit to the appropriate local law  
23 enforcement agencies, the appropriate prosecuting attorney, the  
24 Aging and Disability Services Division of the Department of Health  
25 and Human Services and the Unit for the Investigation and  
26 Prosecution of Crimes his or her written findings. The written  
27 findings must include the information required pursuant to the  
28 provisions of NRS 200.5094, when possible.

29 7. A division, office or department which receives a report  
30 pursuant to this section shall cause the investigation of the report to  
31 commence within 3 working days. A copy of the final report of the  
32 investigation conducted by a division, office or department, other  
33 than the Aging and Disability Services Division of the Department  
34 of Health and Human Services, must be forwarded within 30 days  
35 after the completion of the report to the:

36 (a) Aging and Disability Services Division;

37 (b) Repository for Information Concerning Crimes Against  
38 Older Persons or Vulnerable Persons created by NRS 179A.450;  
39 and

40 (c) Unit for the Investigation and Prosecution of Crimes.

41 8. If the investigation of a report results in the belief that an  
42 older person or vulnerable person is abused, neglected, exploited,  
43 isolated or abandoned, the Aging and Disability Services Division  
44 of the Department of Health and Human Services or the county's  
45 office for protective services may provide protective services to the



1 older person or vulnerable person if the older person or vulnerable  
2 person is able and willing to accept them.

3 9. A person who knowingly and willfully violates any of the  
4 provisions of this section is guilty of a misdemeanor.

5 10. As used in this section, "Unit for the Investigation and  
6 Prosecution of Crimes" means the Unit for the Investigation and  
7 Prosecution of Crimes Against Older Persons or Vulnerable Persons  
8 in the Office of the Attorney General created pursuant to  
9 NRS 228.265.

10 **Sec. 54.** NRS 200.5095 is hereby amended to read as follows:

11 200.5095 1. Reports made pursuant to NRS 200.5093 and  
12 200.5094, and records and investigations relating to those reports,  
13 are confidential.

14 2. A person, law enforcement agency or public or private  
15 agency, institution or facility who willfully releases data or  
16 information concerning the reports and investigation of the abuse,  
17 neglect, exploitation, isolation or abandonment of older persons or  
18 vulnerable persons, except:

19 (a) Pursuant to a criminal prosecution;

20 (b) Pursuant to NRS 200.50982; or

21 (c) To persons or agencies enumerated in subsection 3,

22 ↪ is guilty of a misdemeanor.

23 3. Except as otherwise provided in subsection 2 and NRS  
24 200.50982, data or information concerning the reports and  
25 investigations of the abuse, neglect, exploitation, isolation or  
26 abandonment of an older person or a vulnerable person is available  
27 only to:

28 (a) A physician who is providing care to an older person or a  
29 vulnerable person who may have been abused, neglected, exploited,  
30 isolated or abandoned;

31 (b) An agency responsible for or authorized to undertake the  
32 care, treatment and supervision of the older person or vulnerable  
33 person;

34 (c) A district attorney or other law enforcement official who  
35 requires the information in connection with an investigation of the  
36 abuse, neglect, exploitation, isolation or abandonment of the older  
37 person or vulnerable person;

38 (d) A court which has determined, in camera, that public  
39 disclosure of such information is necessary for the determination of  
40 an issue before it;

41 (e) A person engaged in bona fide research, but the identity of  
42 the subjects of the report must remain confidential;

43 (f) A grand jury upon its determination that access to such  
44 records is necessary in the conduct of its official business;



1 (g) Any comparable authorized person or agency in another  
2 jurisdiction;

3 (h) A legal guardian of the older person or vulnerable person, if  
4 the identity of the person who was responsible for reporting the  
5 alleged abuse, neglect, exploitation, isolation or abandonment of the  
6 older person or vulnerable person to the public agency is protected,  
7 and the legal guardian of the older person or vulnerable person is  
8 not the person suspected of such abuse, neglect, exploitation,  
9 isolation or abandonment;

10 (i) If the older person or vulnerable person is deceased, the  
11 executor or administrator of his or her estate, if the identity of the  
12 person who was responsible for reporting the alleged abuse, neglect,  
13 exploitation, isolation or abandonment of the older person or  
14 vulnerable person to the public agency is protected, and the executor  
15 or administrator is not the person suspected of such abuse, neglect,  
16 exploitation, isolation or abandonment;

17 (j) The older person or vulnerable person named in the report as  
18 allegedly being abused, neglected, exploited, isolated or abandoned,  
19 if that person is not legally incapacitated;

20 (k) An attorney appointed by a court to represent a protected  
21 person in a guardianship proceeding pursuant to NRS 159.0485, if:

22 (1) The protected person is an older person or vulnerable  
23 person;

24 (2) The identity of the person who was responsible for  
25 reporting the alleged abuse, neglect, exploitation, isolation or  
26 abandonment of the older person or vulnerable person to the public  
27 agency is protected; and

28 (3) The attorney of the protected person is not the person  
29 suspected of such abuse, neglect, exploitation, isolation or  
30 abandonment; or

31 (l) The State Guardianship Compliance Office created by  
32 NRS 159.341.

33 4. If the person who is reported to have abused, neglected,  
34 exploited, isolated or abandoned an older person or a vulnerable  
35 person is the holder of a license, ~~or~~ certificate *or permit* issued  
36 pursuant to chapters 449, 630 to 641B, inclusive, 653 or 654 of NRS  
37 ~~or~~ *or sections 2 to 32, inclusive, of this act*, the information  
38 contained in the report must be submitted to the board that issued  
39 the license.

40 5. If data or information concerning the reports and  
41 investigations of the abuse, neglect, exploitation, isolation or  
42 abandonment of an older person or a vulnerable person is made  
43 available pursuant to paragraph (b) or (j) of subsection 3 or  
44 subsection 4, the name and any other identifying information of the



1 person who made the report must be redacted before the data or  
2 information is made available.

3 **Sec. 55.** NRS 218G.400 is hereby amended to read as follows:

4 218G.400 1. Except as otherwise provided in subsection 2,  
5 each board created by the provisions of NRS 590.485 and chapters  
6 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2*  
7 *to 32, inclusive, of this act*, 648, 654 and 656 of NRS shall:

8 (a) If the revenue of the board from all sources is less than  
9 \$200,000 for any fiscal year and, if the board is a regulatory body  
10 pursuant to NRS 622.060, the board has submitted to the Director of  
11 the Legislative Counsel Bureau for each quarter of that fiscal year  
12 the information required by NRS 622.100, prepare a balance sheet  
13 for that fiscal year on the form provided by the Legislative Auditor  
14 and file the balance sheet with the Legislative Auditor and the Chief  
15 of the Budget Division of the Office of Finance on or before  
16 December 1 following the end of that fiscal year. The Legislative  
17 Auditor shall prepare and make available a form that must be used  
18 by a board to prepare such a balance sheet.

19 (b) If the revenue of the board from all sources is \$200,000 or  
20 more for any fiscal year, or if the board is a regulatory body  
21 pursuant to NRS 622.060 and has failed to submit to the Director of  
22 the Legislative Counsel Bureau for each quarter of that fiscal year  
23 the information required by NRS 622.100, engage the services of a  
24 certified public accountant or public accountant, or firm of either of  
25 such accountants, to audit all its fiscal records for that fiscal year  
26 and file a report of the audit with the Legislative Auditor and the  
27 Chief of the Budget Division of the Office of Finance on or before  
28 December 1 following the end of that fiscal year.

29 2. In lieu of preparing a balance sheet or having an audit  
30 conducted for a single fiscal year, a board may engage the services  
31 of a certified public accountant or public accountant, or firm of  
32 either of such accountants, to audit all its fiscal records for a period  
33 covering two successive fiscal years. If such an audit is conducted,  
34 the board shall file the report of the audit with the Legislative  
35 Auditor and the Chief of the Budget Division of the Office of  
36 Finance on or before December 1 following the end of the second  
37 fiscal year.

38 3. The cost of each audit conducted pursuant to subsection 1 or  
39 2 must be paid by the board that is audited. Each such audit must be  
40 conducted in accordance with generally accepted auditing standards,  
41 and all financial statements must be prepared in accordance with  
42 generally accepted principles of accounting for special revenue  
43 funds.

44 4. Whether or not a board is required to have its fiscal records  
45 audited pursuant to subsection 1 or 2, the Legislative Auditor shall



1 audit the fiscal records of any such board whenever directed to do so  
2 by the Legislative Commission. When the Legislative Commission  
3 directs such an audit, the Legislative Commission shall also  
4 determine who is to pay the cost of the audit.

5 5. A person who is a state officer or employee of a board is  
6 guilty of nonfeasance if the person:

7 (a) Is responsible for preparing a balance sheet or having an  
8 audit conducted pursuant to this section or is responsible for  
9 preparing or maintaining the fiscal records that are necessary to  
10 prepare a balance sheet or have an audit conducted pursuant to this  
11 section; and

12 (b) Knowingly fails to prepare the balance sheet or have the  
13 audit conducted pursuant to this section or knowingly fails to  
14 prepare or maintain the fiscal records that are necessary to prepare a  
15 balance sheet or have an audit conducted pursuant to this section.

16 6. In addition to any other remedy or penalty, a person who is  
17 guilty of nonfeasance pursuant to this section forfeits the person's  
18 state office or employment and may not be appointed to a state  
19 office or position of state employment for a period of 2 years  
20 following the forfeiture. The provisions of this subsection do not  
21 apply to a state officer who may be removed from office only by  
22 impeachment pursuant to Article 7 of the Nevada Constitution.

23 **Sec. 56.** NRS 232.320 is hereby amended to read as follows:

24 232.320 1. The Director:

25 (a) Shall appoint, with the consent of the Governor,  
26 administrators of the divisions of the Department, who are  
27 respectively designated as follows:

28 (1) The Administrator of the Aging and Disability Services  
29 Division;

30 (2) The Administrator of the Division of Welfare and  
31 Supportive Services;

32 (3) The Administrator of the Division of Child and Family  
33 Services;

34 (4) The Administrator of the Division of Health Care  
35 Financing and Policy; and

36 (5) The Administrator of the Division of Public and  
37 Behavioral Health.

38 (b) Shall administer, through the divisions of the Department,  
39 the provisions of chapters 63, 424, 425, 427A, 432A to 442,  
40 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS  
41 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and*  
42 *section 65 of this act*, 422.580, 432.010 to 432.133, inclusive,  
43 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive,  
44 and 445A.010 to 445A.055, inclusive, and all other provisions of  
45 law relating to the functions of the divisions of the Department, but





1 is not responsible for the clinical activities of the Division of Public  
2 and Behavioral Health or the professional line activities of the other  
3 divisions.

4 (c) Shall administer any state program for persons with  
5 developmental disabilities established pursuant to the  
6 Developmental Disabilities Assistance and Bill of Rights Act of  
7 2000, 42 U.S.C. §§ 15001 et seq.

8 (d) Shall, after considering advice from agencies of local  
9 governments and nonprofit organizations which provide social  
10 services, adopt a master plan for the provision of human services in  
11 this State. The Director shall revise the plan biennially and deliver a  
12 copy of the plan to the Governor and the Legislature at the  
13 beginning of each regular session. The plan must:

14 (1) Identify and assess the plans and programs of the  
15 Department for the provision of human services, and any  
16 duplication of those services by federal, state and local agencies;

17 (2) Set forth priorities for the provision of those services;

18 (3) Provide for communication and the coordination of those  
19 services among nonprofit organizations, agencies of local  
20 government, the State and the Federal Government;

21 (4) Identify the sources of funding for services provided by  
22 the Department and the allocation of that funding;

23 (5) Set forth sufficient information to assist the Department  
24 in providing those services and in the planning and budgeting for the  
25 future provision of those services; and

26 (6) Contain any other information necessary for the  
27 Department to communicate effectively with the Federal  
28 Government concerning demographic trends, formulas for the  
29 distribution of federal money and any need for the modification of  
30 programs administered by the Department.

31 (e) May, by regulation, require nonprofit organizations and state  
32 and local governmental agencies to provide information regarding  
33 the programs of those organizations and agencies, excluding  
34 detailed information relating to their budgets and payrolls, which the  
35 Director deems necessary for the performance of the duties imposed  
36 upon him or her pursuant to this section.

37 (f) Has such other powers and duties as are provided by law.

38 2. Notwithstanding any other provision of law, the Director, or  
39 the Director's designee, is responsible for appointing and removing  
40 subordinate officers and employees of the Department.

