

(Reprinted with amendments adopted on April 20, 2021)

FIRST REPRINT

A.B. 387

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

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.

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 certified professional midwife student midwives; authorizing a licensed certified professional midwife to utilize a certified professional midwife birth assistant under certain circumstances; prescribing requirements relating to the practice of certified professional midwifery; requiring all types of midwives practicing in this State to provide to clients a Community Birth Disclosure; 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 certified professional midwifery. **Section 15** of this bill exempts
10 other providers of health care from requirements governing the licensure and
11 regulation of licensed certified professional midwives. **Sections 36, 38, 39 and 42-**
12 **44** of this bill similarly exempt licensed certified professional midwives and
13 certified professional midwife student midwives from provisions governing certain
14 other providers of health care. Licensed certified professional midwives and
15 certified professional midwife student midwives would also be exempt from
16 provisions governing allopathic physicians. (NRS 630.047)

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

31 **Sections 19, 20 and 21** of this bill prescribe the requirements for the issuance
32 of a license as a licensed certified professional midwife, a license by endorsement
33 as a licensed certified professional midwife and a permit as a certified professional
34 midwife student midwife, respectively. **Section 101** of this bill revises the
35 requirements for the issuance of a license as a licensed certified professional
36 midwife on January 1, 2025, and **section 100** of this bill removes a reference to a
37 provision removed by **section 101**. **Section 22** of this bill: (1) authorizes a licensed
38 certified professional midwife to utilize a certified professional midwife birth
39 assistant to perform certain simple, routine medical tasks; and (2) prescribes the
40 required training for a certified professional midwife birth assistant.

41 Existing federal law requires each state to adopt procedures to ensure that
42 applicants for certain licenses and certificates comply with child support
43 obligations. (42 U.S.C. § 666) **Sections 23 and 29** of this bill enact such procedures
44 as applicable to an applicant for a license as a licensed certified professional
45 midwife or a permit as a certified professional midwife student midwife in order to
46 comply with federal law. **Sections 102 and 107** of this bill remove a requirement
47 that an application for a license as a licensed certified professional midwife or a
48 permit as a certified professional midwife student midwife include the social
49 security number of the applicant on the date that those federal requirements are
50 repealed, while leaving in place the other requirements of **sections 23 and 29** until
51 2 years after that date. **Section 33** of this bill makes a conforming change to address
52 applicants for licensure who do not have a social security number.

53 **Section 24** of this bill prescribes the authorized activities of a certified
54 professional midwife student midwife and requirements governing the supervision



55 of a certified professional midwife student midwife by a preceptor. **Section 25** of
56 this bill requires any midwife who provides birthing services in this State to provide
57 to a client a Community Birth Disclosure that contains certain information. **Section**
58 **25** additionally requires the Board to create this Community Birth Disclosure in
59 collaboration with all types of midwives who provide birthing services in this State.
60 **Section 25** further requires a licensed certified professional midwife to obtain
61 informed consent from each client before providing services.

62 Existing law authorizes only certain practitioners who are licensed in this State
63 and registered with the State Board of Pharmacy to prescribe drugs and devices.
64 (NRS 639.235, 639.23505) **Sections 26, 40, 41 and 76** of this bill authorize a
65 licensed certified professional midwife to: (1) order, possess and administer certain
66 drugs, devices, chemicals and solutions; and (2) order certain devices and vaccines
67 for a client. **Sections 22, 24 and 77** of this bill authorize a certified professional
68 midwife birth assistant or certified professional midwife student midwife to
69 administer certain drugs, devices, chemicals and solutions under the direct
70 supervision of a licensed certified professional midwife.

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

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

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

90 **Section 57** of this bill makes a conforming change to clarify that confidential
91 records of the Division are not public records. **Section 31** of this bill makes it a
92 misdemeanor for a person who does not hold a license as a licensed certified
93 professional midwife or a permit as a certified professional midwife student
94 midwife to represent that he or she is licensed to engage in the practice of certified
95 professional midwifery. **Section 31** allows a person to represent that he or she is
96 licensed or permitted to engage in the practice of certified professional midwifery if
97 the person is licensed or permitted in another district, state or territory of the United
98 States and the person discloses that license or permit to the public. **Section 31** also
99 makes it a misdemeanor for a certified professional midwife student midwife to
100 represent that he or she is qualified to engage in the practice of certified
101 professional midwifery without supervision. **Section 31** authorizes the Division to,
102 when it has reason to believe or has received complaints that a person has
103 repeatedly violated **section 31**, certify the facts to the Attorney General or other
104 appropriate law enforcement officer who may, in his or her discretion, cause
105 appropriate proceedings to be brought. **Section 32** of this bill authorizes the
106 Division or the Attorney General to seek an injunction against any person violating
107 any provision of **sections 2-32**.

108 Existing law defines the term "provider of health care" as a person who
109 practices any of certain professions related to the provision of health care.



110 (NRS 629.031) Existing law imposes certain requirements upon providers of health
 111 care, including requirements for billing, standards for advertisements and criminal
 112 penalties for acquiring certain debts. (NRS 629.071, 629.076, 629.078) **Section 35**
 113 of this bill includes licensed certified professional midwives in the definition of
 114 "provider of health care," thereby subjecting licensed certified professional
 115 midwives to those requirements. **Section 75** of this bill makes a conforming change
 116 to clarify that licensed certified professional midwives are providers of health care.
 117 **Section 37** of this bill requires a licensed certified professional midwife to report
 118 misconduct by a person licensed or certified by the State Board of Nursing to the
 119 Executive Director of the Board.

120 **Sections 48 and 49** of this bill provide that a licensed certified professional
 121 midwife is not liable for civil damages resulting from providing emergency care or
 122 gratuitous care to an indigent person under certain circumstances. **Section 70** of this
 123 bill requires a licensed certified professional midwife who attends a birth that
 124 occurs outside a hospital which is not also attended by a physician or advanced
 125 practice registered nurse to prepare a birth certificate. **Section 71** of this bill
 126 provides for the imposition of a fine upon a person who furnishes false information
 127 to a licensed certified professional midwife for the purpose of making incorrect
 128 certification of births or deaths.

129 Existing law provides that, in any civil action concerning any unwelcome or
 130 nonconsensual sexual conduct, there is a rebuttable presumption that the sexual
 131 conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in
 132 a position of authority over the alleged victim. (NRS 41.138) **Section 47** of this bill
 133 provides that a licensed certified professional midwife, certified professional
 134 midwife student midwife or certified professional midwife birth assistant is a
 135 person of authority for that purpose.

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

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 4 to 14,*
 6 *inclusive, of this act have the meanings ascribed to them in those*
 7 *sections.*

8 **Sec. 3.** (Deleted by amendment.)

9 **Sec. 4.** *"Board" means the Board of Licensed Certified*
 10 *Professional Midwives created by section 16 of this act.*

11 **Sec. 5.** *"Certified nurse-midwife" means a person who is:*

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



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

3 **Sec. 5.3.** *“Certified professional midwife birth assistant”*
4 *means a person who performs routine medical tasks and*
5 *procedures under the direct supervision of a licensed certified*
6 *professional midwife.*

7 **Sec. 5.7.** *“Certified professional midwife student midwife”*
8 *means a person who holds a permit as a certified professional*
9 *midwife student midwife issued pursuant to section 21 of this act.*

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

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

17 **Sec. 8.** *“Division” means the Division of Public and*
18 *Behavioral Health of the Department of Health and Human*
19 *Services.*

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

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

25 **Sec. 11.** *“Practice of certified professional midwifery” means*
26 *the provision of autonomous care to healthy clients who are at low*
27 *risk of developing complications before conception, while*
28 *pregnant and during the postpartum period and to newborn*
29 *infants for up to 6 weeks after childbirth. The term includes,*
30 *without limitation, co-management of the care of a client with a*
31 *qualified provider of health care.*

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

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

37 **Sec. 14.** (Deleted by amendment.)

38 **Sec. 15. 1.** *Except as otherwise provided in this section and*
39 *sections 22 and 27 of this act, the provisions of this chapter do not*
40 *apply to a person who holds a license, certificate or other*
41 *credential issued pursuant to chapters 630 to 641C, inclusive, of*
42 *NRS and is practicing within the scope of authority authorized by*
43 *that license, certificate or other credential. For the purposes of*
44 *this subsection, a certified nurse-midwife shall be deemed to be*



1 *practicing within the scope of authority authorized by his or her*
2 *license as an advanced practice registered nurse.*

3 2. *This chapter does not prohibit:*

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

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

6 **Sec. 16.** 1. *The Board of Licensed Certified Professional*
7 *Midwives is hereby created.*

8 2. *The Administrator of the Division shall appoint to the*
9 *Board:*

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

12 (b) *One voting member who is an advanced practice registered*
13 *nurse, certified nurse-midwife or physician currently practicing in*
14 *the area of obstetrics in this State and who has experience*
15 *working in a home setting;*

16 (c) *One voting member who is a provider of health care, other*
17 *than a provider of health care described in paragraph (a) or (b),*
18 *who is currently providing neonatal care in this State;*

19 (d) *Two voting members who are representatives of the general*
20 *public and who have received care from a certified nurse-midwife;*
21 *and*

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

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

25 4. *The Administrator of the Division:*

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

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

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

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

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

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

40 7. *Except as otherwise provided in this subsection, members*
41 *of the Board serve without compensation. The State Board of*
42 *Health may, by regulation, provide for compensation of the*
43 *members of the Board.*

44 **Sec. 17.** 1. *A majority of the voting members of the Board*
45 *constitutes a quorum for the transaction of business, and a*



1 majority of a quorum present at any meeting is sufficient for any
2 official action taken by the Board.