41 **Sec. 57.** NRS 239.010 is hereby amended to read as follows:

42 239.010 1. Except as otherwise provided in this section and  
43 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,  
44 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,  
45 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,



1 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,  
2 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,  
3 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,  
4 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,  
5 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130,  
6 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,  
7 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,  
8 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015,  
9 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,  
10 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,  
11 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,  
12 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,  
13 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,  
14 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,  
15 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069,  
16 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014,  
17 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,  
18 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,  
19 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,  
20 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490,  
21 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,  
22 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068,  
23 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,  
24 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,  
25 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061,  
26 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,  
27 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,  
28 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,  
29 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180,  
30 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,  
31 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455,  
32 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249,  
33 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,  
34 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,  
35 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460,  
36 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685,  
37 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,  
38 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,  
39 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,  
40 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,  
41 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207,  
42 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,  
43 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,  
44 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345,  
45 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,



1 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,  
2 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,  
3 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545,  
4 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536,  
5 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070,  
6 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,  
7 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,  
8 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012,  
9 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238,  
10 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,  
11 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,  
12 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368,  
13 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715,  
14 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,  
15 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,  
16 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,  
17 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325,  
18 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460,  
19 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180,  
20 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,  
21 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,  
22 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,  
23 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,  
24 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380,  
25 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800,  
26 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285,  
27 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540,  
28 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,  
29 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,  
30 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,  
31 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120,  
32 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and*  
33 *section 30 of this act*, sections 35, 38 and 41 of chapter 478,  
34 Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of  
35 Nevada 2013 and unless otherwise declared by law to be  
36 confidential, all public books and public records of a governmental  
37 entity must be open at all times during office hours to inspection by  
38 any person, and may be fully copied or an abstract or memorandum  
39 may be prepared from those public books and public records. Any  
40 such copies, abstracts or memoranda may be used to supply the  
41 general public with copies, abstracts or memoranda of the records or  
42 may be used in any other way to the advantage of the governmental  
43 entity or of the general public. This section does not supersede or in  
44 any manner affect the federal laws governing copyrights or enlarge,



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

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

5 3. A governmental entity that has legal custody or control of a  
6 public book or record shall not deny a request made pursuant to  
7 subsection 1 to inspect or copy or receive a copy of a public book or  
8 record on the basis that the requested public book or record contains  
9 information that is confidential if the governmental entity can  
10 redact, delete, conceal or separate, including, without limitation,  
11 electronically, the confidential information from the information  
12 included in the public book or record that is not otherwise  
13 confidential.

14 4. If requested, a governmental entity shall provide a copy of a  
15 public record in an electronic format by means of an electronic  
16 medium. Nothing in this subsection requires a governmental entity  
17 to provide a copy of a public record in an electronic format or by  
18 means of an electronic medium if:

19 (a) The public record:

20 (1) Was not created or prepared in an electronic format; and

21 (2) Is not available in an electronic format; or

22 (b) Providing the public record in an electronic format or by  
23 means of an electronic medium would:

24 (1) Give access to proprietary software; or

25 (2) Require the production of information that is confidential  
26 and that cannot be redacted, deleted, concealed or separated from  
27 information that is not otherwise confidential.

28 5. An officer, employee or agent of a governmental entity who  
29 has legal custody or control of a public record:

30 (a) Shall not refuse to provide a copy of that public record in the  
31 medium that is requested because the officer, employee or agent has  
32 already prepared or would prefer to provide the copy in a different  
33 medium.

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

38 **Sec. 58.** NRS 284.013 is hereby amended to read as follows:

39 284.013 1. Except as otherwise provided in subsection 4, this  
40 chapter does not apply to:

41 (a) Agencies, bureaus, commissions, officers or personnel in the  
42 Legislative Department or the Judicial Department of State  
43 Government, including the Commission on Judicial Discipline;

44 (b) Any person who is employed by a board, commission,  
45 committee or council created in chapters 445C, 590, 623 to 625A,



1 inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32,*  
2 *inclusive, of this act,* 648, 652, 654 and 656 of NRS; or

3 (c) Officers or employees of any agency of the Executive  
4 Department of the State Government who are exempted by specific  
5 statute.

6 2. Except as otherwise provided in subsection 3, the terms and  
7 conditions of employment of all persons referred to in subsection 1,  
8 including salaries not prescribed by law and leaves of absence,  
9 including, without limitation, annual leave and sick and disability  
10 leave, must be fixed by the appointing or employing authority  
11 within the limits of legislative appropriations or authorizations.

12 3. Except as otherwise provided in this subsection, leaves of  
13 absence prescribed pursuant to subsection 2 must not be of lesser  
14 duration than those provided for other state officers and employees  
15 pursuant to the provisions of this chapter. The provisions of this  
16 subsection do not govern the Legislative Commission with respect  
17 to the personnel of the Legislative Counsel Bureau.

18 4. Any board, commission, committee or council created in  
19 chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A,  
20 inclusive, 648, 652, 654 and 656 of NRS which contracts for the  
21 services of a person, shall require the contract for those services to  
22 be in writing. The contract must be approved by the State Board of  
23 Examiners before those services may be provided.

24 5. To the extent that they are inconsistent or otherwise in  
25 conflict, the provisions of this chapter do not apply to any terms and  
26 conditions of employment that are properly within the scope of and  
27 subject to the provisions of a collective bargaining agreement or a  
28 supplemental bargaining agreement that is enforceable pursuant to  
29 the provisions of NRS 288.400 to 288.630, inclusive.

30 **Sec. 59.** NRS 353.005 is hereby amended to read as follows:

31 353.005 Except as otherwise provided in NRS 353.007, the  
32 provisions of this chapter do not apply to boards created by the  
33 provisions of NRS 590.485 and chapters 623 to 625A, inclusive,  
34 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of this*  
35 *act,* 648, 654 and 656 of NRS and the officers and employees of  
36 those boards.

37 **Sec. 60.** NRS 353A.020 is hereby amended to read as follows:

38 353A.020 1. The Director, in consultation with the  
39 Committee and Legislative Auditor, shall adopt a uniform system of  
40 internal accounting and administrative control for agencies. The  
41 elements of the system must include, without limitation:

42 (a) A plan of organization which provides for a segregation of  
43 duties appropriate to safeguard the assets of the agency;

44 (b) A plan which limits access to assets of the agency to persons  
45 who need the assets to perform their assigned duties;



1 (c) Procedures for authorizations and recordkeeping which  
2 effectively control accounting of assets, liabilities, revenues and  
3 expenses;

4 (d) A system of practices to be followed in the performance of  
5 the duties and functions of each agency; and

6 (e) An effective system of internal review.

7 2. The Director, in consultation with the Committee and  
8 Legislative Auditor, may modify the system whenever the Director  
9 considers it necessary.

10 3. Each agency shall develop written procedures to carry out  
11 the system of internal accounting and administrative control adopted  
12 pursuant to this section.

13 4. For the purposes of this section, "agency" does not include:

14 (a) A board created by the provisions of NRS 590.485 and  
15 chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and*  
16 *sections 2 to 32, inclusive, of this act*, 648, 654 and 656 of NRS.

17 (b) The Nevada System of Higher Education.

18 (c) The Public Employees' Retirement System.

19 (d) The Housing Division of the Department of Business and  
20 Industry.

21 (e) The Colorado River Commission of Nevada.

22 **Sec. 61.** NRS 353A.025 is hereby amended to read as follows:

23 353A.025 1. The head of each agency shall periodically  
24 review the agency's system of internal accounting and  
25 administrative control to determine whether it is in compliance with  
26 the uniform system of internal accounting and administrative control  
27 for agencies adopted pursuant to subsection 1 of NRS 353A.020.

28 2. On or before July 1 of each even-numbered year, the head of  
29 each agency shall report to the Director whether the agency's  
30 system of internal accounting and administrative control is in  
31 compliance with the uniform system adopted pursuant to subsection  
32 1 of NRS 353A.020. The reports must be made available for  
33 inspection by the members of the Legislature.

34 3. For the purposes of this section, "agency" does not include:

35 (a) A board created by the provisions of NRS 590.485 and  
36 chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and*  
37 *sections 2 to 32, inclusive, of this act*, 648, 654 and 656 of NRS.

38 (b) The Nevada System of Higher Education.

39 (c) The Public Employees' Retirement System.

40 (d) The Housing Division of the Department of Business and  
41 Industry.

42 (e) The Colorado River Commission of Nevada.

43 4. The Director shall, on or before the first Monday in  
44 February of each odd-numbered year, submit a report on the status  
45 of internal accounting and administrative controls in agencies to the:



1 (a) Director of the Legislative Counsel Bureau for transmittal to  
2 the:

- 3 (1) Senate Standing Committee on Finance; and  
4 (2) Assembly Standing Committee on Ways and Means;

- 5 (b) Governor; and  
6 (c) Legislative Auditor.

7 5. The report submitted by the Director pursuant to subsection  
8 4 must include, without limitation:

9 (a) The identification of each agency that has not complied with  
10 the requirements of subsections 1 and 2;

11 (b) The identification of each agency that does not have an  
12 effective method for reviewing its system of internal accounting and  
13 administrative control; and

14 (c) The identification of each agency that has weaknesses in its  
15 system of internal accounting and administrative control, and the  
16 extent and types of such weaknesses.

17 **Sec. 62.** NRS 353A.045 is hereby amended to read as follows:  
18 353A.045 The Administrator shall:

19 1. Report to the Director.

20 2. Develop long-term and annual work plans to be based on the  
21 results of periodic documented risk assessments. The annual work  
22 plan must list the agencies to which the Division will provide  
23 training and assistance and be submitted to the Director for  
24 approval. Such agencies must not include:

25 (a) A board created by the provisions of NRS 590.485 and  
26 chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and*  
27 *sections 2 to 32, inclusive, of this act*, 648, 654 and 656 of NRS.

28 (b) The Nevada System of Higher Education.

29 (c) The Public Employees' Retirement System.

30 (d) The Housing Division of the Department of Business and  
31 Industry.

32 (e) The Colorado River Commission of Nevada.

33 3. Provide a copy of the approved annual work plan to the  
34 Legislative Auditor.

35 4. In consultation with the Director, prepare a plan for auditing  
36 executive branch agencies for each fiscal year and present the plan  
37 to the Committee for its review and approval. Each plan for auditing  
38 must:

39 (a) State the agencies which will be audited, the proposed scope  
40 and assignment of those audits and the related resources which will  
41 be used for those audits; and

42 (b) Ensure that the internal accounting, administrative controls  
43 and financial management of each agency are reviewed periodically.

44 5. Perform the audits of the programs and activities of the  
45 agencies in accordance with the plan approved pursuant to



1 subsection 5 of NRS 353A.038 and prepare audit reports of his or  
2 her findings.

3 6. Review each agency that is audited pursuant to subsection 5  
4 and advise those agencies concerning internal accounting,  
5 administrative controls and financial management.

6 7. Submit to each agency that is audited pursuant to subsection  
7 5 analyses, appraisals and recommendations concerning:

8 (a) The adequacy of the internal accounting and administrative  
9 controls of the agency; and

10 (b) The efficiency and effectiveness of the management of the  
11 agency.

12 8. Report any possible abuses, illegal actions, errors, omissions  
13 and conflicts of interest of which the Division becomes aware  
14 during the performance of an audit.

15 9. Adopt the standards of The Institute of Internal Auditors for  
16 conducting and reporting on internal audits.

17 10. Consult with the Legislative Auditor concerning the plan  
18 for auditing and the scope of audits to avoid duplication of effort  
19 and undue disruption of the functions of agencies that are audited  
20 pursuant to subsection 5.

21 **Sec. 63.** NRS 372.7285 is hereby amended to read as follows:

22 372.7285 1. In administering the provisions of NRS 372.325,  
23 the Department shall apply the exemption to the sale of a medical  
24 device to a governmental entity that is exempt pursuant to that  
25 section without regard to whether the person using the medical  
26 device or the governmental entity that purchased the device is  
27 deemed to be the holder of title to the device if:

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

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

32 (c) The purchase of the medical device is made pursuant to a  
33 contract between the governmental entity that purchases the medical  
34 device and the person who sells the medical device to the  
35 governmental entity.

36 2. As used in this section:

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

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

44 (c) "Provider of health care" means a physician or physician  
45 assistant licensed pursuant to chapter 630, 630A or 633 of NRS,





1 perfusionist, dentist, licensed nurse, *licensed certified professional*  
2 *midwife*, dispensing optician, optometrist, practitioner of respiratory  
3 care, registered physical therapist, podiatric physician, licensed  
4 psychologist, licensed audiologist, licensed speech-language  
5 pathologist, licensed hearing aid specialist, licensed marriage and  
6 family therapist, licensed clinical professional counselor,  
7 chiropractor, licensed dietitian or doctor of Oriental medicine in any  
8 form.

9 **Sec. 64.** NRS 374.731 is hereby amended to read as follows:

10 374.731 1. In administering the provisions of NRS 374.330,  
11 the Department shall apply the exemption to the sale of a medical  
12 device to a governmental entity that is exempt pursuant to that  
13 section without regard to whether the person using the medical  
14 device or the governmental entity that purchased the device is  
15 deemed to be the holder of title to the device if:

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

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

20 (c) The purchase of the medical device is made pursuant to a  
21 contract between the governmental entity that purchases the medical  
22 device and the person who sells the medical device to the  
23 governmental entity.

24 2. As used in this section:

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

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

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

42 **Sec. 65.** Chapter 422 of NRS is hereby amended by adding  
43 thereto a new section to read as follows:

44 **1. To the extent authorized by federal law, the Director shall**  
45 **include a requirement in the State Plan for Medicaid a**



1 *requirement that, except as otherwise provided in subsection 2, the*  
2 *State pay the nonfederal share of expenditures incurred for*  
3 *services rendered by a licensed certified professional midwife.*  
4 *Such services must be reimbursed at a comparable rate to similar*  
5 *services provided by other providers of health care, including,*  
6 *without limitation, physicians, physician assistants and advanced*  
7 *practice registered nurses, regardless of the location at which the*  
8 *services are provided.*

9 *2. The Department or a managed care organization,*  
10 *including, without limitation, a health maintenance organization,*  
11 *that provides health care services to recipients of Medicaid under*  
12 *the State Plan for Medicaid may charge a copayment or*  
13 *coinsurance or apply a deductible for the services described in*  
14 *subsection 1. The amount of such a copayment, coinsurance or*  
15 *deductible must not exceed the amount of the copayment,*  
16 *coinsurance or deductible charged for the same services provided*  
17 *by another provider of health care.*

18 *3. As used in this section, "provider of health care" has the*  
19 *meaning ascribed to it in NRS 629.031.*

20 **Sec. 66.** NRS 432B.220 is hereby amended to read as follows:

21 432B.220 1. Any person who is described in subsection 4  
22 and who, in his or her professional or occupational capacity, knows  
23 or has reasonable cause to believe that a child has been abused or  
24 neglected shall:

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

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

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

34 (a) A person directly responsible or serving as a volunteer for or  
35 an employee of a public or private home, institution or facility  
36 where the child is receiving child care outside of the home for a  
37 portion of the day, the person shall make the report to a law  
38 enforcement agency.

39 (b) An agency which provides child welfare services or a law  
40 enforcement agency, the person shall make the report to an agency  
41 other than the one alleged to have committed the act or omission,  
42 and the investigation of the abuse or neglect of the child must be  
43 made by an agency other than the one alleged to have committed the  
44 act or omission.



1 3. Any person who is described in paragraph (a) of subsection  
2 4 who delivers or provides medical services to a newborn infant and  
3 who, in his or her professional or occupational capacity, knows or  
4 has reasonable cause to believe that the newborn infant has been  
5 affected by a fetal alcohol spectrum disorder or prenatal substance  
6 use disorder or has withdrawal symptoms resulting from prenatal  
7 substance exposure shall, as soon as reasonably practicable but not  
8 later than 24 hours after the person knows or has reasonable cause to  
9 believe that the newborn infant is so affected or has such symptoms,  
10 notify an agency which provides child welfare services of the  
11 condition of the infant and refer each person who is responsible for  
12 the welfare of the infant to an agency which provides child welfare  
13 services for appropriate counseling, training or other services. A  
14 notification and referral to an agency which provides child welfare  
15 services pursuant to this subsection shall not be construed to require  
16 prosecution for any illegal action.

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

19 (a) A person providing services licensed or certified in this State  
20 pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632,  
21 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C,  
22 640D, 640E, 641, 641A, 641B, 641C or 653 of NRS ~~§~~ *or sections*  
23 *2 to 32, inclusive, of this act.*

24 (b) Any personnel of a medical facility licensed pursuant to  
25 chapter 449 of NRS who are engaged in the admission, examination,  
26 care or treatment of persons or an administrator, manager or other  
27 person in charge of such a medical facility upon notification of  
28 suspected abuse or neglect of a child by a member of the staff of the  
29 medical facility.

30 (c) A coroner.

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

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

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

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

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

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



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

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

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

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

12 6. If a person who is required to make a report pursuant to  
13 subsection 1 knows or has reasonable cause to believe that a child  
14 has died as a result of abuse or neglect, the person shall, as soon as  
15 reasonably practicable, report this belief to an agency which  
16 provides child welfare services or a law enforcement agency. If such  
17 a report is made to a law enforcement agency, the law enforcement  
18 agency shall notify an agency which provides child welfare services  
19 and the appropriate medical examiner or coroner of the report. If  
20 such a report is made to an agency which provides child welfare  
21 services, the agency which provides child welfare services shall  
22 notify the appropriate medical examiner or coroner of the report.  
23 The medical examiner or coroner who is notified of a report  
24 pursuant to this subsection shall investigate the report and submit  
25 his or her written findings to the appropriate agency which provides  
26 child welfare services, the appropriate district attorney and a law  
27 enforcement agency. The written findings must include, if  
28 obtainable, the information required pursuant to the provisions of  
29 subsection 2 of NRS 432B.230.

30 7. The agency, board, bureau, commission, department,  
31 division or political subdivision of the State responsible for the  
32 licensure, certification or endorsement of a person who is described  
33 in subsection 4 and who is required in his or her professional or  
34 occupational capacity to be licensed, certified or endorsed in this  
35 State shall, at the time of initial licensure, certification or  
36 endorsement:

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

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

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



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

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

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

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

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

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

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

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

23 10. As used in this section:

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

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

28 **Sec. 67.** NRS 439A.0195 is hereby amended to read as  
29 follows:

30 439A.0195 "Practitioner" means a physician licensed under  
31 chapter 630, 630A or 633 of NRS, dentist, licensed nurse, *licensed*  
32 *certified professional midwife*, dispensing optician, optometrist,  
33 registered physical therapist, podiatric physician, licensed  
34 psychologist, chiropractor, doctor of Oriental medicine in any form,  
35 medical laboratory director or technician, pharmacist or other person  
36 whose principal occupation is the provision of services for health.

37 **Sec. 68.** NRS 439B.225 is hereby amended to read as follows:

38 439B.225 1. As used in this section, "licensing board" means  
39 any division or board empowered to adopt standards for the issuance  
40 or renewal of licenses, permits or certificates of registration  
41 pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A,  
42 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639,  
43 640, 640A, 640D, 641, 641A, 641B, 641C, 652, 653 or 654 of NRS

44 **+** *and sections 2 to 32, inclusive, of this act.*



1 2. The Committee shall review each regulation that a licensing  
2 board proposes or adopts that relates to standards for the issuance or  
3 renewal of licenses, permits or certificates of registration issued to a  
4 person or facility regulated by the board, giving consideration to:

5 (a) Any oral or written comment made or submitted to it by  
6 members of the public or by persons or facilities affected by the  
7 regulation;

8 (b) The effect of the regulation on the cost of health care in this  
9 State;

10 (c) The effect of the regulation on the number of licensed,  
11 permitted or registered persons and facilities available to provide  
12 services in this State; and

13 (d) Any other related factor the Committee deems appropriate.

14 3. After reviewing a proposed regulation, the Committee shall  
15 notify the agency of the opinion of the Committee regarding the  
16 advisability of adopting or revising the proposed regulation.

17 4. The Committee shall recommend to the Legislature as a  
18 result of its review of regulations pursuant to this section any  
19 appropriate legislation.

20 **Sec. 69.** Chapter 440 of NRS is hereby amended by adding  
21 thereto a new section to read as follows:

22 *As used in this chapter, "midwife" means:*

23 *1. A licensed certified professional midwife; or*

24 *2. Any person who engages in the practice of midwifery*  
25 *pursuant to subsection 2 of section 15 of this act.*

26 **Sec. 70.** NRS 440.280 is hereby amended to read as follows:

27 440.280 1. If a birth occurs in a hospital or the mother and  
28 child are immediately transported to a hospital, the person in charge  
29 of the hospital or his or her designated representative shall obtain  
30 the necessary information, prepare a birth certificate, secure the  
31 signatures required by the certificate and file it within 10 days with  
32 the health officer of the registration district where the birth occurred.  
33 The physician in attendance shall provide the medical information  
34 required by the certificate and certify to the fact of birth within 72  
35 hours after the birth. If the physician does not certify to the fact of  
36 birth within the required 72 hours, the person in charge of the  
37 hospital or the designated representative shall complete and sign the  
38 certification.

39 2. If a birth occurs outside a hospital and the mother and child  
40 are not immediately transported to a hospital, the birth certificate  
41 must be prepared and filed by one of the following persons in the  
42 following order of priority:

43 (a) The physician *or advanced practice registered nurse* in  
44 attendance at or immediately after the birth.



1 (b) *The licensed certified professional midwife in attendance at*  
2 *or immediately after the birth.*

3 (c) Any other person in attendance at or immediately after the  
4 birth.

5 ~~(e)~~ (d) The father, mother or, if the father is absent and the  
6 mother is incapacitated, the person in charge of the premises where  
7 the birth occurred.

8 3. If a birth occurs in a moving conveyance, the place of birth  
9 is the place where the child is removed from the conveyance.

10 4. In cities, the certificate of birth must be filed sooner than 10  
11 days after the birth if so required by municipal ordinance or  
12 regulation.

13 5. If the mother was:

14 (a) Married at the time of birth, the name of her spouse must be  
15 entered on the certificate as the other parent of the child unless:

16 (1) A court has issued an order establishing that a person  
17 other than the mother's spouse is the other parent of the child; or

18 (2) The mother and a person other than the mother's spouse  
19 have signed a declaration for the voluntary acknowledgment of  
20 paternity developed by the Board pursuant to NRS 440.283 or a  
21 declaration for the voluntary acknowledgment of parentage  
22 developed by the Board pursuant to NRS 440.285.

23 (b) Widowed at the time of birth but married at the time of  
24 conception, the name of her spouse at the time of conception must  
25 be entered on the certificate as the other parent of the child unless:

26 (1) A court has issued an order establishing that a person  
27 other than the mother's spouse at the time of conception is the other  
28 parent of the child; or

29 (2) The mother and a person other than the mother's spouse  
30 at the time of conception have signed a declaration for the voluntary  
31 acknowledgment of paternity developed by the Board pursuant to  
32 NRS 440.283 or a declaration for the voluntary acknowledgment of  
33 parentage developed by the Board pursuant to NRS 440.285.

34 6. If the mother was unmarried at the time of birth, the name of  
35 the other parent may be entered on the original certificate of birth  
36 only if:

37 (a) The provisions of paragraph (b) of subsection 5 are  
38 applicable;

39 (b) A court has issued an order establishing that the person is the  
40 other parent of the child; or

41 (c) The parents of the child have signed a declaration for the  
42 voluntary acknowledgment of paternity developed by the Board  
43 pursuant to NRS 440.283 or a declaration for the voluntary  
44 acknowledgment of parentage developed by the Board pursuant to  
45 NRS 440.285. If both parents execute a declaration consenting to



1 the use of the surname of one parent as the surname of the child, the  
2 name of that parent must be entered on the original certificate of  
3 birth and the surname of that parent must be entered thereon as the  
4 surname of the child.

5 7. An order entered or a declaration executed pursuant to  
6 subsection 6 must be submitted to the local health officer, the local  
7 health officer's authorized representative, or the attending physician  
8 or midwife before a proper certificate of birth is forwarded to the  
9 State Registrar. The order or declaration must then be delivered to  
10 the State Registrar for filing. The State Registrar's file of orders and  
11 declarations must be sealed and the contents of the file may be  
12 examined only upon order of a court of competent jurisdiction or at  
13 the request of either parent or the Division of Welfare and  
14 Supportive Services of the Department of Health and Human  
15 Services as necessary to carry out the provisions of 42 U.S.C. §  
16 654a. The local health officer shall complete the original certificate  
17 of birth in accordance with subsection 6 and other provisions of this  
18 chapter.

19 8. As used in this section, "court" has the meaning ascribed to  
20 it in NRS 125B.004.

21 **Sec. 71.** NRS 440.770 is hereby amended to read as follows:

22 440.770 Any person who furnishes false information to a  
23 physician, advanced practice registered nurse, *licensed certified*  
24 *professional midwife*, funeral director, midwife or informant for the  
25 purpose of making incorrect certification of births or deaths shall be  
26 punished by a fine of not more than \$250.

27 **Sec. 72.** NRS 441A.110 is hereby amended to read as follows:

28 441A.110 "Provider of health care" means a physician, nurse,  
29 *licensed certified professional midwife* or veterinarian licensed in  
30 accordance with state law or a physician assistant licensed pursuant  
31 to chapter 630 or 633 of NRS.

32 **Sec. 73.** NRS 442.003 is hereby amended to read as follows:

33 442.003 As used in this chapter, unless the context requires  
34 otherwise:

35 1. "Advisory Board" means the Advisory Board on Maternal  
36 and Child Health.

37 2. "Department" means the Department of Health and Human  
38 Services.

39 3. "Director" means the Director of the Department.

40 4. "Division" means the Division of Public and Behavioral  
41 Health of the Department.

42 5. "Fetal alcohol syndrome" includes fetal alcohol effects.

43 6. "Laboratory" has the meaning ascribed to it in  
44 NRS 652.040.

45 7. *"Midwife" means:*





1 (a) *A licensed certified professional midwife; or*  
2 (b) *Any person who engages in the practice of midwifery*  
3 *pursuant to subsection 2 of section 15 of this act.*

4 8. "Obstetric center" has the meaning ascribed to it in  
5 NRS 449.0155.

6 ~~8.]~~ 9. "Provider of health care or other services" means:

7 (a) A clinical alcohol and drug counselor who is licensed, or an  
8 alcohol and drug counselor who is licensed or certified, pursuant to  
9 chapter 641C of NRS;

10 (b) A physician or a physician assistant who is licensed pursuant  
11 to chapter 630 or 633 of NRS and who practices in the area of  
12 obstetrics and gynecology, family practice, internal medicine,  
13 pediatrics or psychiatry;

14 (c) A licensed nurse;

15 (d) A licensed psychologist;

16 (e) A licensed marriage and family therapist;

17 (f) A licensed clinical professional counselor;

18 (g) A licensed social worker;

19 (h) A licensed dietitian; ~~for]~~

20 (i) *A licensed certified professional midwife; or*

21 (j) The holder of a certificate of registration as a pharmacist.