3 2. The Board shall:

4 (a) At its first meeting and annually thereafter, elect a Chair
5 from among its members;

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

7 (c) Recommend to the Legislature any statutory changes to
8 improve the practice of certified professional midwifery in this
9 State.

10 3. To the extent practicable, any advice or recommendations
11 made by the Board concerning the practice of certified
12 professional midwifery must be guided by current, peer-reviewed
13 scientific research.

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 of
18 programs of training for licensed certified professional midwives
19 and certified professional midwife birth assistants, including,
20 without limitation, the required training and instruction that must
21 be provided by such a program and the procedure for obtaining
22 such approval.

23 (b) Requirements governing the issuance and renewal of a
24 license as a licensed certified professional midwife, including,
25 without limitation:

26 (1) The educational qualifications that, except as otherwise
27 provided in section 19 of this act and in addition to the
28 qualifications prescribed by that section, are necessary to obtain a
29 license pursuant to that section.

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

31 (3) A requirement that an applicant for the renewal of a
32 license must have completed continuing education in cultural
33 humility or the elimination of racism or bias.

34 (c) The procedure for filing a complaint with the Division
35 concerning a licensed certified professional midwife or certified
36 professional midwife student midwife.

37 (d) Grounds for the Division to impose disciplinary action
38 against a licensed certified professional midwife or certified
39 professional midwife student midwife and the procedure by which
40 the Division will impose such disciplinary action.

41 (e) Requirements governing the reinstatement of a license that
42 has been revoked, including, without limitation, the procedure to
43 apply for reinstatement.



1 (f) Regulations governing the ordering, usage and
2 administration of drugs, vaccines, chemicals, solutions and
3 devices pursuant to section 26 of this act.

4 (g) Regulations concerning the management by a licensed
5 certified professional midwife of a client who may have a
6 condition that puts the client at a moderate or high risk of an
7 adverse outcome for the client or the fetus or newborn infant of
8 the client. The regulations must, to the extent practicable, be
9 guided by current, peer-reviewed scientific research and must
10 include, without limitation:

11 (1) A list of conditions or symptoms associated with a risk
12 of serious permanent harm or death to a client or the fetus or
13 newborn infant of a client;

14 (2) A list of conditions or symptoms associated with a risk
15 of greater than minimal harm to a client or the fetus or newborn
16 infant of a client that do not pose a risk of serious permanent
17 harm or death; and

18 (3) Specific requirements for each condition or symptom
19 listed pursuant to subparagraphs (1) and (2) governing:

20 (I) The circumstances under which a licensed certified
21 professional midwife must arrange for the client to consult with
22 another provider of health care, co-manage the care of the client
23 with another provider of health care, refer primary responsibility
24 for the care of a client to another provider of health care or
25 transfer the care of the client to a medical facility, procedures for
26 such consultation, co-management, referral or transfer and
27 requirements to ensure that a provider of health care who is
28 consulted, with whom a client's condition or symptom is co-
29 managed or to whom primary responsibility for the care of a client
30 is referred is appropriately qualified; and

31 (II) The information that must be included on the form
32 for providing informed refusal to consent to consultation, co-
33 management, referral or transfer pursuant to section 27 of this act
34 and the management of a client who provides such informed
35 refusal to consent.

36 (h) Requirements governing the screening of clients in
37 accordance with chapter 442 of NRS and necessary measures for
38 the prevention of communicable diseases.

39 (i) Requirements concerning the records of treatment and
40 outcomes that must be kept by a licensed certified professional
41 midwife.

42 (j) Any other requirements necessary to optimize obstetrical
43 and neonatal outcomes for clients of licensed certified
44 professional midwives.



1 2. *The Board may, by regulation, require an applicant for a*
2 *license as a licensed certified professional midwife, including,*
3 *without limitation, an applicant for a license by endorsement*
4 *pursuant to section 20 of this act, to submit to the Division a*
5 *complete set of his or her fingerprints and written permission*
6 *authorizing the Division to forward the fingerprints to the Central*
7 *Repository for Nevada Records of Criminal History for submission*
8 *to the Federal Bureau of Investigation for its report.*

9 **Sec. 19.** *1. An applicant for a license as a licensed certified*
10 *professional midwife, other than a license by endorsement*
11 *pursuant to section 20 of this act, must submit to the Division an*
12 *application pursuant to this section in the form prescribed by the*
13 *Division. The application must be accompanied by a fee in the*
14 *amount prescribed by regulation of the State Board of Health*
15 *pursuant to NRS 439.150, which must not exceed \$1,000. The*
16 *application must include, without limitation, proof that the*
17 *applicant is certified as a midwife by the North American Registry*
18 *of Midwives, or its successor organization, and:*

19 *(a) Has completed an educational program accredited by the*
20 *Midwifery Education Accreditation Council, or its successor*
21 *organization; or*

22 *(b) Holds a Midwifery Bridge Certificate issued by the North*
23 *American Registry of Midwives, or its successor organization, and*
24 *has completed the Portfolio Evaluation Process prescribed by that*
25 *organization.*

26 2. *A license as a licensed certified professional midwife may*
27 *be renewed upon submission to the Division of a renewal*
28 *application in the form prescribed by the Division. The renewal*
29 *application must:*

30 *(a) Be accompanied by a renewal fee in the amount prescribed*
31 *by regulation of the State Board of Health pursuant to NRS*
32 *439.150, which must not exceed \$1,000; and*

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

35 3. *The State Board of Health shall establish by regulation a*
36 *procedure through which:*

37 *(a) An applicant may petition the State Board to reduce the*
38 *fees imposed pursuant to this section. An applicant may qualify*
39 *for such a reduction if the applicant demonstrates, to the*
40 *satisfaction of the State Board, that the fees imposed pursuant to*
41 *this section are an economic hardship on the applicant.*

42 *(b) The State Board allocates a portion of the fees imposed and*
43 *collected pursuant to this section to programs that promote*
44 *applicants from marginalized identities through increasing the*



1 *numbers of such applicants and reducing barriers that such*
2 *applicants face.*

3 4. *As used in this section, "marginalized identity" means an*
4 *identity or expression that causes or has historically caused a*
5 *person of such identity or expression to be disproportionately*
6 *discriminated against, harassed or otherwise negatively treated or*
7 *affected as a result of the identity or expression.*

8 **Sec. 20. 1.** *The Division shall issue a license by*
9 *endorsement as a licensed certified professional midwife to an*
10 *applicant who meets the requirements set forth in this section. An*
11 *applicant may submit to the Division an application for such a*
12 *license if the applicant holds a corresponding valid and*
13 *unrestricted license as a licensed certified professional midwife in*
14 *the District of Columbia or any state or territory of the United*
15 *States.*

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

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

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

20 (2) *Has not been disciplined or investigated by the*
21 *corresponding regulatory authority of the District of Columbia or*
22 *any state or territory in which the applicant currently holds or has*
23 *held a license as a licensed certified professional midwife or any*
24 *other type of midwife;*

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

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

31 (5) *Holds a Midwifery Bridge Certificate issued by the*
32 *North American Registry of Midwives, or its successor*
33 *organization, and has completed the Portfolio Evaluation Process*
34 *prescribed by that organization or meets the educational*
35 *requirements prescribed by the Board pursuant to section 18 of*
36 *this act;*

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

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

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

42 3. *Not later than 15 business days after receiving an*
43 *application for a license by endorsement as a licensed certified*
44 *professional midwife pursuant to this section, the Division shall*
45 *provide written notice to the applicant of any additional*



1 *information required by the Division to consider the application.*
2 *Unless the Division denies the application for good cause, the*
3 *Division shall approve the application and issue a license by*
4 *endorsement as a licensed certified professional midwife to the*
5 *applicant not later than:*

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

7 (b) *If the Board requires the applicant to submit his or her*
8 *fingerprints pursuant to section 18 of this act, 10 days after the*
9 *Board receives a report on the applicant's background based on*
10 *the submission of the applicant's fingerprints,*

11 *↪ whichever occurs later.*

12 **Sec. 21.** 1. *An applicant for a permit as a certified*
13 *professional midwife student midwife must submit to the Division*
14 *an application in the form prescribed by the Division. The*
15 *application must be accompanied by a fee of \$100 and must*
16 *include, without limitation:*

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

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

23 2. *A permit as a certified professional midwife student*
24 *midwife is valid for 2 years after the date of issuance and may be*
25 *renewed upon submission to the Division of:*

26 (a) *A renewal application in the form prescribed by the*
27 *Division; and*

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

29 3. *Upon approving an application for the issuance or renewal*
30 *of a permit as a certified professional midwife student midwife, the*
31 *Division shall provide to the applicant a written copy of the*
32 *provisions of section 24 of this act and any regulations adopted*
33 *pursuant to section 18 of this act that apply to certified*
34 *professional midwife student midwives.*