22 **Sec. 74.** NRS 442.119 is hereby amended to read as follows:

23 442.119 As used in NRS 442.119 to 442.1198, inclusive,  
24 unless the context otherwise requires:

25 1. "Health officer" includes a local health officer, a city health  
26 officer, a county health officer and a district health officer.

27 2. "Medicaid" has the meaning ascribed to it in  
28 NRS 439B.120.

29 3. "Medicare" has the meaning ascribed to it in  
30 NRS 439B.130.

31 4. "Provider of prenatal care" means:

32 (a) A physician who is licensed in this State and certified in  
33 obstetrics and gynecology, family practice, general practice or  
34 general surgery.

35 (b) A certified nurse midwife who is licensed by the State Board  
36 of Nursing.

37 (c) An advanced practice registered nurse who is licensed by the  
38 State Board of Nursing pursuant to NRS 632.237 and who has  
39 specialized skills and training in obstetrics or family nursing.

40 (d) A physician assistant licensed pursuant to chapter 630 or 633  
41 of NRS who has specialized skills and training in obstetrics or  
42 family practice.

43 (e) *A licensed certified professional midwife.*

44 **Sec. 75.** NRS 442.610 is hereby amended to read as follows:

45 442.610 "Provider of health care" means:



1 1. A provider of health care as defined in NRS 629.031 ~~(H)~~,  
2 *including, without limitation, a licensed certified professional*  
3 *midwife;*

4 2. ~~(A)~~ *Any other type of* midwife; and

5 3. An obstetric center licensed pursuant to chapter 449 of NRS.

6 **Sec. 76.** NRS 454.00958 is hereby amended to read as  
7 follows:

8 454.00958 “Practitioner” means:

9 1. A physician, dentist, veterinarian or podiatric physician who  
10 holds a valid license to practice his or her profession in this State.

11 2. A pharmacy, hospital or other institution licensed or  
12 registered to distribute, dispense, conduct research with respect to or  
13 to administer a dangerous drug in the course of professional practice  
14 in this State.

15 3. When relating to the prescription of poisons, dangerous  
16 drugs and devices:

17 (a) An advanced practice registered nurse who holds a certificate  
18 from the State Board of Pharmacy permitting him or her so to  
19 prescribe; or

20 (b) A physician assistant who holds a license from the Board of  
21 Medical Examiners and a certificate from the State Board of  
22 Pharmacy permitting him or her so to prescribe.

23 4. An optometrist who is certified to prescribe and administer  
24 pharmaceutical agents pursuant to NRS 636.288 when the  
25 optometrist prescribes or administers dangerous drugs which are  
26 within the scope of his or her certification.

27 **5. A licensed certified professional midwife, for the purpose**  
28 **of ordering:**

29 (a) *Any device or drug described in subsection 1 or 2 of section*  
30 *26 of this act for use in his or her practice; or*

31 (b) *Any device or vaccine described in subsection 4 of section*  
32 *26 of this act for a client.*

33 **Sec. 77.** NRS 454.213 is hereby amended to read as follows:

34 454.213 1. Except as otherwise provided in NRS 454.217, a  
35 drug or medicine referred to in NRS 454.181 to 454.371, inclusive,  
36 may be possessed and administered by:

37 (a) A practitioner.

38 (b) A physician assistant licensed pursuant to chapter 630 or 633  
39 of NRS, at the direction of his or her supervising physician or a  
40 licensed dental hygienist acting in the office of and under the  
41 supervision of a dentist.

42 (c) Except as otherwise provided in paragraph (d), a registered  
43 nurse licensed to practice professional nursing or licensed practical  
44 nurse, at the direction of a prescribing physician, physician assistant  
45 licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric



1 physician or advanced practice registered nurse, or pursuant to a  
2 chart order, for administration to a patient at another location.

3 (d) In accordance with applicable regulations of the Board, a  
4 registered nurse licensed to practice professional nursing or licensed  
5 practical nurse who is:

6 (1) Employed by a health care agency or health care facility  
7 that is authorized to provide emergency care, or to respond to the  
8 immediate needs of a patient, in the residence of the patient; and

9 (2) Acting under the direction of the medical director of that  
10 agency or facility who works in this State.

11 (e) A medication aide - certified at a designated facility under  
12 the supervision of an advanced practice registered nurse or  
13 registered nurse and in accordance with standard protocols  
14 developed by the State Board of Nursing. As used in this paragraph,  
15 "designated facility" has the meaning ascribed to it in  
16 NRS 632.0145.

17 (f) Except as otherwise provided in paragraph (g), an advanced  
18 emergency medical technician or a paramedic, as authorized by  
19 regulation of the State Board of Pharmacy and in accordance with  
20 any applicable regulations of:

21 (1) The State Board of Health in a county whose population  
22 is less than 100,000;

23 (2) A county board of health in a county whose population is  
24 100,000 or more; or

25 (3) A district board of health created pursuant to NRS  
26 439.362 or 439.370 in any county.

27 (g) An advanced emergency medical technician or a paramedic  
28 who holds an endorsement issued pursuant to NRS 450B.1975,  
29 under the direct supervision of a local health officer or a designee of  
30 the local health officer pursuant to that section.

31 (h) A respiratory therapist employed in a health care facility.  
32 The therapist may possess and administer respiratory products only  
33 at the direction of a physician.

34 (i) A dialysis technician, under the direction or supervision of a  
35 physician or registered nurse only if the drug or medicine is used for  
36 the process of renal dialysis.

37 (j) A medical student or student nurse in the course of his or her  
38 studies at an accredited college of medicine or approved school of  
39 professional or practical nursing, at the direction of a physician and:

40 (1) In the presence of a physician or a registered nurse; or

41 (2) Under the supervision of a physician or a registered nurse  
42 if the student is authorized by the college or school to administer the  
43 drug or medicine outside the presence of a physician or nurse.

44 ➤ A medical student or student nurse may administer a dangerous  
45 drug in the presence or under the supervision of a registered nurse



1 alone only if the circumstances are such that the registered nurse  
2 would be authorized to administer it personally.

3 (k) Any person designated by the head of a correctional  
4 institution.

5 (l) An ultimate user or any person designated by the ultimate  
6 user pursuant to a written agreement.

7 (m) A holder of a license to engage in radiation therapy and  
8 radiologic imaging issued pursuant to chapter 653 of NRS, at the  
9 direction of a physician and in accordance with any conditions  
10 established by regulation of the Board.

11 (n) A chiropractic physician, but only if the drug or medicine is  
12 a topical drug used for cooling and stretching external tissue during  
13 therapeutic treatments.

14 (o) A physical therapist, but only if the drug or medicine is a  
15 topical drug which is:

16 (1) Used for cooling and stretching external tissue during  
17 therapeutic treatments; and

18 (2) Prescribed by a licensed physician for:

19 (I) Iontophoresis; or

20 (II) The transmission of drugs through the skin using  
21 ultrasound.

22 (p) In accordance with applicable regulations of the State Board  
23 of Health, an employee of a residential facility for groups, as  
24 defined in NRS 449.017, pursuant to a written agreement entered  
25 into by the ultimate user.

26 (q) A veterinary technician or a veterinary assistant at the  
27 direction of his or her supervising veterinarian.

28 (r) In accordance with applicable regulations of the Board, a  
29 registered pharmacist who:

30 (1) Is trained in and certified to carry out standards and  
31 practices for immunization programs;

32 (2) Is authorized to administer immunizations pursuant to  
33 written protocols from a physician; and

34 (3) Administers immunizations in compliance with the  
35 "Standards for Immunization Practices" recommended and  
36 approved by the Advisory Committee on Immunization Practices of  
37 the Centers for Disease Control and Prevention.

38 (s) A registered pharmacist pursuant to written guidelines and  
39 protocols developed and approved pursuant to NRS 639.2629 or a  
40 collaborative practice agreement, as defined in NRS 639.0052.

41 (t) A person who is enrolled in a training program to become a  
42 physician assistant licensed pursuant to chapter 630 or 633 of NRS,  
43 dental hygienist, advanced emergency medical technician,  
44 paramedic, respiratory therapist, dialysis technician, physical  
45 therapist or veterinary technician or to obtain a license to engage in



1 radiation therapy and radiologic imaging pursuant to chapter 653 of  
2 NRS if the person possesses and administers the drug or medicine in  
3 the same manner and under the same conditions that apply,  
4 respectively, to a physician assistant licensed pursuant to chapter  
5 630 or 633 of NRS, dental hygienist, advanced emergency medical  
6 technician, paramedic, respiratory therapist, dialysis technician,  
7 physical therapist, veterinary technician or person licensed to  
8 engage in radiation therapy and radiologic imaging who may  
9 possess and administer the drug or medicine, and under the direct  
10 supervision of a person licensed or registered to perform the  
11 respective medical art or a supervisor of such a person.

12 (u) A medical assistant, in accordance with applicable  
13 regulations of the:

14 (1) Board of Medical Examiners, at the direction of the  
15 prescribing physician and under the supervision of a physician or  
16 physician assistant.

17 (2) State Board of Osteopathic Medicine, at the direction of  
18 the prescribing physician and under the supervision of a physician  
19 or physician assistant.

20 (v) *A student midwife or birth assistant who is administering*  
21 *the medicine or drug under the direct supervision of a licensed*  
22 *certified professional midwife as authorized by sections 2 to 32,*  
23 *inclusive, of this act and any regulations adopted pursuant*  
24 *thereto.*

25 2. As used in this section, “accredited college of medicine” has  
26 the meaning ascribed to it in NRS 453.375.

27 **Sec. 78.** NRS 454.361 is hereby amended to read as follows:

28 454.361 A conviction of the violation of any of the provisions  
29 of NRS 454.181 to 454.371, inclusive, constitutes grounds for the  
30 suspension or revocation of any license issued to such person  
31 pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638,  
32 639 or 653 of NRS **H** *or sections 2 to 32, inclusive, of this act.*

33 **Sec. 79.** NRS 608.0116 is hereby amended to read as follows:

34 608.0116 “Professional” means pertaining to:

35 1. An employee who is licensed or certified by the State of  
36 Nevada for and engaged in the practice of law or any of the  
37 professions regulated by chapters 623 to 645, inclusive, 645G and  
38 656A of NRS **H** *and sections 2 to 32, inclusive, of this act.*

39 2. A creative professional as described in 29 C.F.R. § 541.302  
40 who is not an employee of a contractor as that term is defined in  
41 NRS 624.020.

42 **Sec. 80.** NRS 679B.440 is hereby amended to read as follows:

43 679B.440 1. The Commissioner may require that reports  
44 submitted pursuant to NRS 679B.430 include, without limitation,  
45 information regarding:



- 1 (a) Liability insurance provided to:  
2 (1) Governmental agencies and political subdivisions of this  
3 State, reported separately for:  
4 (I) Cities and towns;  
5 (II) School districts; and  
6 (III) Other political subdivisions;  
7 (2) Public officers;  
8 (3) Establishments where alcoholic beverages are sold;  
9 (4) Facilities for the care of children;  
10 (5) Labor, fraternal or religious organizations; and  
11 (6) Officers or directors of organizations formed pursuant to  
12 title 7 of NRS, reported separately for nonprofit entities and entities  
13 organized for profit;  
14 (b) Liability insurance for:  
15 (1) Defective products;  
16 (2) Medical or dental malpractice of:  
17 (I) A practitioner licensed pursuant to chapter 630, 630A,  
18 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS  
19 *or sections 2 to 32, inclusive, of this act* or who holds a license or  
20 limited license issued pursuant to chapter 653 of NRS;  
21 (II) A hospital or other health care facility; or  
22 (III) Any related corporate entity;  
23 (3) Malpractice of attorneys;  
24 (4) Malpractice of architects and engineers; and  
25 (5) Errors and omissions by other professionally qualified  
26 persons;  
27 (c) Vehicle insurance, reported separately for:  
28 (1) Private vehicles;  
29 (2) Commercial vehicles;  
30 (3) Liability insurance; and  
31 (4) Insurance for property damage; and  
32 (d) Workers' compensation insurance.  
33 2. The Commissioner may require that the report include,  
34 without limitation, information specifically pertaining to this State  
35 or to an insurer in its entirety, in the aggregate or by type of  
36 insurance, and for a previous or current year, regarding:  
37 (a) Premiums directly written;  
38 (b) Premiums directly earned;  
39 (c) Number of policies issued;  
40 (d) Net investment income, using appropriate estimates when  
41 necessary;  
42 (e) Losses paid;  
43 (f) Losses incurred;  
44 (g) Loss reserves, including:  
45 (1) Losses unpaid on reported claims; and



- 1 (2) Losses unpaid on incurred but not reported claims;  
2 (h) Number of claims, including:  
3 (1) Claims paid; and  
4 (2) Claims that have arisen but are unpaid;  
5 (i) Expenses for adjustment of losses, including allocated and  
6 unallocated losses;  
7 (j) Net underwriting gain or loss;  
8 (k) Net operation gain or loss, including net investment income;  
9 and  
10 (l) Any other information requested by the Commissioner.

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

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

16 **Sec. 81.** NRS 686A.2825 is hereby amended to read as  
17 follows:

18 686A.2825 "Practitioner" means:

19 1. A physician, dentist, nurse, *licensed certified professional*  
20 *midwife*, dispensing optician, optometrist, physical therapist,  
21 podiatric physician, psychologist, chiropractor, doctor of Oriental  
22 medicine in any form, director or technician of a medical laboratory,  
23 pharmacist, person who holds a license to engage in radiation  
24 therapy and radiologic imaging or a limited license to engage in  
25 radiologic imaging pursuant to chapter 653 of NRS or other  
26 provider of health services who is authorized to engage in his or her  
27 occupation by the laws of this state or another state; and

28 2. An attorney admitted to practice law in this state or any  
29 other state.

30 **Sec. 82.** NRS 686B.030 is hereby amended to read as follows:

31 686B.030 1. Except as otherwise provided in subsection 2  
32 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799,  
33 inclusive, apply to all kinds and lines of direct insurance written on  
34 risks or operations in this State by any insurer authorized to do  
35 business in this State, except:

- 36 (a) Ocean marine insurance;  
37 (b) Contracts issued by fraternal benefit societies;  
38 (c) Life insurance and credit life insurance;  
39 (d) Variable and fixed annuities;  
40 (e) Credit accident and health insurance;  
41 (f) Property insurance for business and commercial risks;  
42 (g) Casualty insurance for business and commercial risks other  
43 than insurance covering the liability of a practitioner licensed  
44 pursuant to chapters 630 to 640, inclusive, of NRS *and sections 2 to*



1 **32, inclusive, of this act** or who holds a license or limited license  
2 issued pursuant to chapter 653 of NRS;

3 (h) Surety insurance;

4 (i) Health insurance offered through a group health plan  
5 maintained by a large employer; and

6 (j) Credit involuntary unemployment insurance.

7 2. The exclusions set forth in paragraphs (f) and (g) of  
8 subsection 1 extend only to issues related to the determination or  
9 approval of premium rates.

10 **Sec. 83.** NRS 686B.040 is hereby amended to read as follows:

11 686B.040 1. Except as otherwise provided in subsection 2,  
12 the Commissioner may by rule exempt any person or class of  
13 persons or any market segment from any or all of the provisions of  
14 NRS 686B.010 to 686B.1799, inclusive, if and to the extent that the  
15 Commissioner finds their application unnecessary to achieve the  
16 purposes of those sections.

17 2. The Commissioner may not, by rule or otherwise, exempt an  
18 insurer from the provisions of NRS 686B.010 to 686B.1799,  
19 inclusive, with regard to insurance covering the liability of a  
20 practitioner licensed pursuant to chapter 630, 631, 632 or 633 of  
21 NRS **or sections 2 to 32, inclusive, of this act** for a breach of the  
22 practitioner's professional duty toward a patient.

23 **Sec. 84.** NRS 686B.115 is hereby amended to read as follows:

24 686B.115 1. Any hearing held by the Commissioner to  
25 determine whether rates comply with the provisions of NRS  
26 686B.010 to 686B.1799, inclusive, must be open to members of the  
27 public.

28 2. All costs for transcripts prepared pursuant to such a hearing  
29 must be paid by the insurer requesting the hearing.

30 3. At any hearing which is held by the Commissioner to  
31 determine whether rates comply with the provisions of NRS  
32 686B.010 to 686B.1799, inclusive, and which involves rates for  
33 insurance covering the liability of a practitioner licensed pursuant to  
34 chapter 630, 631, 632 or 633 of NRS **or sections 2 to 32, inclusive,**  
35 **of this act** for a breach of the practitioner's professional duty toward  
36 a patient, if a person is not otherwise authorized pursuant to this title  
37 to become a party to the hearing by intervention, the person is  
38 entitled to provide testimony at the hearing if, not later than 2 days  
39 before the date set for the hearing, the person files with the  
40 Commissioner a written statement which states:

41 (a) The name and title of the person;

42 (b) The interest of the person in the hearing; and

43 (c) A brief summary describing the purpose of the testimony the  
44 person will offer at the hearing.





1 4. If a person provides testimony at a hearing in accordance  
2 with subsection 3:

3 (a) The Commissioner may, if the Commissioner finds it  
4 necessary to preserve order, prevent inordinate delay or protect the  
5 rights of the parties at the hearing, place reasonable limitations on  
6 the duration of the testimony and prohibit the person from providing  
7 testimony that is not relevant to the issues raised at the hearing.

8 (b) The Commissioner shall consider all relevant testimony  
9 provided by the person at the hearing in determining whether the  
10 rates comply with the provisions of NRS 686B.010 to 686B.1799,  
11 inclusive.

12 **Sec. 85.** NRS 689A.035 is hereby amended to read as follows:

13 689A.035 1. An insurer shall not charge a provider of health  
14 care a fee to include the name of the provider on a list of providers  
15 of health care given by the insurer to its insureds.

16 2. An insurer shall not contract with a provider of health care  
17 to provide health care to an insured unless the insurer uses the form  
18 prescribed by the Commissioner pursuant to NRS 629.095 to obtain  
19 any information related to the credentials of the provider of health  
20 care.

21 3. A contract between an insurer and a provider of health care  
22 may be modified:

23 (a) At any time pursuant to a written agreement executed by  
24 both parties.

25 (b) Except as otherwise provided in this paragraph, by the  
26 insurer upon giving to the provider 45 days' written notice of the  
27 modification of the insurer's schedule of payments, including any  
28 changes to the fee schedule applicable to the provider's practice. If  
29 the provider fails to object in writing to the modification within the  
30 45-day period, the modification becomes effective at the end of that  
31 period. If the provider objects in writing to the modification within  
32 the 45-day period, the modification must not become effective  
33 unless agreed to by both parties as described in paragraph (a).

34 4. If an insurer contracts with a provider of health care to  
35 provide health care to an insured, the insurer shall:

36 (a) If requested by the provider of health care at the time the  
37 contract is made, submit to the provider of health care the schedule  
38 of payments applicable to the provider of health care; or

39 (b) If requested by the provider of health care at any other time,  
40 submit to the provider of health care the schedule of payments,  
41 including any changes to the fee schedule applicable to the  
42 provider's practice, specified in paragraph (a) within 7 days after  
43 receiving the request.



1 5. As used in this section, “provider of health care” means a  
2 provider of health care who is licensed pursuant to chapter 630, 631,  
3 632 or 633 of NRS **H** *or sections 2 to 32, inclusive, of this act.*

4 **Sec. 86.** NRS 689B.015 is hereby amended to read as follows:  
5 689B.015 1. An insurer that issues a policy of group health

6 insurance shall not charge a provider of health care a fee to include  
7 the name of the provider on a list of providers of health care given  
8 by the insurer to its insureds.

9 2. An insurer specified in subsection 1 shall not contract with a  
10 provider of health care to provide health care to an insured unless  
11 the insurer uses the form prescribed by the Commissioner pursuant  
12 to NRS 629.095 to obtain any information related to the credentials  
13 of the provider of health care.

14 3. A contract between an insurer specified in subsection 1 and  
15 a provider of health care may be modified:

16 (a) At any time pursuant to a written agreement executed by  
17 both parties.

18 (b) Except as otherwise provided in this paragraph, by the  
19 insurer upon giving to the provider 45 days’ written notice of the  
20 modification of the insurer’s schedule of payments, including any  
21 changes to the fee schedule applicable to the provider’s practice. If  
22 the provider fails to object in writing to the modification within the  
23 45-day period, the modification becomes effective at the end of that  
24 period. If the provider objects in writing to the modification within  
25 the 45-day period, the modification must not become effective  
26 unless agreed to by both parties as described in paragraph (a).

27 4. If an insurer specified in subsection 1 contracts with a  
28 provider of health care to provide health care to an insured, the  
29 insurer shall:

30 (a) If requested by the provider of health care at the time the  
31 contract is made, submit to the provider of health care the schedule  
32 of payments applicable to the provider of health care; or

33 (b) If requested by the provider of health care at any other time,  
34 submit to the provider of health care the schedule of payments,  
35 including any changes to the fee schedule applicable to the  
36 provider’s practice, specified in paragraph (a) within 7 days after  
37 receiving the request.

38 5. As used in this section, “provider of health care” means a  
39 provider of health care who is licensed pursuant to chapter 630, 631,  
40 632 or 633 of NRS **H** *or sections 2 to 32, inclusive, of this act.*

41 **Sec. 87.** NRS 689C.435 is hereby amended to read as follows:  
42 689C.435 1. A carrier serving small employers and a carrier

43 that offers a contract to a voluntary purchasing group shall not  
44 charge a provider of health care a fee to include the name of the



1 provider on a list of providers of health care given by the carrier to  
2 its insureds.

3 2. A carrier specified in subsection 1 shall not contract with a  
4 provider of health care to provide health care to an insured unless  
5 the carrier uses the form prescribed by the Commissioner pursuant  
6 to NRS 629.095 to obtain any information related to the credentials  
7 of the provider of health care.

8 3. A contract between a carrier specified in subsection 1 and a  
9 provider of health care may be modified:

10 (a) At any time pursuant to a written agreement executed by  
11 both parties.

12 (b) Except as otherwise provided in this paragraph, by the  
13 carrier upon giving to the provider 45 days' written notice of the  
14 modification of the carrier's schedule of payments, including any  
15 changes to the fee schedule applicable to the provider's practice. If  
16 the provider fails to object in writing to the modification within the  
17 45 day period, the modification becomes effective at the end of that  
18 period. If the provider objects in writing to the modification within  
19 the 45 day period, the modification must not become effective  
20 unless agreed to by both parties as described in paragraph (a).

21 4. If a carrier specified in subsection 1 contracts with a  
22 provider of health care to provide health care to an insured, the  
23 carrier shall:

24 (a) If requested by the provider of health care at the time the  
25 contract is made, submit to the provider of health care the schedule  
26 of payments applicable to the provider of health care; or

27 (b) If requested by the provider of health care at any other time,  
28 submit to the provider of health care the schedule of payments,  
29 including any changes to the fee schedule applicable to the  
30 provider's practice, specified in paragraph (a) within 7 days after  
31 receiving the request.

32 5. As used in this section, "provider of health care" means a  
33 provider of health care who is licensed pursuant to chapter 630, 631,  
34 632 or 633 of NRS ~~H~~ *or sections 2 to 32, inclusive, of this act.*

35 **Sec. 88.** NRS 690B.250 is hereby amended to read as follows:

36 690B.250 Except as more is required in NRS 630.3067 and  
37 633.526:

38 1. Each insurer which issues a policy of insurance covering the  
39 liability of a practitioner licensed pursuant to chapters 630 to 640,  
40 inclusive, of NRS *or sections 2 to 32, inclusive, of this act* or who  
41 holds a license or limited license issued pursuant to chapter 653 of  
42 NRS for a breach of his or her professional duty toward a patient  
43 shall report to the board which licensed the practitioner within 45  
44 days each settlement or award made or judgment rendered by reason  
45 of a claim, if the settlement, award or judgment is for more than



1 \$5,000, giving the name of the claimant and the practitioner and the  
2 circumstances of the case.

3 2. A practitioner licensed pursuant to chapters 630 to 640,  
4 inclusive, of NRS *or sections 2 to 32, inclusive, of this act* or who  
5 holds a license or limited license issued pursuant to chapter 653 of  
6 NRS who does not have insurance covering liability for a breach of  
7 his or her professional duty toward a patient shall report to the board  
8 which issued the practitioner's license within 45 days of each  
9 settlement or award made or judgment rendered by reason of a  
10 claim, if the settlement, award or judgment is for more than \$5,000,  
11 giving the practitioner's name, the name of the claimant and the  
12 circumstances of the case.

13 3. These reports are public records and must be made available  
14 for public inspection within a reasonable time after they are received  
15 by the licensing board.

16 **Sec. 89.** NRS 690B.270 is hereby amended to read as follows:

17 690B.270 If an insurer declines to issue to a practitioner  
18 licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or*  
19 *sections 2 to 32, inclusive, of this act* a policy of professional  
20 liability insurance, the insurer shall, upon the request of the  
21 practitioner, disclose to the practitioner the reasons the insurer  
22 declined to issue the policy.

23 **Sec. 90.** NRS 690B.280 is hereby amended to read as follows:

24 690B.280 If an insurer, for a policy of professional liability  
25 insurance for a practitioner licensed pursuant to chapter 630, 631,  
26 632 or 633 of NRS ~~§~~ *or sections 2 to 32, inclusive, of this act*, sets  
27 the premium for the policy for the practitioner at a rate that is higher  
28 than the standard rate of the insurer for the applicable type of policy  
29 and specialty of the practitioner, the insurer shall, upon the request  
30 of the practitioner, disclose the reasons the insurer set the premium  
31 for the policy at the higher rate.