35 **Sec. 22.** 1. *A licensed certified professional midwife may*
36 *utilize a certified professional midwife birth assistant to perform*
37 *the tasks and procedures authorized by subsection 3. Except as*
38 *otherwise provided in subsection 2, a certified professional*
39 *midwife birth assistant, including, without limitation, a provider of*
40 *health care serving as a certified professional midwife birth*
41 *assistant, must:*

42 (a) *Be at least 18 years of age;*

43 (b) *Have completed the training for certified professional*
44 *midwife birth assistants approved by the Division;*



1 (c) *Have completed training in cultural humility or the*
2 *elimination of racism or bias;*

3 (d) *Hold current certification in the techniques of*
4 *administering neonatal resuscitation issued by an instructor*
5 *certified by the American Academy of Pediatrics, or its successor*
6 *organization; and*

7 (e) *Hold current certification in the techniques of*
8 *administering cardiopulmonary resuscitation.*

9 2. *A certified professional midwife birth assistant who is a*
10 *licensed certified professional midwife or who is a certified nurse-*
11 *midwife is not required to possess the qualifications set forth in*
12 *subsection 1.*

13 3. *A certified professional midwife birth assistant may*
14 *perform routine clinical tasks and procedures under the direct*
15 *supervision of a licensed certified professional midwife who is*
16 *present on the premises and able to intervene if necessary. Such*
17 *tasks include, without limitation:*

18 (a) *Administering medications, including, without limitation*
19 *and to the extent applicable, any medication described in*
20 *subsection 2 of section 26 of this act, intradermally,*
21 *subcutaneously and intramuscularly and performing skin tests;*

22 (b) *Providing medication, including, without limitation and to*
23 *the extent applicable, any medication described in subsection 2 of*
24 *section 26 of this act, to a patient to self-administer orally,*
25 *sublingually, topically or rectally;*

26 (c) *Administering oxygen;*

27 (d) *Assisting in the care of a newborn infant immediately after*
28 *birth;*

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

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

32 (g) *Performing cardiopulmonary or neonatal resuscitation;*
33 *and*

34 (h) *Checking vital signs.*

35 4. *A certified professional midwife birth assistant shall not*
36 *assess clinical information or make clinical decisions.*

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

39 (a) *An applicant for the issuance of a license as a licensed*
40 *certified professional midwife or a permit as a certified*
41 *professional midwife student midwife in this State shall include*
42 *the social security number of the applicant in the application*
43 *submitted to the Division.*

44 (b) *An applicant for the issuance of a license as a licensed*
45 *certified professional midwife or a permit as a certified*



1 *professional midwife student midwife in this State shall submit to*
2 *the Division of Public and Behavioral Health of the Department of*
3 *Health and Human Services the statement prescribed by the*
4 *Division of Welfare and Supportive Services of the Department of*
5 *Health and Human Services pursuant to NRS 425.520. The*
6 *statement must be completed and signed by the applicant.*

7 2. *The Division of Public and Behavioral Health of the*
8 *Department of Health and Human Services shall include the*
9 *statement required pursuant to subsection 1 in:*

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

12 (b) *A separate form prescribed by the Division.*

13 3. *A license as a licensed certified professional midwife or a*
14 *permit as a certified professional midwife student midwife may not*
15 *be issued or renewed by the Division if the applicant:*

16 (a) *Fails to submit the statement required pursuant to*
17 *subsection 1; or*

18 (b) *Indicates on the statement submitted pursuant to*
19 *subsection 1 that the applicant is subject to a court order for the*
20 *support of a child and is not in compliance with the order or a*
21 *plan approved by the district attorney or other public agency*
22 *enforcing the order for the repayment of the amount owed*
23 *pursuant to the order.*

24 4. *If an applicant indicates on the statement submitted*
25 *pursuant to subsection 1 that the applicant is subject to a court*
26 *order for the support of a child and is not in compliance with the*
27 *order or a plan approved by the district attorney or other public*
28 *agency enforcing the order for the repayment of the amount owed*
29 *pursuant to the order, the Division shall advise the applicant to*
30 *contact the district attorney or other public agency enforcing the*
31 *order to determine the actions that the applicant may take to*
32 *satisfy the arrearage.*

33 **Sec. 24.** 1. *A certified professional midwife student midwife*
34 *may engage in the practice of certified professional midwifery,*
35 *including, without limitation, by using or administering any drug,*
36 *vaccine, device, chemical or solution described in subsection 1, 2*
37 *or 3 of section 26 of this act, under the direct supervision of a*
38 *preceptor who is present on the premises and able to intervene if*
39 *necessary. The preceptor is responsible for each client to whom*
40 *the certified professional midwife student midwife provides*
41 *midwifery services.*

42 2. *A preceptor must be a person engaged in the practice of*
43 *certified professional midwifery who is approved by the North*
44 *American Registry of Midwives, or its successor organization, to*
45 *serve as a preceptor.*



1 3. A preceptor shall:

2 (a) Provide to each client in the form prescribed by the
3 Division notice that a certified professional midwife student
4 midwife may be involved in the care of the client;

5 (b) Explain the scope of the activities that the certified
6 professional midwife student midwife may perform under the
7 supervision of the preceptor; and

8 (c) Review and evaluate all care provided by a certified
9 professional midwife student midwife under his or her supervision
10 and attend every encounter between the certified professional
11 midwife student midwife and a client.

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

21 **Sec. 25. Upon accepting a client:**

22 1. A midwife, including, without limitation, a licensed
23 certified professional midwife and a certified nurse-midwife, shall
24 provide the client with a Community Birth Disclosure. The
25 Community Birth Disclosure must inform the client regarding:

26 (a) The type of midwife that the midwife is;

27 (b) The level of education that the midwife has received; and

28 (c) The care to be provided by the midwife.

29 ➔ The Board shall create the Community Birth Disclosure in
30 collaboration with all types of midwives practicing in this State.

31 2. A midwife must sign and date, and obtain the signature of
32 the client with a notation of the date of the signature upon, the
33 Community Birth Disclosure provided pursuant to subsection 1.
34 The midwife shall retain a copy of the Community Birth
35 Disclosure for 5 years.

36 3. In addition to providing the Community Birth Disclosure
37 pursuant to subsection 1, a licensed certified professional midwife
38 shall obtain from the client informed written consent regarding
39 the care to be provided by the licensed certified professional
40 midwife. Informed written consent requires that the licensed
41 certified professional midwife provide to the client:

42 (a) A description of the educational background and
43 credentials of the licensed certified professional midwife;



1 (b) A description of the practice of certified professional
2 midwifery as set forth in section 11 of this act and the limitations
3 on the practice of a licensed certified professional midwife;

4 (c) Instructions for obtaining a copy of the provisions of
5 sections 2 to 32, inclusive, of this act and the regulations adopted
6 pursuant to section 18 of this act;

7 (d) Instructions for filing a complaint with the Division in
8 accordance with the regulations adopted pursuant to section 18 of
9 this act;

10 (e) A description of the actions that the licensed certified
11 professional midwife will take in an emergency, including, without
12 limitation, the conditions under which the licensed certified
13 professional midwife will recommend the transfer of the client to a
14 medical facility and the procedure that the licensed certified
15 professional midwife will follow when making such a transfer;

16 (f) A description of the procedures that will be used during the
17 birth in the client's chosen setting, the risks and benefits of birth
18 in that setting and the conditions that may arise during delivery;

19 (g) A disclosure of whether the licensed certified professional
20 midwife holds liability insurance;

21 (h) A summary of the provisions of section 27 of this act and
22 the regulations adopted pursuant to section 18 of this act
23 governing consultation, co-management, referral and transfer and
24 a description of the procedures established by the licensed certified
25 professional midwife for consultation, co-management, referral
26 and transfer; and

27 (i) Any other information required by regulation of the Board.

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

30 (a) Dopplers, syringes, needles, phlebotomy equipment,
31 sutures, urinary catheters, intravenous equipment, amnihooks,
32 airway suction devices, electronic fetal monitors,
33 tocodynamometer monitors, equipment for administering oxygen,
34 glucose monitoring systems and testing strips, neonatal and adult
35 oximetry equipment, centrifuges and equipment for conducting
36 screenings of hearing ability;

37 (b) Equipment for administering nitrous oxide, including,
38 without limitation, scavenging systems, only in the setting where
39 the birth is taking place;

40 (c) Neonatal and adult resuscitation equipment, including,
41 without limitation, airway devices; and

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

43 2. A licensed certified professional midwife may possess and
44 administer:



1 (a) *Oxytocin, misoprostol, methylergonovine, tranexamic acid,*
2 *lidocaine, penicillin, ampicillin, cefazolin, clindamycin,*
3 *epinephrine, diphenhydramine, ondansetron, phylloquinone,*
4 *erythromycin ointment and nitrous oxide;*

5 (b) *Influenza vaccine, hepatitis B vaccine and diphtheria,*
6 *tetanus and pertussis vaccine;*

7 (c) *Rho (D) immune globulin and hepatitis B immune*
8 *globulin;*

9 (d) *Terbutaline only in the setting where the birth is taking*
10 *place; and*

11 (e) *Any other drugs or vaccines authorized by regulation of the*
12 *Board.*

13 3. *A licensed certified professional midwife may possess and*
14 *administer:*

15 (a) *Oxygen, lactated Ringers solution, 5 percent dextrose in*
16 *lactated Ringers solution, 0.9 percent sodium chloride solution*
17 *and sterile water; and*