32 **Sec. 91.** NRS 690B.290 is hereby amended to read as follows:

33 690B.290 If an insurer offers to issue a claims-made policy to a  
34 practitioner licensed pursuant to chapter 630, 631, 632 or 633 of  
35 NRS ~~§~~ *or sections 2 to 32, inclusive, of this act*, the insurer shall:

36 1. Offer to issue an extended reporting endorsement to the  
37 practitioner; and

38 2. Disclose to the practitioner the cost formula that the insurer  
39 uses to determine the premium for the extended reporting  
40 endorsement. The cost formula must be based on:

41 (a) An amount that is not more than twice the amount of the  
42 premium for the claims-made policy at the time of the termination  
43 of that policy; and

44 (b) The rates filed by the insurer and approved by the  
45 Commissioner.



1       **Sec. 92.** NRS 690B.300 is hereby amended to read as follows:

2       690B.300 1. Except as otherwise provided in this section, if  
3 an insurer issues a policy of professional liability insurance to a  
4 practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or*  
5 *sections 2 to 32, inclusive, of this act* who delivers one or more  
6 babies per year, the insurer shall not set the premium for the policy  
7 at a rate that is different from the rate set for such a policy issued by  
8 the insurer to any other practitioner licensed pursuant to chapter  
9 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act*  
10 who delivers one or more babies per year if the difference in rates is  
11 based in whole or in part upon the number of babies delivered per  
12 year by the practitioner.

13       2. If an insurer issues a policy of professional liability  
14 insurance to a practitioner licensed pursuant to chapter 630, 632 or  
15 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers  
16 one or more babies per year, the insurer may set the premium for the  
17 policy at a rate that is different, based in whole or in part upon the  
18 number of babies delivered per year by the practitioner, from the  
19 rate set for such a policy issued by the insurer to any other  
20 practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or*  
21 *sections 2 to 32, inclusive, of this act* who delivers one or more  
22 babies per year if the insurer:

23       (a) Bases the difference upon actuarial and loss experience data  
24 available to the insurer; and

25       (b) Obtains the approval of the Commissioner for the difference  
26 in rates.

27       3. The provisions of this section do not prohibit an insurer from  
28 setting the premium for a policy of professional liability insurance  
29 issued to a practitioner licensed pursuant to chapter 630, 632 or 633  
30 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one  
31 or more babies per year at a rate that is different from the rate set for  
32 such a policy issued by the insurer to any other practitioner licensed  
33 pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32,*  
34 *inclusive, of this act* who delivers one or more babies per year if the  
35 difference in rates is based solely upon factors other than the  
36 number of babies delivered per year by the practitioner.

37       **Sec. 93.** NRS 690B.310 is hereby amended to read as follows:

38       690B.310 1. If an agreement settles a claim or action against  
39 a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of  
40 NRS *or sections 2 to 32, inclusive, of this act* for a breach of his or  
41 her professional duty toward a patient, the following terms of the  
42 agreement must not be made confidential:

43       (a) The names of the parties;

44       (b) The date of the incidents or events giving rise to the claim or  
45 action;



1 (c) The nature of the claim or action as set forth in the complaint  
2 and the answer that is filed with the district court; and

3 (d) The effective date of the agreement.

4 2. Any provision of an agreement to settle a claim or action  
5 that conflicts with this section is void.

6 **Sec. 94.** NRS 690B.320 is hereby amended to read as follows:

7 690B.320 1. If an insurer offers to issue a claims-made  
8 policy to a practitioner licensed pursuant to chapters 630 to 640,  
9 inclusive, of NRS *or sections 2 to 32, inclusive, of this act* or who  
10 holds a license or limited license issued pursuant to chapter 653 of  
11 NRS, the insurer shall:

12 (a) Offer to issue to the practitioner an extended reporting  
13 endorsement without a time limitation for reporting a claim.

14 (b) Disclose to the practitioner the premium for the extended  
15 reporting endorsement and the cost formula that the insurer uses to  
16 determine the premium for the extended reporting endorsement.

17 (c) Disclose to the practitioner the portion of the premium  
18 attributable to funding the extended reporting endorsement offered  
19 at no additional cost to the practitioner in the event of the  
20 practitioner's death, disability or retirement, if such a benefit is  
21 offered.

22 (d) Disclose to the practitioner the vesting requirements for the  
23 extended reporting endorsement offered at no additional cost to the  
24 practitioner in the event of the practitioner's death or retirement, if  
25 such a benefit is offered. If such a benefit is not offered, the absence  
26 of such a benefit must be disclosed.

27 (e) Include, as part of the insurance contract, language which  
28 must be approved by the Commissioner and which must be  
29 substantially similar to the following:

30  
31 If we adopt any revision that would broaden the coverage  
32 under this policy without any additional premium either  
33 within the policy period or within 60 days before the policy  
34 period, the broadened coverage will immediately apply to this  
35 policy.  
36

37 2. The disclosures required by subsection 1 must be made as  
38 part of the offer and acceptance at the inception of the policy and  
39 again at each renewal in the form of an endorsement attached to the  
40 insurance contract and approved by the Commissioner.

41 3. The requirements set forth in this section are in addition to  
42 the requirements set forth in NRS 690B.290.

43 **Sec. 95.** NRS 690B.360 is hereby amended to read as follows:

44 690B.360 1. The Commissioner may collect all information  
45 which is pertinent to monitoring whether an insurer that issues



1 professional liability insurance for a practitioner licensed pursuant  
2 to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32,*  
3 *inclusive, of this act* is complying with the applicable standards for  
4 rates established in NRS 686B.010 to 686B.1799, inclusive. Such  
5 information may include, without limitation:

6 (a) The amount of gross premiums collected with regard to each  
7 medical specialty;

8 (b) Information relating to loss ratios; and

9 (c) Information reported pursuant to NRS 679B.430 and  
10 679B.440.

11 2. In addition to the information collected pursuant to  
12 subsection 1, the Commissioner may request any additional  
13 information from an insurer:

14 (a) Whose rates and credit utilization are materially different  
15 from other insurers in the market for professional liability insurance  
16 for a practitioner licensed pursuant to chapter 630, 631, 632 or 633  
17 of NRS *or sections 2 to 32, inclusive, of this act* in this State;

18 (b) Whose credit utilization shows a substantial change from the  
19 previous year; or

20 (c) Whose information collected pursuant to subsection 1  
21 indicates a potentially adverse trend.

22 3. If the Commissioner requests additional information from an  
23 insurer pursuant to subsection 2, the Commissioner may:

24 (a) Determine whether the additional information offers a  
25 reasonable explanation for the results described in paragraph (a), (b)  
26 or (c) of subsection 2; and

27 (b) Take any steps permitted by law that are necessary and  
28 appropriate to assure the ongoing stability of the market for  
29 professional liability insurance for a practitioner licensed pursuant  
30 to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32,*  
31 *inclusive, of this act* in this State.

32 4. On an ongoing basis, the Commissioner may analyze and  
33 evaluate the information collected pursuant to this section to  
34 determine trends in and measure the health of the market for  
35 professional liability insurance for a practitioner licensed pursuant  
36 to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32,*  
37 *inclusive, of this act* in this State.

38 5. If the Commissioner convenes a hearing pursuant to  
39 subsection 1 of NRS 690B.350 and determines that the market for  
40 professional liability insurance issued to any class, type or specialty  
41 of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS  
42 *or sections 2 to 32, inclusive, of this act* is not competitive and that  
43 such insurance is unavailable or unaffordable for a substantial  
44 number of such practitioners, the Commissioner shall prepare and  
45 submit a report of the Commissioner's findings and



1 recommendations to the Director of the Legislative Counsel Bureau  
2 for transmittal to members of the Legislature.

3 **Sec. 96.** NRS 695A.095 is hereby amended to read as follows:

4 695A.095 1. A society shall not charge a provider of health  
5 care a fee to include the name of the provider on a list of providers  
6 of health care given by the society to its insureds.

7 2. A society shall not contract with a provider of health care to  
8 provide health care to an insured unless the society uses the form  
9 prescribed by the Commissioner pursuant to NRS 629.095 to obtain  
10 any information related to the credentials of the provider of health  
11 care.

12 3. A contract between a society and a provider of health care  
13 may be modified:

14 (a) At any time pursuant to a written agreement executed by  
15 both parties.

16 (b) Except as otherwise provided in this paragraph, by the  
17 society upon giving to the provider 45 days' written notice of the  
18 modification of the society's schedule of payments, including any  
19 changes to the fee schedule applicable to the provider's practice. If  
20 the provider fails to object in writing to the modification within the  
21 45-day period, the modification becomes effective at the end of that  
22 period. If the provider objects in writing to the modification within  
23 the 45-day period, the modification must not become effective  
24 unless agreed to by both parties as described in paragraph (a).

25 4. If a society contracts with a provider of health care to  
26 provide health care to an insured, the society shall:

27 (a) If requested by the provider of health care at the time the  
28 contract is made, submit to the provider of health care the schedule  
29 of payments applicable to the provider of health care; or

30 (b) If requested by the provider of health care at any other time,  
31 submit to the provider of health care the schedule of payments,  
32 including any changes to the fee schedule applicable to the  
33 provider's practice, specified in paragraph (a) within 7 days after  
34 receiving the request.

35 5. As used in this section, "provider of health care" means a  
36 provider of health care who is licensed pursuant to chapter 630, 631,  
37 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act.**

38 **Sec. 97.** NRS 695B.035 is hereby amended to read as follows:

39 695B.035 1. A corporation subject to the provisions of this  
40 chapter shall not charge a provider of health care a fee to include the  
41 name of the provider on a list of providers of health care given by  
42 the corporation to its insureds.

43 2. A corporation specified in subsection 1 shall not contract  
44 with a provider of health care to provide health care to an insured  
45 unless the corporation uses the form prescribed by the





1 Commissioner pursuant to NRS 629.095 to obtain any information  
2 related to the credentials of the provider of health care.

3 3. A contract between a corporation specified in subsection 1  
4 and a provider of health care may be modified:

5 (a) At any time pursuant to a written agreement executed by  
6 both parties.

7 (b) Except as otherwise provided in this paragraph, by the  
8 corporation upon giving to the provider 45 days' written notice of  
9 the modification of the corporation's schedule of payments,  
10 including any changes to the fee schedule applicable to the  
11 provider's practice. If the provider fails to object in writing to the  
12 modification within the 45-day period, the modification becomes  
13 effective at the end of that period. If the provider objects in writing  
14 to the modification within the 45-day period, the modification must  
15 not become effective unless agreed to by both parties as described in  
16 paragraph (a).

17 4. If a corporation specified in subsection 1 contracts with a  
18 provider of health care to provide health care to an insured, the  
19 corporation shall:

20 (a) If requested by the provider of health care at the time the  
21 contract is made, submit to the provider of health care the schedule  
22 of payments applicable to the provider of health care; or

23 (b) If requested by the provider of health care at any other time,  
24 submit to the provider of health care the schedule of payments,  
25 including any changes to the fee schedule applicable to the  
26 provider's practice, specified in paragraph (a) within 7 days after  
27 receiving the request.

28 5. As used in this section, "provider of health care" means a  
29 provider of health care who is licensed pursuant to chapter 630, 631,  
30 632 or 633 of NRS ~~or~~ *or sections 2 to 32, inclusive, of this act.*

31 **Sec. 98.** NRS 695C.125 is hereby amended to read as follows:

32 695C.125 1. A health maintenance organization shall not  
33 contract with a provider of health care to provide health care to an  
34 insured unless the health maintenance organization uses the form  
35 prescribed by the Commissioner pursuant to NRS 629.095 to obtain  
36 any information related to the credentials of the provider of health  
37 care.

38 2. A contract between a health maintenance organization and a  
39 provider of health care may be modified:

40 (a) At any time pursuant to a written agreement executed by  
41 both parties.

42 (b) Except as otherwise provided in this paragraph, by the health  
43 maintenance organization upon giving to the provider 45 days'  
44 written notice of the modification of the health maintenance  
45 organization's schedule of payments, including any changes to the



1 fee schedule applicable to the provider's practice. If the provider  
2 fails to object in writing to the modification within the 45-day  
3 period, the modification becomes effective at the end of that period.  
4 If the provider objects in writing to the modification within the 45-  
5 day period, the modification must not become effective unless  
6 agreed to by both parties as described in paragraph (a).

7 3. If a health maintenance organization contracts with a  
8 provider of health care to provide health care to an enrollee, the  
9 health maintenance organization shall:

10 (a) If requested by the provider of health care at the time the  
11 contract is made, submit to the provider of health care the schedule  
12 of payments applicable to the provider of health care; or

13 (b) If requested by the provider of health care at any other time,  
14 submit to the provider of health care the schedule of payments,  
15 including any changes to the fee schedule applicable to the  
16 provider's practice, specified in paragraph (a) within 7 days after  
17 receiving the request.

18 4. As used in this section, "provider of health care" means a  
19 provider of health care who is licensed pursuant to chapter 630, 631,  
20 632 or 633 of NRS ~~H~~ *or sections 2 to 32, inclusive, of this act.*

21 **Sec. 99.** NRS 695G.430 is hereby amended to read as follows:

22 695G.430 1. A managed care organization shall not contract  
23 with a provider of health care to provide health care to an insured  
24 unless the managed care organization uses the form prescribed by  
25 the Commissioner pursuant to NRS 629.095 to obtain any  
26 information related to the credentials of the provider of health care.