18 (b) *Any other chemicals or solutions authorized by regulation*
19 *of the Board.*

20 4. *A licensed certified professional midwife may order for a*
21 *client:*

22 (a) *Breast pumps, compression stockings and belts, maternity*
23 *belts, diaphragms, cervical caps, glucometers, glucose testing*
24 *strips, iron supplements and prenatal vitamins; and*

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

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

33 (a) *Complete placenta previa;*

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

35 (c) *Infection with the human immunodeficiency virus;*

36 (d) *Cardiovascular disease;*

37 (e) *Severe mental illness that may cause the client to cause*
38 *harm to themselves or others;*

39 (f) *Pre-eclampsia or eclampsia;*

40 (g) *Fetal growth restriction, oligohydramnios or moderate or*
41 *severe polyhydramnios in the pregnancy;*

42 (h) *Potentially serious anatomic fetal abnormalities;*

43 (i) *Diabetes that requires insulin or other medication for*
44 *management;*

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



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

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

10 (a) Prior cesarean section or other surgery resulting in a
11 uterine scar;

12 (b) Multifetal gestation; or

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

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

17 (a) The contents of the recommendation;

18 (b) The condition or symptom for which the recommendation
19 was made;

20 (c) Whether the client consented to the consultation, co-
21 management, referral or transfer; and

22 (d) If the client provides consent, the name, profession and
23 specialty of the provider of health care with whom the licensed
24 certified professional midwife consulted or co-managed or to
25 whom the client was referred or the medical facility to which the
26 client was transferred.

27 4. A client may provide informed refusal to consent to
28 consultation, co-management, referral or transfer in writing on a
29 form prescribed by the Division. If a client provides informed
30 refusal to consent to:

31 (a) Consultation, co-management, referral or transfer after the
32 licensed certified professional midwife has determined that a
33 condition or symptom described in subsection 1 exists, the licensed
34 certified professional midwife must attempt to locate a qualified
35 provider of health care for which the client consents to
36 consultation, co-management or referral or an appropriate
37 medical facility for which the client consents to transfer. If the
38 licensed certified professional midwife is unable to locate such a
39 provider of health care who is willing to consult, co-manage or
40 accept the referral or such a medical facility which is willing to
41 accept the transfer, the licensed certified professional midwife is
42 not liable for any damages resulting from the failure to consult,
43 co-manage, refer or transfer. If the condition or symptom
44 threatens the life or health of the client or the fetus or the
45 newborn infant of the client during labor or delivery, the licensed



1 *certified professional midwife must call 911 and provide care until*
2 *relieved by a qualified provider of health care.*

3 *(b) Consultation, co-management or referral after the licensed*
4 *certified professional midwife has determined that a condition or*
5 *symptom described in subsection 2 exists, the licensed certified*
6 *professional midwife:*

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

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

11 *5. If, after determining that a condition or symptom described*
12 *in:*

13 *(a) Subsection 1 exists and making a reasonable effort to*
14 *arrange for consultation with, co-management of the condition or*
15 *symptom with or referral of the client to a qualified provider of*
16 *health care or the transfer of the client to an appropriate medical*
17 *facility, a licensed certified professional midwife is unable to*
18 *locate a qualified provider of health care who is willing to consult,*
19 *co-manage or accept the referral or an appropriate medical*
20 *facility willing to accept the transfer, the licensed certified*
21 *professional midwife shall be deemed to be in compliance with the*
22 *requirements of this section and is not liable for any damages*
23 *resulting from the inability of the licensed certified professional*
24 *midwife to consult, co-manage, refer or transfer. If the condition*
25 *or symptom threatens the life or health of the client or the fetus or*
26 *newborn infant of the client during labor or delivery, the licensed*
27 *certified professional midwife must call 911 and provide care until*
28 *relieved by a qualified provider of health care.*

29 *(b) Subsection 2 exists and making a reasonable effort to*
30 *arrange for consultation with, co-management of the condition or*
31 *symptom with or referral of the client to a qualified provider of*
32 *health care, a licensed certified professional midwife is unable to*
33 *locate a qualified provider of health care who is willing to consult,*
34 *co-manage or accept the referral, the licensed certified*
35 *professional midwife shall be deemed to be in compliance with the*
36 *requirements of this section and is not liable for any damages*
37 *resulting from the inability of the licensed certified professional*
38 *midwife to arrange for consultation, co-manage or refer.*

39 *6. A provider of health care who is not a licensed certified*
40 *professional midwife is not liable for any damages resulting from*
41 *any act or omission of a licensed certified professional midwife*
42 *and is not required to adhere to any standards of care governing*
43 *the practice of certified professional midwifery. Such a provider of*
44 *health care is only liable for the damages resulting from his or her*



1 *own acts or omissions in accordance with the standards of care*
2 *governing his or her profession.*

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

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

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

12 (c) *The number of cases of fetal demise, deaths of newborns*
13 *and maternal deaths attended by the licensed certified professional*
14 *midwife;*

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

18 (e) *A brief description of any complications resulting in*
19 *maternal or infant morbidity or mortality;*

20 (f) *The planned location and actual location of each delivery;*
21 *and*

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

23 2. *Not later than 30 days after attending a maternal or*
24 *newborn infant death, a licensed certified professional midwife*
25 *shall report the death to the Division and the Board.*

26 **Sec. 29. 1.** *If the Division receives a copy of a court order*
27 *issued pursuant to NRS 425.540 that provides for the suspension*
28 *of all professional, occupational and recreational licenses,*
29 *certificates and permits issued to a person who is the holder of a*
30 *license or permit issued pursuant to this chapter, the Division*
31 *shall deem the license or permit issued to that person to be*
32 *suspended at the end of the 30th day after the date on which the*
33 *court order was issued unless the Division receives a letter issued*
34 *to the holder of the license by the district attorney or other public*
35 *agency pursuant to NRS 425.550 stating that the holder of the*
36 *license has complied with the subpoena or warrant or has satisfied*
37 *the arrearage pursuant to NRS 425.560.*

38 2. *The Division shall reinstate a license or permit issued*
39 *pursuant to this chapter that has been suspended by a district*
40 *court pursuant to NRS 425.540 if:*

41 (a) *The Division receives a letter issued by the district attorney*
42 *or other public agency pursuant to NRS 425.550 to the person*
43 *whose license or permit was suspended stating that the person*
44 *whose license or permit was suspended has complied with the*



1 subpoena or warrant or has satisfied the arrearage pursuant to
2 NRS 425.560; and

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

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

9 2. Except as otherwise provided in this section and NRS
10 239.0115, a complaint filed with the Division, all documents and
11 other information filed with the complaint and all documents and
12 other information compiled as a result of an investigation
13 conducted to determine whether to initiate disciplinary action
14 against a person are confidential and privileged, unless the person
15 submits a written statement to the Division requesting that such
16 documents and information be made public records.

17 3. A complaint or other document filed by the Division to
18 initiate disciplinary action, any written opinion rendered by the
19 Division and all documents and information considered by the
20 Division when determining whether to impose discipline are public
21 records.

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

24 5. The provisions of this section do not prohibit the Division
25 from communicating or cooperating with or providing any
26 documents or other information to any other licensing board or
27 any other agency that is investigating a person, including, without
28 limitation, a law enforcement agency.

29 **Sec. 31.** 1. Except as otherwise provided in subsection 2, a
30 person who is not licensed as a licensed certified professional
31 midwife or does not hold a permit as a certified professional
32 midwife student midwife or a person whose license as a licensed
33 certified professional midwife or permit as a certified professional
34 midwife student midwife has been suspended or revoked by the
35 Division shall not:

36 (a) Use in connection with his or her name the words
37 "licensed certified professional midwife," "certified professional
38 midwife," "licensed midwife" or "certified professional midwife
39 student midwife" or any other letters, words or insignia indicating
40 or implying that he or she is licensed or holds a permit to engage
41 in the practice of certified professional midwifery, or in any other
42 way, orally, or in writing or print, or by sign, directly or by
43 implication, represent himself or herself as licensed or holding a
44 permit engage in the practice of certified professional midwifery in
45 this State; or



1 (b) List or cause to have listed in any directory, including,
2 without limitation, a telephone directory, his or her name or the
3 name of his or her company under the heading "licensed certified
4 professional midwife," "certified professional midwife," "licensed
5 midwife" or any other term that indicates or implies that he or she
6 is licensed or holds a permit to engage in the practice of certified
7 professional midwifery in this State.

8 2. A person who is not licensed as a licensed certified
9 professional midwife or does not hold a permit as a certified
10 professional midwife student midwife or a person whose license as
11 a licensed certified professional midwife or permit as a certified
12 professional midwife student midwife has been suspended or
13 revoked by the Division may use or list the words or headings
14 described in paragraph (a) or (b) of subsection 1 if the person is
15 licensed or holds a permit in the District of Columbia or any state
16 or territory of the United States. If the person uses or lists the
17 words or headings pursuant to this section, the person shall
18 disclose the district, state or territory, as applicable, in which he or
19 she is licensed or permitted.

20 3. A person who is licensed as a licensed certified
21 professional midwife or holds a permit as a certified professional
22 midwife student midwife and who is also licensed or holds a
23 permit in the District of Columbia or any state or territory of the
24 United States shall disclose each additional district, state or
25 territory, as applicable, in which he or she is licensed or permitted
26 in all circumstances described in paragraphs (a) and (b) of
27 subsection 1.

28 4. A certified professional midwife student midwife shall not
29 use in connection with his or her name the words "licensed
30 certified professional midwife," "certified professional midwife,"
31 "licensed midwife" or any other letters, words or insignia
32 indicating or implying that he or she is licensed to engage in the
33 practice of certified professional midwifery without supervision, or
34 in any other way, orally, or in writing or print, or by sign, directly
35 or by implication, represent himself or herself as licensed to
36 engage in the practice of certified professional midwifery without
37 supervision in this State.

38 5. A person or entity shall not operate a program of training
39 for licensed certified professional midwives or certified
40 professional midwife birth assistants or advertise or otherwise
41 represent that the person or entity is authorized to operate such a
42 program unless the person or entity has been approved to offer
43 such a program by the Division.

44 6. If the Division has reason to believe that a person has
45 repeatedly violated any provision of this section or the Division



1 *has received complaints that a person has repeatedly violated any*
2 *provision of this section, the Division may certify the facts to the*
3 *Attorney General, or other appropriate enforcement officer, who*
4 *may, in his or her discretion, cause appropriate proceedings to be*
5 *brought.*

6 *7. A person who violates any provision of this section is guilty*
7 *of a misdemeanor.*

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

12 **2. Such an injunction:**

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

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

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

18 622.238 1. The Legislature hereby finds and declares that:

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

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

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

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

42 4. A regulatory body shall not disclose to any person who is
43 not employed by the regulatory body the social security number or
44 alternative personally identifying number, including, without



1 limitation, an individual taxpayer identification number, of an
2 applicant for a license for any purpose except:

- 3 (a) Tax purposes;
- 4 (b) Licensing purposes; and
- 5 (c) Enforcement of an order for the payment of child support.

6 5. A social security number or alternative personally
7 identifying number, including, without limitation, an individual
8 taxpayer identification number, provided to a regulatory body is
9 confidential and is not a public record for the purposes of chapter
10 239 of NRS.

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

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

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

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

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

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

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

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

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

36 (b) ~~Has~~ *Except as otherwise provided in this paragraph, has*
37 *been in practice for at least the 5 years immediately preceding the*
38 *date on which the person submits an application for the issuance of*
39 *a license pursuant to a reciprocal agreement entered into pursuant to*
40 *subsection 1. If the person seeks to practice as a licensed certified*
41 *professional midwife in this State pursuant to sections 2 to 32,*
42 *inclusive, of this act, the person must have been in practice for at*
43 *least the 3 years immediately preceding the date on which the*
44 *person submits an application for the issuance of a license*



1 *pursuant to a reciprocal agreement entered into pursuant to*
2 *subsection 1.*

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

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

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

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

12 (g) Submits to the applicable regulatory body the statement
13 required by NRS 425.520.

14 4. If the regulatory body enters into a reciprocal agreement
15 pursuant to subsection 1, the regulatory body must prepare an
16 annual report before January 31 of each year outlining the progress
17 of the regulatory body as it relates to the reciprocal agreement and
18 submit the report to the Director of the Legislative Counsel Bureau
19 for transmittal to the next session of the Legislature in odd-
20 numbered years or to the Legislative Committee on Health Care in
21 even-numbered years.

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

23 629.031 Except as otherwise provided by a specific statute:

24 1. "Provider of health care" means:

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

27 (b) A physician assistant;

28 (c) A dentist;

29 (d) A licensed nurse;

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

33 (f) A dispensing optician;

34 (g) An optometrist;

35 (h) A speech-language pathologist;

36 (i) An audiologist;

37 (j) A practitioner of respiratory care;

38 (k) A licensed physical therapist;

39 (l) An occupational therapist;

40 (m) A podiatric physician;

41 (n) A licensed psychologist;

42 (o) A licensed marriage and family therapist;

43 (p) A licensed clinical professional counselor;

44 (q) A music therapist;

45 (r) A chiropractor;



- 1 (s) An athletic trainer;
- 2 (t) A perfusionist;
- 3 (u) A doctor of Oriental medicine in any form;
- 4 (v) A medical laboratory director or technician;
- 5 (w) A pharmacist;
- 6 (x) A licensed dietitian;
- 7 (y) An associate in social work, a social worker, an independent
- 8 social worker or a clinical social worker licensed pursuant to chapter
- 9 641B of NRS;
- 10 (z) An alcohol and drug counselor or a problem gambling
- 11 counselor who is certified pursuant to chapter 641C of NRS;

12 (aa) An alcohol and drug counselor or a clinical alcohol and

13 drug counselor who is licensed pursuant to chapter 641C of NRS;

- 14 ~~(b)~~
- 15 (bb) *A licensed certified professional midwife; or*
 - 16 (cc) A medical facility as the employer of any person specified
 - 17 in this subsection.

18 2. For the purposes of NRS 629.400 to 629.490, inclusive, the

19 term includes:

- 20 (a) A person who holds a license or certificate issued pursuant to
- 21 chapter 631 of NRS; and
- 22 (b) A person who holds a current license or certificate to
- 23 practice his or her respective discipline pursuant to the applicable
- 24 provisions of law of another state or territory of the United States.

25 **Sec. 36.** NRS 630A.090 is hereby amended to read as follows:

26 630A.090 1. This chapter does not apply to:

- 27 (a) The practice of dentistry, chiropractic, Oriental medicine,
- 28 podiatry, optometry, perfusion, respiratory care, faith or Christian
- 29 Science healing, nursing, *certified professional midwifery,*
- 30 veterinary medicine or fitting hearing aids.
- 31 (b) A medical officer of the Armed Forces or a medical officer
- 32 of any division or department of the United States in the discharge
- 33 of his or her official duties, including, without limitation, providing
- 34 medical care in a hospital in accordance with an agreement entered
- 35 into pursuant to NRS 449.2455.
- 36 (c) Licensed or certified nurses in the discharge of their duties as
- 37 nurses.

38 (d) Homeopathic physicians who are called into this State, other

39 than on a regular basis, for consultation or assistance to any

40 physician licensed in this State, and who are legally qualified to

41 practice in the state or country where they reside.

42 2. This chapter does not repeal or affect any statute of Nevada

43 regulating or affecting any other healing art.

44 3. This chapter does not prohibit:

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



1 (b) The domestic administration of family remedies.

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

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

6 632.472 1. The following persons shall report in writing to
7 the Executive Director of the Board any conduct of a licensee or
8 holder of a certificate which constitutes a violation of the provisions
9 of this chapter:

10 (a) Any physician, dentist, dental hygienist, *licensed certified*
11 *professional midwife*, chiropractor, optometrist, podiatric physician,
12 medical examiner, resident, intern, professional or practical nurse,
13 nursing assistant, medication aide - certified, perfusionist, physician
14 assistant licensed pursuant to chapter 630 or 633 of NRS,
15 psychiatrist, psychologist, marriage and family therapist, clinical
16 professional counselor, alcohol or drug counselor, music therapist,
17 holder of a license or limited license issued pursuant to chapter 653
18 of NRS, driver of an ambulance, paramedic or other person
19 providing medical services licensed or certified to practice in this
20 State.

21 (b) Any personnel of a medical facility or facility for the
22 dependent engaged in the admission, examination, care or treatment
23 of persons or an administrator, manager or other person in charge of
24 a medical facility or facility for the dependent upon notification by a
25 member of the staff of the facility.

26 (c) A coroner.

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

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

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

34 (g) Any employee of the Department of Health and Human
35 Services.

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

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

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

45 (k) Any social worker.



1 (l) Any person who operates or is employed by a community
2 health worker pool or with whom a community health worker pool
3 contracts to provide the services of a community health worker, as
4 defined in NRS 449.0027.

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

7 2. Every physician who, as a member of the staff of a medical
8 facility or facility for the dependent, has reason to believe that a
9 nursing assistant or medication aide - certified has engaged in
10 conduct which constitutes grounds for the denial, suspension or
11 revocation of a certificate shall notify the superintendent, manager
12 or other person in charge of the facility. The superintendent,
13 manager or other person in charge shall make a report as required in
14 subsection 1.

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

16 4. Any person who in good faith reports any violation of the
17 provisions of this chapter to the Executive Director of the Board
18 pursuant to this section is immune from civil liability for reporting
19 the violation.

20 5. As used in this section:

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

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

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

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

28 633.171 1. This chapter does not apply to:

29 (a) The practice of medicine or perfusion pursuant to chapter
30 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory
31 care, faith or Christian Science healing, nursing, *certified*
32 *professional midwifery*, veterinary medicine or fitting hearing aids.

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

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

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



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

3 3. This chapter does not prohibit:

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

5 (b) The domestic administration of family remedies.