27 2. A contract between a managed care organization and a  
28 provider of health care may be modified:

29 (a) At any time pursuant to a written agreement executed by  
30 both parties.

31 (b) Except as otherwise provided in this paragraph, by the  
32 managed care organization upon giving to the provider 45 days'  
33 written notice of the modification of the managed care  
34 organization's schedule of payments, including any changes to the  
35 fee schedule applicable to the provider's practice. If the provider  
36 fails to object in writing to the modification within the 45-day  
37 period, the modification becomes effective at the end of that period.  
38 If the provider objects in writing to the modification within the 45-  
39 day period, the modification must not become effective unless  
40 agreed to by both parties as described in paragraph (a).

41 3. If a managed care organization contracts with a provider of  
42 health care to provide health care services pursuant to chapter 689A,  
43 689B, 689C, 695A, 695B or 695C of NRS, the managed care  
44 organization shall:



1 (a) If requested by the provider of health care at the time the  
2 contract is made, submit to the provider of health care the schedule  
3 of payments applicable to the provider of health care; or

4 (b) If requested by the provider of health care at any other time,  
5 submit to the provider of health care the schedule of payments,  
6 including any changes to the fee schedule applicable to the  
7 provider's practice, specified in paragraph (a) within 7 days after  
8 receiving the request.

9 4. As used in this section, "provider of health care" means a  
10 provider of health care who is licensed pursuant to chapter 630, 631,  
11 632 or 633 of NRS ~~[ ]~~ *or sections 2 to 32, inclusive, of this act.*

12 **Sec. 100.** Section 18 of this act is hereby amended to read as  
13 follows:

14 Sec. 18. 1. The Board shall adopt any regulations  
15 necessary or convenient for carrying out the provisions of this  
16 chapter. Those regulations must include, without limitation:

17 (a) Requirements concerning the approval by the Division  
18 of programs of training for licensed certified professional  
19 midwives and birth assistants, including, without limitation,  
20 the required training and instruction that must be provided by  
21 such a program and the procedure for obtaining such  
22 approval. Those regulations must require that a program for  
23 the training of licensed certified professional midwives be  
24 accredited by the Midwifery Education Accreditation  
25 Council, or its successor organization.

26 (b) Requirements governing the issuance and renewal of a  
27 license as a licensed certified professional midwife,  
28 including, without limitation:

29 (1) The educational qualifications that, ~~[except as~~  
30 ~~otherwise provided in section 19 of this act and]~~ in addition to  
31 the qualifications prescribed by ~~[that]~~ section ~~[ ]~~ *19 of this*  
32 *act*, are necessary to obtain a license pursuant to that section.

33 (2) The period for which a license is valid.

34 (3) A requirement that an applicant for the renewal of  
35 a license must have completed continuing education in  
36 cultural humility or the elimination of racism or bias.

37 (c) The procedure for filing a complaint with the Division  
38 concerning a licensed certified professional midwife or  
39 student midwife.

40 (d) Grounds for the Division to impose disciplinary action  
41 against a licensed certified professional midwife or student  
42 midwife and the procedure by which the Division will impose  
43 such disciplinary action.



1 (e) Requirements governing the reinstatement of a license  
2 that has been revoked, including, without limitation, the  
3 procedure to apply for reinstatement.

4 (f) Regulations governing the ordering, usage and  
5 administration of drugs, vaccines, chemicals, solutions and  
6 devices pursuant to section 26 of this act;

7 (g) Regulations concerning the management by a licensed  
8 certified professional midwife of a client who may have a  
9 condition that puts the client at a moderate or high risk of an  
10 adverse outcome for the client or the fetus or newborn infant  
11 of the client. The regulations must, to the extent practicable,  
12 be guided by current, peer-reviewed scientific research and  
13 must include, without limitation:

14 (1) A list of conditions or symptoms associated with a  
15 risk of serious permanent harm or death to a client or the fetus  
16 or newborn infant of a client;

17 (2) A list of conditions or symptoms associated with a  
18 risk of greater than minimal harm to a client or the fetus or  
19 newborn infant of a client that do not pose a risk of serious  
20 permanent harm or death; and

21 (3) Specific requirements for each condition or  
22 symptom listed pursuant to subparagraphs (1) and (2)  
23 governing:

24 (I) The circumstances under which a licensed  
25 certified professional midwife must arrange for the client to  
26 consult with another provider of health care, co-manage the  
27 care of the client with another provider of health care, refer  
28 primary responsibility for the care of a client to another  
29 provider of health care or transfer the care of the client to a  
30 medical facility, procedures for such consultation, co-  
31 management, referral or transfer and requirements to ensure  
32 that a provider of health care who is consulted, with whom a  
33 client's condition or symptom is co-managed or to whom  
34 primary responsibility for the care of a client is referred is  
35 appropriately qualified; and

36 (II) The information that must be included on the  
37 form for providing informed refusal to consent to  
38 consultation, co-management, referral or transfer pursuant to  
39 section 27 of this act and the management of a client who  
40 provides such informed refusal to consent.

41 (h) Requirements governing the screening of clients in  
42 accordance with chapter 442 of NRS and necessary measures  
43 for the prevention of communicable diseases.



1 (i) Requirements concerning the records of treatment and  
2 outcomes that must be kept by a licensed certified  
3 professional midwife.

4 (j) Any other requirements necessary to optimize  
5 obstetrical and neonatal outcomes for clients of licensed  
6 certified professional midwives.

7 2. The Board may, by regulation, require an applicant  
8 for a license as a licensed certified professional midwife,  
9 including, without limitation, an applicant for a license by  
10 endorsement pursuant to section 20 of this act, to submit to  
11 the Division a complete set of his or her fingerprints and  
12 written permission authorizing the Division to forward the  
13 fingerprints to the Central Repository for Nevada Records of  
14 Criminal History for submission to the Federal Bureau of  
15 Investigation for its report.

16 **Sec. 101.** Section 19 of this act is hereby amended to read as  
17 follows:

18 Sec. 19. *1. An applicant for a license as a licensed*  
19 *certified professional midwife, other than a license by*  
20 *endorsement pursuant to section 20 of this act, must submit to*  
21 *the Division an application pursuant to this section in the*  
22 *form prescribed by the Division. The application must be*  
23 *accompanied by a fee in the amount prescribed by*  
24 *regulation of the State Board of Health pursuant to NRS*  
25 *439.150, which must not exceed \$1,000. The application*  
26 *must include, without limitation, proof that the applicant:*

27 (a) *Is certified as a certified professional midwife by the*  
28 *North American Registry of Midwives, or its successor*  
29 *organization; and*

30 (b) *Has completed any educational requirements*  
31 *prescribed by the Board pursuant to section 18 of this act. ~~for~~*  
32 *~~holds a Midwifery Bridge Certificate issued by the North~~*  
33 *~~American Registry of Midwives, or its successor~~*  
34 *~~organization, and has completed the Portfolio Evaluation~~*  
35 *~~Process prescribed by that organization.]~~*

36 2. *A license as a licensed certified professional midwife*  
37 *may be renewed upon submission to the Division of a*  
38 *renewal application in the form prescribed by the Division.*  
39 *The renewal application must:*

40 (a) *Be accompanied by a renewal fee in the amount*  
41 *prescribed by regulation of the State Board of Health*  
42 *pursuant to NRS 439.150, which must not exceed \$1,000;*  
43 *and*

44 (b) *Include any information required by the regulations*  
45 *adopted by the Board pursuant to section 18 of this act.*



1       **Sec. 102.** Section 23 of this act is hereby amended to read as  
2 follows:

3           Sec. 23. 1. In addition to any other requirements set  
4 forth in this chapter ~~1:~~

5           ~~—(a) An applicant for the issuance of a license as a licensed  
6 certified professional midwife or a permit as a student  
7 midwife in this State shall include the social security number  
8 of the applicant in the application submitted to the Division.~~

9           ~~—(b) An~~ *an* applicant for the issuance of a license as a  
10 licensed certified professional midwife or a permit as a  
11 student midwife in this State shall submit to the Division of  
12 Public and Behavioral Health of the Department of Health  
13 and Human Services the statement prescribed by the Division  
14 of Welfare and Supportive Services of the Department of  
15 Health and Human Services pursuant to NRS 425.520. The  
16 statement must be completed and signed by the applicant.

17           2. The Division of Public and Behavioral Health of the  
18 Department of Health and Human Services shall include the  
19 statement required pursuant to subsection 1 in:

20           (a) The application or any other forms that must be  
21 submitted for the issuance or renewal of the license or permit;  
22 or

23           (b) A separate form prescribed by the Division.

24           3. A license as a licensed certified professional midwife  
25 or a permit as a student midwife may not be issued or  
26 renewed by the Division if the applicant:

27           (a) Fails to submit the statement required pursuant to  
28 subsection 1; or

29           (b) Indicates on the statement submitted pursuant to  
30 subsection 1 that the applicant is subject to a court order for  
31 the support of a child and is not in compliance with the order  
32 or a plan approved by the district attorney or other public  
33 agency enforcing the order for the repayment of the amount  
34 owed pursuant to the order.

35           4. If an applicant indicates on the statement submitted  
36 pursuant to subsection 1 that the applicant is subject to a court  
37 order for the support of a child and is not in compliance with  
38 the order or a plan approved by the district attorney or other  
39 public agency enforcing the order for the repayment of the  
40 amount owed pursuant to the order, the Division shall advise  
41 the applicant to contact the district attorney or other public  
42 agency enforcing the order to determine the actions that the  
43 applicant may take to satisfy the arrearage.

44       **Sec. 103.** Section 27 of this act is hereby amended to read as  
45 follows:



1           Sec. 27. 1. ~~[Except as otherwise provided in~~  
2 ~~subsections 4 and 5, a]~~ A licensed certified professional  
3 midwife ~~[must recommend and, with the consent of the client,~~  
4 ~~arrange for]~~ **who recommends** consultation or co-  
5 management with or referral to a qualified provider of health  
6 care or transfer to an appropriate medical facility ~~[if the~~  
7 ~~licensed certified professional midwife determines that any of~~  
8 ~~the following conditions or symptoms exist:~~

- 9           —(a) ~~Complete placenta previa;~~  
10           —(b) ~~Partial placenta previa after the 27th week of~~  
11 ~~gestation;~~  
12           —(c) ~~Infection with the human immunodeficiency virus;~~  
13           —(d) ~~Cardiovascular disease;~~  
14           —(e) ~~Severe mental illness that may cause the client to~~  
15 ~~cause harm to themselves or others;~~  
16           —(f) ~~Pre-eclampsia or eclampsia;~~  
17           —(g) ~~Fetal growth restriction, oligohydramnios or moderate~~  
18 ~~or severe polyhydramnios in the pregnancy;~~  
19           —(h) ~~Potentially serious anatomic fetal abnormalities;~~  
20           —(i) ~~Diabetes that requires insulin or other medication for~~  
21 ~~management;~~  
22           —(j) ~~Gestational age of greater than 43 weeks; or~~  
23           —(k) ~~Any other condition or symptom which, in the~~  
24 ~~judgment of the licensed certified professional midwife, could~~  
25 ~~threaten the life of the client or the fetus or newborn infant of~~  
26 ~~the client.~~

27           —2. ~~Except as otherwise provided in subsections 4 and 5, a~~  
28 ~~licensed certified professional midwife must recommend and,~~  
29 ~~with the consent of the client, arrange for consultation or co-~~  
30 ~~management with or referral to a qualified provider of health~~  
31 ~~care if the licensed certified professional midwife determines~~  
32 ~~that any of the following conditions or symptoms exist:~~

- 33           —(a) ~~Prior cesarean section or other surgery resulting in a~~  
34 ~~uterine scar;~~  
35           —(b) ~~Multifetal gestation; or~~  
36           —(c) ~~Non-cephalic presentation after 36 weeks of gestation.~~

37           —3. ~~A licensed certified professional midwife who~~  
38 ~~recommends to a client consultation, co-management, referral~~  
39 ~~or transfer]~~ shall document in the record of the client:

- 40           (a) The contents of the recommendation;  
41           (b) The condition or symptom for which the  
42 recommendation was made;  
43           (c) Whether the client consented to the consultation, co-  
44 management, referral or transfer; and



1 (d) If the client provides consent, the name, profession  
2 and specialty of the provider of health care with whom the  
3 licensed certified professional midwife consulted or co-  
4 managed or to whom the client was referred or the medical  
5 facility to which the client was transferred.