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

7 637B.080 The provisions of this chapter do not apply to any
8 person who:

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

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

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

19 4. Holds a current license issued pursuant to chapters 630 to
20 637, inclusive, 640 to 641C, inclusive, or 653 of NRS ~~§~~ *or sections*
21 *2 to 32, inclusive, of this act,*

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

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

25 639.0125 "Practitioner" means:

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

28 2. A hospital, pharmacy or other institution licensed, registered
29 or otherwise permitted to distribute, dispense, conduct research with
30 respect to or administer drugs in the course of professional practice
31 or research in this State;

32 3. An advanced practice registered nurse who has been
33 authorized to prescribe controlled substances, poisons, dangerous
34 drugs and devices;

35 4. A physician assistant who:

36 (a) Holds a license issued by the Board of Medical Examiners;
37 and

38 (b) Is authorized by the Board to possess, administer, prescribe
39 or dispense controlled substances, poisons, dangerous drugs or
40 devices under the supervision of a physician as required by chapter
41 630 of NRS;

42 5. A physician assistant who:

43 (a) Holds a license issued by the State Board of Osteopathic
44 Medicine; and



1 (b) Is authorized by the Board to possess, administer, prescribe
2 or dispense controlled substances, poisons, dangerous drugs or
3 devices under the supervision of an osteopathic physician as
4 required by chapter 633 of NRS; ~~[or]~~

5 6. An optometrist who is certified by the Nevada State Board
6 of Optometry to prescribe and administer pharmaceutical agents
7 pursuant to NRS 636.288, when the optometrist prescribes or
8 administers pharmaceutical agents within the scope of his or her
9 certification ~~[and]~~; or

10 *7. A licensed certified professional midwife, for the purpose*
11 *of ordering:*

12 *(a) Any device or drug described in subsection 1 or 2 of section*
13 *26 of this act for use in his or her practice in accordance with the*
14 *provisions of that section and any regulations adopted pursuant to*
15 *section 18 of this act; and*

16 *(b) Any device or vaccine described in subsection 4 of section*
17 *26 of this act for a client.*

18 **Sec. 41.** NRS 639.23505 is hereby amended to read as
19 follows:

20 639.23505 ~~[A]~~

21 *1. Except as otherwise provided in subsection 2, a practitioner*
22 *shall not dispense for human consumption any controlled substance*
23 *or dangerous drug if the practitioner charges a patient for that*
24 *substance or drug, either separately or together with charges for*
25 *other professional services:*

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

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

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

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

35 640A.070 This chapter does not apply to a person:

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

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

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



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

3 **Sec. 43.** NRS 640B.145 is hereby amended to read as follows:
4 640B.145 The provisions of this chapter do not apply to:

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

8 2. A person who is employed by the Federal Government and
9 engages in the practice of athletic training within the scope of that
10 employment.

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

14 **Sec. 44.** NRS 640C.100 is hereby amended to read as follows:
15 640C.100 1. The provisions of this chapter do not apply to:

16 (a) A person licensed pursuant to chapter 630, 630A, 631, 632,
17 633, 634, 634A, 635, 640, 640A or 640B of NRS *or sections 2 to*
18 *32, inclusive, of this act* if the massage therapy, reflexology or
19 structural integration is performed in the course of the practice for
20 which the person is licensed.

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

25 (c) A person licensed or registered as an esthetician,
26 esthetician's apprentice, hair designer, hair designer's apprentice,
27 hair braider, shampoo technologist, cosmetologist or
28 cosmetologist's apprentice pursuant to chapter 644A of NRS if the
29 person is massaging, cleansing or stimulating the scalp, face, neck
30 or skin within the permissible scope of practice for an esthetician,
31 esthetician's apprentice, hair designer, hair designer's apprentice,
32 hair braider, shampoo technologist, cosmetologist or
33 cosmetologist's apprentice pursuant to that chapter.

34 (d) A person licensed or registered as a nail technologist or nail
35 technologist's apprentice pursuant to chapter 644A of NRS if the
36 person is massaging, cleansing or stimulating the hands, forearms,
37 feet or lower legs within the permissible scope of practice for a nail
38 technologist or nail technologist's apprentice.

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

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



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

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

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

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

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

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

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

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

30 7.095 1. An attorney shall not contract for or collect a fee
31 contingent on the amount of recovery for representing a person
32 seeking damages in connection with an action for injury or death
33 against a provider of health care based upon professional negligence
34 in excess of:

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

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

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

39 (d) Fifteen percent of the amount of recovery that exceeds
40 \$600,000.

41 2. The limitations set forth in subsection 1 apply to all forms of
42 recovery, including, without limitation, settlement, arbitration and
43 judgment.

44 3. For the purposes of this section, "recovered" means the net
45 sum recovered by the plaintiff after deducting any disbursements or



1 costs incurred in connection with the prosecution or settlement of
2 the claim. Costs of medical care incurred by the plaintiff and general
3 and administrative expenses incurred by the office of the attorney
4 are not deductible disbursements or costs.

5 4. As used in this section:

6 (a) "Professional negligence" means a negligent act or omission
7 to act by a provider of health care in the rendering of professional
8 services, which act or omission is the proximate cause of a personal
9 injury or wrongful death. The term does not include services that are
10 outside the scope of services for which the provider of health care is
11 licensed or services for which any restriction has been imposed by
12 the applicable regulatory board or health care facility.

13 (b) "Provider of health care" means a physician licensed under
14 chapter 630 or 633 of NRS, dentist, registered nurse, *licensed*
15 *certified professional midwife*, dispensing optician, optometrist,
16 registered physical therapist, podiatric physician, licensed
17 psychologist, chiropractor, doctor of Oriental medicine, holder of a
18 license or a limited license issued under the provisions of chapter
19 653 of NRS, medical laboratory director or technician, licensed
20 dietitian or a licensed hospital and its employees.

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

22 41.138 1. In any civil action concerning any unwelcome or
23 nonconsensual sexual conduct, including, without limitation, sexual
24 harassment, there is a rebuttable presumption that the sexual
25 conduct was unwelcome or nonconsensual if the alleged perpetrator
26 was a person in a position of authority over the alleged victim.

27 2. As used in this section:

28 (a) "Person in a position of authority" means a parent, relative,
29 household member, employer, supervisor, youth leader, scout
30 leader, coach, mentor in a mentoring program, teacher, professor,
31 counselor, school administrator, religious leader, doctor, nurse,
32 *licensed certified professional midwife, certified professional*
33 *midwife student midwife, certified professional midwife birth*
34 *assistant*, psychologist, other health care provider, guardian ad
35 litem, guardian, babysitter, police officer or other law enforcement
36 officer or any other person who, by reason of his or her position, is
37 able to exercise significant or undue influence over the victim.

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

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

41 41.505 1. Any person licensed under the provisions of
42 chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of*
43 *this act* and any person who holds an equivalent license issued by
44 another state, who renders emergency care or assistance, including,
45 without limitation, emergency obstetrical care or assistance, in an



1 emergency, gratuitously and in good faith, is not liable for any civil
2 damages as a result of any act or omission, not amounting to gross
3 negligence, by that person in rendering the emergency care or
4 assistance or as a result of any failure to act, not amounting to gross
5 negligence, to provide or arrange for further medical treatment for
6 the injured or ill person. This section does not excuse a physician,
7 physician assistant, ~~or~~ nurse *or licensed certified professional*
8 *midwife* from liability for damages resulting from that person's acts
9 or omissions which occur in a licensed medical facility relative to
10 any person with whom there is a preexisting relationship as a
11 patient.

12 2. Any person licensed under the provisions of chapter 630,
13 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* and any
14 person who holds an equivalent license issued by another state who:

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

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

22 3. Any person licensed to practice medicine under the
23 provisions of chapter 630 or 633 of NRS or licensed to practice
24 dentistry under the provisions of chapter 631 of NRS who renders
25 care or assistance to a patient for a governmental entity or a
26 nonprofit organization is not liable for any civil damages as a result
27 of any act or omission by that person in rendering that care or
28 assistance if the care or assistance is rendered gratuitously, in good
29 faith and in a manner not amounting to gross negligence or reckless,
30 willful or wanton conduct.

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

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

34 41.506 1. Any person licensed under the provisions of
35 chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of*
36 *this act* and any person who holds an equivalent license issued by
37 another state who renders emergency obstetrical care or assistance
38 to a pregnant woman during labor or the delivery of the child is not
39 liable for any civil damages as a result of any act or omission by that
40 person in rendering that care or assistance if:

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

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



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

3 2. A licensed medical facility in which such care or assistance
4 is rendered is not liable for any civil damages as a result of any act
5 or omission by the person in rendering that care or assistance if that
6 person is not liable for any civil damages pursuant to subsection 1
7 and the actions of the medical facility relating to the rendering of
8 that care or assistance do not amount to gross negligence or
9 reckless, willful or wanton conduct.

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

11 41A.017 "Provider of health care" means a physician licensed
12 pursuant to chapter 630 or 633 of NRS, physician assistant, dentist,
13 licensed nurse, *licensed certified professional midwife*, dispensing
14 optician, optometrist, registered physical therapist, podiatric
15 physician, licensed psychologist, chiropractor, doctor of Oriental
16 medicine, holder of a license or a limited license issued under the
17 provisions of chapter 653 of NRS, medical laboratory director or
18 technician, licensed dietitian or a licensed hospital, clinic, surgery
19 center, physicians' professional corporation or group practice that
20 employs any such person and its employees.

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

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

37 2. A source of collateral benefits introduced pursuant to
38 subsection 1 may not:

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

40 (b) Be subrogated to the rights of the plaintiff against a
41 defendant.

42 3. In an action for injury or death against a provider of health
43 care based upon professional negligence, a district court shall, at the
44 request of either party, enter a judgment ordering that money
45 damages or its equivalent for future damages of the judgment



1 creditor be paid in whole or in part by periodic payments rather than
2 by a lump-sum payment if the award equals or exceeds \$50,000 in
3 future damages.

4 4. In entering a judgment ordering the payment of future
5 damages by periodic payments pursuant to subsection 3, the court
6 shall make a specific finding as to the dollar amount of periodic
7 payments that will compensate the judgment creditor for such future
8 damages. As a condition to authorizing periodic payments of future
9 damages, the court shall require a judgment debtor who is not
10 adequately insured to post security adequate to assure full payment
11 of such damages awarded by the judgment. Upon termination of
12 periodic payments of future damages, the court shall order the return
13 of this security, or so much as remains, to the judgment debtor.

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

29 6. If the court finds that the judgment debtor has exhibited a
30 continuing pattern of failing to make the periodic payments as
31 specified pursuant to subsection 5, the court shall find the judgment
32 debtor in contempt of court and, in addition to the required periodic
33 payments, shall order the judgment debtor to pay the judgment
34 creditor all damages caused by the failure to make such periodic
35 payments, including, but not limited to, court costs and attorney's
36 fees.

37 7. Following the occurrence or expiration of all obligations
38 specified in the periodic payment judgment, any obligation of the
39 judgment debtor to make further payments ceases and any security
40 given pursuant to subsection 4 reverts to the judgment debtor.

41 8. As used in this section:

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



1 (b) "Periodic payments" means the payment of money or
2 delivery of other property to the judgment creditor at regular
3 intervals.

4 (c) "Professional negligence" means a negligent act or omission
5 to act by a provider of health care in the rendering of professional
6 services, which act or omission is the proximate cause of a personal
7 injury or wrongful death. The term does not include services that are
8 outside the scope of services for which the provider of health care is
9 licensed or services for which any restriction has been imposed by
10 the applicable regulatory board or health care facility.

11 (d) "Provider of health care" means a physician licensed under
12 chapter 630 or 633 of NRS, dentist, licensed nurse, *licensed*
13 *certified professional midwife*, dispensing optician, optometrist,
14 registered physical therapist, podiatric physician, licensed
15 psychologist, chiropractor, doctor of Oriental medicine, holder of a
16 license or a limited license issued under the provisions of chapter
17 653 of NRS, medical laboratory director or technician, licensed
18 dietitian or a licensed hospital and its employees.

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

20 52.320 As used in NRS 52.320 to 52.375, inclusive, unless the
21 context otherwise requires:

22 1. "Custodian of medical records" means a chiropractor,
23 physician, registered physical therapist, ~~or~~ licensed nurse *or*
24 *licensed certified professional midwife* who prepares and maintains
25 medical records, or any employee or agent of such a person or a
26 facility for convalescent care, medical laboratory or hospital who
27 has care, custody and control of medical records for such a person or
28 institution.

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

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

33 200.5093 1. Any person who is described in subsection 4 and
34 who, in a professional or occupational capacity, knows or has
35 reasonable cause to believe that an older person or vulnerable
36 person has been abused, neglected, exploited, isolated or abandoned
37 shall:

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

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

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



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

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

8 2. If a person who is required to make a report pursuant to
9 subsection 1 knows or has reasonable cause to believe that the
10 abuse, neglect, exploitation, isolation or abandonment of the older
11 person or vulnerable person involves an act or omission of the
12 Aging and Disability Services Division, another division of the
13 Department of Health and Human Services or a law enforcement
14 agency, the person shall make the report to an agency other than the
15 one alleged to have committed the act or omission.

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

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

22 (a) Every physician, dentist, dental hygienist, chiropractor,
23 optometrist, podiatric physician, medical examiner, resident, intern,
24 professional or practical nurse, physician assistant licensed pursuant
25 to chapter 630 or 633 of NRS, *licensed certified professional*
26 *midwife*, perfusionist, psychiatrist, psychologist, marriage and
27 family therapist, clinical professional counselor, clinical alcohol and
28 drug counselor, alcohol and drug counselor, music therapist, athletic
29 trainer, driver of an ambulance, paramedic, licensed dietitian, holder
30 of a license or a limited license issued under the provisions of
31 chapter 653 of NRS or other person providing medical services
32 licensed or certified to practice in this State, who examines, attends
33 or treats an older person or vulnerable person who appears to have
34 been abused, neglected, exploited, isolated or abandoned.

35 (b) Any personnel of a hospital or similar institution engaged in
36 the admission, examination, care or treatment of persons or an
37 administrator, manager or other person in charge of a hospital or
38 similar institution upon notification of the suspected abuse, neglect,
39 exploitation, isolation or abandonment of an older person or
40 vulnerable person by a member of the staff of the hospital.

41 (c) A coroner.

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

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



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

4 (g) Any employee of the Department of Health and Human
5 Services, except the State Long-Term Care Ombudsman appointed
6 pursuant to NRS 427A.125 and any of his or her advocates or
7 volunteers where prohibited from making such a report pursuant to
8 45 C.F.R. § 1321.11.

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

12 (i) Any person who maintains or is employed by a facility or
13 establishment that provides care for older persons or vulnerable
14 persons.

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

20 (k) Every social worker.

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

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

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

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

30 6. If a person who is required to make a report pursuant to
31 subsection 1 knows or has reasonable cause to believe that an older
32 person or vulnerable person has died as a result of abuse, neglect,
33 isolation or abandonment, the person shall, as soon as reasonably
34 practicable, report this belief to the appropriate medical examiner or
35 coroner, who shall investigate the cause of death of the older person
36 or vulnerable person and submit to the appropriate local law
37 enforcement agencies, the appropriate prosecuting attorney, the
38 Aging and Disability Services Division of the Department of Health
39 and Human Services and the Unit for the Investigation and
40 Prosecution of Crimes his or her written findings. The written
41 findings must include the information required pursuant to the
42 provisions of NRS 200.5094, when possible.

43 7. A division, office or department which receives a report
44 pursuant to this section shall cause the investigation of the report to
45 commence within 3 working days. A copy of the final report of the



1 investigation conducted by a division, office or department, other
2 than the Aging and Disability Services Division of the Department
3 of Health and Human Services, must be forwarded within 30 days
4 after the completion of the report to the:

5 (a) Aging and Disability Services Division;

6 (b) Repository for Information Concerning Crimes Against
7 Older Persons or Vulnerable Persons created by NRS 179A.450;
8 and

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

10 8. If the investigation of a report results in the belief that an
11 older person or vulnerable person is abused, neglected, exploited,
12 isolated or abandoned, the Aging and Disability Services Division
13 of the Department of Health and Human Services or the county's
14 office for protective services may provide protective services to the
15 older person or vulnerable person if the older person or vulnerable
16 person is able and willing to accept them.

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

19 10. As used in this section, "Unit for the Investigation and
20 Prosecution of Crimes" means the Unit for the Investigation and
21 Prosecution of Crimes Against Older Persons or Vulnerable Persons
22 in the Office of the Attorney General created pursuant to
23 NRS 228.265.

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

25 200.5095 1. Reports made pursuant to NRS 200.5093 and
26 200.5094, and records and investigations relating to those reports,
27 are confidential.

28 2. A person, law enforcement agency or public or private
29 agency, institution or facility who willfully releases data or
30 information concerning the reports and investigation of the abuse,
31 neglect, exploitation, isolation or abandonment of older persons or
32 vulnerable persons, except:

33 (a) Pursuant to a criminal prosecution;

34 (b) Pursuant to NRS 200.50982; or

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

36 ↪ is guilty of a misdemeanor.

37 3. Except as otherwise provided in subsection 2 and NRS
38 200.50982, data or information concerning the reports and
39 investigations of the abuse, neglect, exploitation, isolation or
40 abandonment of an older person or a vulnerable person is available
41 only to:

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



1 (b) An agency responsible for or authorized to undertake the
2 care, treatment and supervision of the older person or vulnerable
3 person;

4 (c) A district attorney or other law enforcement official who
5 requires the information in connection with an investigation of the
6 abuse, neglect, exploitation, isolation or abandonment of the older
7 person or vulnerable person;

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

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

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

15 (g) Any comparable authorized person or agency in another
16 jurisdiction;

17 (h) A legal guardian of the older person or vulnerable person, if
18 the identity of the person who was responsible for reporting the
19 alleged abuse, neglect, exploitation, isolation or abandonment of the
20 older person or vulnerable person to the public agency is protected,
21 and the legal guardian of the older person or vulnerable person is
22 not the person suspected of such abuse, neglect, exploitation,
23 isolation or abandonment;

24 (i) If the older person or vulnerable person is deceased, the
25 executor or administrator of his or her estate, if the identity of the
26 person who was responsible for reporting the alleged abuse, neglect,
27 exploitation, isolation or abandonment of the older person or
28 vulnerable person to the public agency is protected, and the executor
29 or administrator is not the person suspected of such abuse, neglect,
30 exploitation, isolation or abandonment;

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

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

36 (1) The protected person is an older person or vulnerable
37 person;

38 (2) The identity of the person who was responsible for
39 reporting the alleged abuse, neglect, exploitation, isolation or
40 abandonment of the older person or vulnerable person to the public
41 agency is protected; and

42 (3) The attorney of the protected person is not the person
43 suspected of such abuse, neglect, exploitation, isolation or
44 abandonment; or



1 (l) The State Guardianship Compliance Office created by
2 NRS 159.341.