6 ~~[4.]~~ 2. A client may provide informed refusal to consent  
7 to consultation, co-management, referral or transfer in writing  
8 on a form prescribed by the Division. If a client provides  
9 informed refusal to consent to ~~f~~

10 ~~—(a) Consultation,~~ **consultation**, co-management, referral  
11 or transfer after the licensed certified professional midwife  
12 has determined that a condition or symptom ~~[described in~~  
13 ~~subsection 1]~~ exists ~~[, the]~~ **for which consultation, co-**  
14 **management, referral or transfer is required by the**  
15 **regulations adopted pursuant to section 18 of this act:**

16 (a) **The** licensed certified professional midwife must  
17 ~~[attempt to locate a qualified provider of health care for~~  
18 ~~which the client consents to consultation, co-management or~~  
19 ~~referral or an appropriate medical facility for which the client~~  
20 ~~consents to transfer. If the licensed certified professional~~  
21 ~~midwife is unable to locate such a provider of health care~~  
22 ~~who is willing to consult, co-manage or accept the referral or~~  
23 ~~such a medical facility which is willing to accept the transfer,~~  
24 ~~the licensed certified professional midwife is]~~ **take any action**  
25 **required by those regulations;**

26 (b) **If the condition or symptom threatens the life or**  
27 **health of the client, the fetus or the newborn child during**  
28 **labor or delivery, the licensed certified professional midwife**  
29 **must call 911 and provide care until relieved by a qualified**  
30 **provider of health care; and**

31 (c) **If the licensed certified professional midwife**  
32 **complies with paragraphs (a) and (b), he or she is** not liable  
33 for any damages resulting from the failure to consult, co-  
34 manage, refer or transfer. ~~[If the condition or symptom~~  
35 ~~threatens the life or health of the client or the fetus or the~~  
36 ~~newborn infant of the client during labor or delivery, the~~  
37 ~~licensed certified professional midwife must call 911 and~~  
38 ~~provide care until relieved by a qualified provider of health~~  
39 ~~care.~~

40 ~~—(b) Consultation, co-management or referral after the~~  
41 ~~licensed certified professional midwife has determined that a~~  
42 ~~condition or symptom described in subsection 2 exists, the~~  
43 ~~licensed certified professional midwife:~~





1 ~~— (1) May continue to serve as the primary provider of~~  
2 ~~health care for the client until the client provides such~~  
3 ~~consent; and~~

4 ~~— (2) Is not liable for any damages resulting from the~~  
5 ~~failure to consult, co-manage or refer.~~

6 ~~— 5.] 3.~~ If, after determining that a condition or symptom  
7 ~~[described in:~~

8 ~~— (a) Subsection 1]~~ exists *for which consultation, co-*  
9 *management, referral or transfer is required by the*  
10 *regulations adopted pursuant to section 18 of this act* and  
11 making a reasonable effort to ~~[arrange for consultation with,~~  
12 ~~co-management of the condition or symptom with or referral~~  
13 ~~of the client to a qualified provider of health care or the~~  
14 ~~transfer of the client to an appropriate medical facility,]~~  
15 *comply with those regulations,* a licensed certified  
16 professional midwife is unable to locate a qualified provider  
17 of health care who is willing to consult, co-manage or accept  
18 the referral or an appropriate medical facility willing to  
19 accept the transfer, the licensed certified professional midwife  
20 shall be deemed to be in compliance with the requirements of  
21 ~~[this section]~~ *those regulations* and is not liable for any  
22 damages resulting from the inability of the licensed certified  
23 professional midwife to consult, co-manage, refer or transfer.  
24 If the condition or symptom threatens the life or health of the  
25 client or the fetus or newborn infant of the client during labor  
26 or delivery, the licensed certified professional midwife must  
27 call 911 and provide care until relieved by a qualified  
28 provider of health care.

29 ~~[(b) Subsection 2 exists and making a reasonable effort to~~  
30 ~~arrange for consultation with, co-management of the~~  
31 ~~condition or symptom with or referral of the client to a~~  
32 ~~qualified provider of health care, a licensed certified~~  
33 ~~professional midwife is unable to locate a qualified provider~~  
34 ~~of health care who is willing to consult, co-manage or accept~~  
35 ~~the referral, the licensed certified professional midwife shall~~  
36 ~~be deemed to be in compliance with the requirements of this~~  
37 ~~section and is not liable for any damages resulting from the~~  
38 ~~inability of the licensed certified professional midwife to~~  
39 ~~arrange for consultation, co-manage or refer.~~

40 ~~— 6.] 4.~~ A provider of health care who is not a licensed  
41 certified professional midwife is not liable for any damages  
42 resulting from any act or omission of a licensed certified  
43 professional midwife and is not required to adhere to any  
44 standards of care governing the practice of midwifery. Such a  
45 provider of health care is only liable for the damages resulting



1 from his or her own acts or omissions in accordance with the  
2 standards of care governing his or her profession.

3 **Sec. 104.** As soon as practicable on or after the effective date  
4 of this section, but not later than 6 months after receiving the  
5 recommendations of the Transfer Guidelines Working Group  
6 created pursuant to section 105 of this act, the Board of Licensed  
7 Certified Professional Midwives created by section 16 of this act  
8 shall adopt the regulations required by paragraph (g) of subsection 1  
9 of section 18 of this act. In adopting the regulations, the Board shall  
10 consider the measures necessary to minimize the likelihood of  
11 serious harm to the client and the fetus or newborn infant of the  
12 client.

13 **Sec. 105.** 1. The Transfer Guidelines Working Group is  
14 hereby created.

15 2. The Administrator of the Division of Public and Behavioral  
16 Health of the Department of Health and Human Services shall  
17 appoint to the Working Group:

18 (a) One voting member who is a physician who practices in the  
19 area of obstetrics or a certified nurse-midwife in Northern Nevada;

20 (b) One voting member who is a physician who practices in the  
21 area of obstetrics or a certified nurse-midwife in Southern Nevada;

22 (c) One voting member who is a nurse manager of a labor and  
23 delivery ward or a registered nurse with similar duties who is  
24 responsible for coordinating transfers of pregnant women from a  
25 home or birth center to a hospital and who practices in Northern  
26 Nevada;

27 (d) One voting member who is a nurse manager of a labor and  
28 delivery ward or a registered nurse with similar duties who is  
29 responsible for coordinating transfers of pregnant women from a  
30 home or birth center to a hospital and who practices in Southern  
31 Nevada;

32 (e) One voting member who represents a provider of emergency  
33 medical services in Northern Nevada;

34 (f) One voting member who represents a provider of emergency  
35 medical services in Southern Nevada; and

36 (g) One nonvoting member to serve as a liaison with the State  
37 Board of Health.

38 3. The Nevada Chapter of the National Association of Certified  
39 Professional Midwives, or its successor organization, shall appoint  
40 to the Working Group four voting members who are midwives who  
41 practice in Nevada. To the extent practicable, two of those members  
42 must practice in Northern Nevada and two of those members must  
43 practice in Southern Nevada.



1 4. The Nevada Hospital Association, or its successor  
2 organization, may appoint to the Working Group one member who  
3 is a representative of that organization.

4 5. A vacancy on the Working Group must be filled in the same  
5 manner as the initial appointment.

6 6. Members of the Working Group serve without compensation  
7 and are not entitled to receive the per diem allowance and travel  
8 expenses provided for state officers and employees generally.

9 7. A member of the Working Group who is an officer or  
10 employee of this State or a political subdivision of this State must be  
11 relieved from his or her duties without loss of regular compensation  
12 to prepare for and attend meetings of the Working Group and  
13 perform any work necessary to carry out the duties of the Working  
14 Group in the most timely manner practicable. A state agency or  
15 political subdivision of this State shall not require an officer or  
16 employee who is a member of the Working Group to:

17 (a) Make up the time he or she is absent from work to carry out  
18 his or her duties as a member of the Working Group; or

19 (b) Take annual leave or compensatory time for the absence.

20 8. The Working Group may divide into one subcommittee of  
21 members from Northern Nevada and one subcommittee of members  
22 from Southern Nevada.

23 9. A majority of the voting members of the Working Group or  
24 a subcommittee thereof constitutes a quorum for the transaction of  
25 business, and a majority of a quorum present at any meeting is  
26 sufficient for any official action taken by the Working Group or a  
27 subcommittee thereof.

28 10. The Working Group and each subcommittee thereof shall:

29 (a) At its first meeting and annually thereafter, elect a Chair  
30 from among its members; and

31 (b) Meet at the call of the Chair.

32 11. Not later than July 1, 2022, the Working Group or, if the  
33 Working Group divides into subcommittees pursuant to subsection  
34 8, each subcommittee of the Working Group, shall make  
35 recommendations to the Board of Licensed Certified Professional  
36 Midwives created by section 16 of this act concerning the  
37 regulations required by paragraph (g) of subsection 1 of section 18  
38 of this act governing the transfer of the client of a licensed certified  
39 professional midwife to a medical facility. Those recommendations  
40 must, to the extent practicable, be guided upon peer-reviewed  
41 scientific evidence and widely accepted best practices and include,  
42 without limitation, provisions for the transmission of all information  
43 necessary for the care of the client from the licensed certified  
44 professional midwife to the medical facility. The Working Group



1 ceases to exist upon submission of those recommendations unless  
2 the Board requests that the Working Group continue to meet.

3 12. As used in this section:

4 (a) "Certified nurse-midwife" means an advanced practice  
5 registered nurse who is certified as a nurse-midwife by the  
6 American Midwifery Certification Board, or its successor  
7 organization.

8 (b) "Medical facility" has the meaning ascribed to it in NRS  
9 449.0151.

10 (c) "Midwife" means a person who is certified as a certified  
11 professional midwife by the North American Registry of Midwives.

12 (d) "Northern Nevada" means Carson City and the counties of  
13 Churchill, Elko, Eureka, Douglas, Humboldt, Lander, Lyon,  
14 Pershing, Storey, Washoe and White Pine.

15 (e) "Southern Nevada" means the counties of Clark, Esmeralda,  
16 Lincoln, Mineral and Nye.

17 **Sec. 106.** 1. Notwithstanding any provision of this act to the  
18 contrary, any person who is engaging in the practice of midwifery  
19 as:

20 (a) A midwife on or before January 1, 2022, may continue to do  
21 so until July 1, 2022, without complying with the requirements of  
22 subsection 2 of section 15 of this act or obtaining a license as a  
23 licensed certified professional midwife.

24 (b) A student midwife under the supervision of a preceptor  
25 described in paragraph (a) on or before January 1, 2022, may  
26 continue to do so until July 1, 2022, without complying with the  
27 requirements of subsection 2 of section 15 of this act or obtaining a  
28 permit as a student midwife pursuant to section 21 of this act.

29 2. Notwithstanding the provisions of section 16 of this act, on  
30 or before July 1, 2022, the Administrator of the Division of Public  
31 and Behavioral Health of the Department of Health and Human  
32 Services may appoint to the Board of Licensed Certified  
33 Professional Midwives created by that section four members  
34 pursuant to paragraph (a) of subsection 2 of that section who are not  
35 licensed pursuant to section 19 or 20 of this act and are certified as  
36 midwives by the North American Registry of Midwives, or its  
37 successor organization. If such a member is not licensed as a  
38 midwife pursuant to section 19 or 20 of this act on July 1, 2022:

39 (a) His or her term ends on that date; and

40 (b) The Administrator shall appoint a person who is so licensed  
41 to fill the vacancy.

42 **Sec. 107.** 1. This section and sections 104 and 105 of this act  
43 become effective upon passage and approval.



1 2. Sections 1 to 99, inclusive, and 106 of this act become  
2 effective:

3 (a) Upon passage and approval for the purpose of appointing the  
4 members of the Board of Licensed Certified Professional Midwives,  
5 adopting any regulations and performing any other preparatory  
6 administrative tasks that are necessary to carry out the provisions of  
7 this act; and

8 (b) On January 1, 2022, for all other purposes.

9 3. Sections 100 and 101 of this act become effective on  
10 January 1, 2024.

11 4. Section 102 of this act becomes effective on the date on  
12 which the provisions of 42 U.S.C. § 666 requiring each state to  
13 establish procedures under which the state has authority to withhold  
14 or suspend, or to restrict the use of professional, occupational and  
15 recreational licenses of persons who:

16 (a) Have failed to comply with a subpoena or warrant relating to  
17 a proceeding to determine the paternity of a child or to establish or  
18 enforce an obligation for the support of a child; or

19 (b) Are in arrears in the payment for the support of one or more  
20 children,

21 ➤ are repealed by the Congress of the United States.

22 5. Section 103 of this act becomes effective on the date on  
23 which the regulations described in section 104 of this act become  
24 effective.

25 6. Section 33 of this act expires by limitation on the date on  
26 which the provisions of 42 U.S.C. § 666 requiring each state to  
27 establish procedures under which the state has authority to withhold  
28 or suspend, or to restrict the use of professional, occupational and  
29 recreational licenses of persons who:

30 (a) Have failed to comply with a subpoena or warrant relating to  
31 a proceeding to determine the paternity of a child or to establish or  
32 enforce an obligation for the support of a child; or

33 (b) Are in arrears in the payment for the support of one or more  
34 children,

35 ➤ are repealed by the Congress of the United States.

36 7. Sections 23, 29 and 102 of this act expire by limitation on  
37 the date 2 years after the date on which the provisions of 42 U.S.C.  
38 § 666 requiring each state to establish procedures under which the  
39 state has authority to withhold or suspend, or to restrict the use of  
40 professional, occupational and recreational licenses of persons who:

41 (a) Have failed to comply with a subpoena or warrant relating to  
42 a proceeding to determine the paternity of a child or to establish or  
43 enforce an obligation for the support of a child; or



1 (b) Are in arrears in the payment for the support of one or more  
2 children,  
3 ➔ are repealed by the Congress of the United States.

Ⓢ