3 4. If the person who is reported to have abused, neglected,
4 exploited, isolated or abandoned an older person or a vulnerable
5 person is the holder of a license, ~~for~~ certificate *or permit* issued
6 pursuant to chapters 449, 630 to 641B, inclusive, 653 or 654 of NRS
7 ~~for~~ *or sections 2 to 32, inclusive, of this act*, the information
8 contained in the report must be submitted to the board that issued
9 the license.

10 5. If data or information concerning the reports and
11 investigations of the abuse, neglect, exploitation, isolation or
12 abandonment of an older person or a vulnerable person is made
13 available pursuant to paragraph (b) or (j) of subsection 3 or
14 subsection 4, the name and any other identifying information of the
15 person who made the report must be redacted before the data or
16 information is made available.

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

18 218G.400 1. Except as otherwise provided in subsection 2,
19 each board created by the provisions of NRS 590.485 and chapters
20 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2*
21 *to 32, inclusive, of this act*, 648, 654 and 656 of NRS shall:

22 (a) If the revenue of the board from all sources is less than
23 \$200,000 for any fiscal year and, if the board is a regulatory body
24 pursuant to NRS 622.060, the board has submitted to the Director of
25 the Legislative Counsel Bureau for each quarter of that fiscal year
26 the information required by NRS 622.100, prepare a balance sheet
27 for that fiscal year on the form provided by the Legislative Auditor
28 and file the balance sheet with the Legislative Auditor and the Chief
29 of the Budget Division of the Office of Finance on or before
30 December 1 following the end of that fiscal year. The Legislative
31 Auditor shall prepare and make available a form that must be used
32 by a board to prepare such a balance sheet.

33 (b) If the revenue of the board from all sources is \$200,000 or
34 more for any fiscal year, or if the board is a regulatory body
35 pursuant to NRS 622.060 and has failed to submit to the Director of
36 the Legislative Counsel Bureau for each quarter of that fiscal year
37 the information required by NRS 622.100, engage the services of a
38 certified public accountant or public accountant, or firm of either of
39 such accountants, to audit all its fiscal records for that fiscal year
40 and file a report of the audit with the Legislative Auditor and the
41 Chief of the Budget Division of the Office of Finance on or before
42 December 1 following the end of that fiscal year.

43 2. In lieu of preparing a balance sheet or having an audit
44 conducted for a single fiscal year, a board may engage the services
45 of a certified public accountant or public accountant, or firm of



1 either of such accountants, to audit all its fiscal records for a period
2 covering two successive fiscal years. If such an audit is conducted,
3 the board shall file the report of the audit with the Legislative
4 Auditor and the Chief of the Budget Division of the Office of
5 Finance on or before December 1 following the end of the second
6 fiscal year.

7 3. The cost of each audit conducted pursuant to subsection 1 or
8 2 must be paid by the board that is audited. Each such audit must be
9 conducted in accordance with generally accepted auditing standards,
10 and all financial statements must be prepared in accordance with
11 generally accepted principles of accounting for special revenue
12 funds.

13 4. Whether or not a board is required to have its fiscal records
14 audited pursuant to subsection 1 or 2, the Legislative Auditor shall
15 audit the fiscal records of any such board whenever directed to do so
16 by the Legislative Commission. When the Legislative Commission
17 directs such an audit, the Legislative Commission shall also
18 determine who is to pay the cost of the audit.

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

21 (a) Is responsible for preparing a balance sheet or having an
22 audit conducted pursuant to this section or is responsible for
23 preparing or maintaining the fiscal records that are necessary to
24 prepare a balance sheet or have an audit conducted pursuant to this
25 section; and

26 (b) Knowingly fails to prepare the balance sheet or have the
27 audit conducted pursuant to this section or knowingly fails to
28 prepare or maintain the fiscal records that are necessary to prepare a
29 balance sheet or have an audit conducted pursuant to this section.

30 6. In addition to any other remedy or penalty, a person who is
31 guilty of nonfeasance pursuant to this section forfeits the person's
32 state office or employment and may not be appointed to a state
33 office or position of state employment for a period of 2 years
34 following the forfeiture. The provisions of this subsection do not
35 apply to a state officer who may be removed from office only by
36 impeachment pursuant to Article 7 of the Nevada Constitution.

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

38 232.320 1. The Director:

39 (a) Shall appoint, with the consent of the Governor,
40 administrators of the divisions of the Department, who are
41 respectively designated as follows:

42 (1) The Administrator of the Aging and Disability Services
43 Division;

44 (2) The Administrator of the Division of Welfare and
45 Supportive Services;



1 (3) The Administrator of the Division of Child and Family
2 Services;

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

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

7 (b) Shall administer, through the divisions of the Department,
8 the provisions of chapters 63, 424, 425, 427A, 432A to 442,
9 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS
10 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and*
11 *section 65 of this act*, 422.580, 432.010 to 432.133, inclusive,
12 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive,
13 and 445A.010 to 445A.055, inclusive, and all other provisions of
14 law relating to the functions of the divisions of the Department, but
15 is not responsible for the clinical activities of the Division of Public
16 and Behavioral Health or the professional line activities of the other
17 divisions.

18 (c) Shall administer any state program for persons with
19 developmental disabilities established pursuant to the
20 Developmental Disabilities Assistance and Bill of Rights Act of
21 2000, 42 U.S.C. §§ 15001 et seq.

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

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

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

32 (3) Provide for communication and the coordination of those
33 services among nonprofit organizations, agencies of local
34 government, the State and the Federal Government;

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

37 (5) Set forth sufficient information to assist the Department
38 in providing those services and in the planning and budgeting for the
39 future provision of those services; and

40 (6) Contain any other information necessary for the
41 Department to communicate effectively with the Federal
42 Government concerning demographic trends, formulas for the
43 distribution of federal money and any need for the modification of
44 programs administered by the Department.



1 (e) May, by regulation, require nonprofit organizations and state
2 and local governmental agencies to provide information regarding
3 the programs of those organizations and agencies, excluding
4 detailed information relating to their budgets and payrolls, which the
5 Director deems necessary for the performance of the duties imposed
6 upon him or her pursuant to this section.

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

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

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

12 239.010 1. Except as otherwise provided in this section and
13 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
14 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
15 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
16 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
17 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
18 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
19 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
20 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130,
21 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
22 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,
23 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015,
24 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
25 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
26 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
27 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
28 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
29 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
30 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069,
31 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014,
32 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,
33 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,
34 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
35 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490,
36 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
37 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068,
38 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,
39 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
40 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061,
41 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,
42 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,
43 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
44 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180,
45 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,



1 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455,
2 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249,
3 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,
4 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
5 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460,
6 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685,
7 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
8 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
9 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
10 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
11 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207,
12 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,
13 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
14 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345,
15 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,
16 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
17 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
18 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545,
19 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536,
20 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070,
21 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,
22 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,
23 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012,
24 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238,
25 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,
26 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
27 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368,
28 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715,
29 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
30 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
31 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,
32 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325,
33 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460,
34 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180,
35 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
36 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
37 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
38 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
39 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380,
40 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800,
41 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285,
42 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540,
43 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
44 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,
45 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,



1 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120,
2 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and*
3 *section 30 of this act*, sections 35, 38 and 41 of chapter 478,
4 Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of
5 Nevada 2013 and unless otherwise declared by law to be
6 confidential, all public books and public records of a governmental
7 entity must be open at all times during office hours to inspection by
8 any person, and may be fully copied or an abstract or memorandum
9 may be prepared from those public books and public records. Any
10 such copies, abstracts or memoranda may be used to supply the
11 general public with copies, abstracts or memoranda of the records or
12 may be used in any other way to the advantage of the governmental
13 entity or of the general public. This section does not supersede or in
14 any manner affect the federal laws governing copyrights or enlarge,
15 diminish or affect in any other manner the rights of a person in any
16 written book or record which is copyrighted pursuant to federal law.

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

19 3. A governmental entity that has legal custody or control of a
20 public book or record shall not deny a request made pursuant to
21 subsection 1 to inspect or copy or receive a copy of a public book or
22 record on the basis that the requested public book or record contains
23 information that is confidential if the governmental entity can
24 redact, delete, conceal or separate, including, without limitation,
25 electronically, the confidential information from the information
26 included in the public book or record that is not otherwise
27 confidential.

28 4. If requested, a governmental entity shall provide a copy of a
29 public record in an electronic format by means of an electronic
30 medium. Nothing in this subsection requires a governmental entity
31 to provide a copy of a public record in an electronic format or by
32 means of an electronic medium if:

33 (a) The public record:

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

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

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

38 (1) Give access to proprietary software; or

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

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

44 (a) Shall not refuse to provide a copy of that public record in the
45 medium that is requested because the officer, employee or agent has



1 already prepared or would prefer to provide the copy in a different
2 medium.

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

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

8 284.013 1. Except as otherwise provided in subsection 4, this
9 chapter does not apply to:

10 (a) Agencies, bureaus, commissions, officers or personnel in the
11 Legislative Department or the Judicial Department of State
12 Government, including the Commission on Judicial Discipline;

13 (b) Any person who is employed by a board, commission,
14 committee or council created in chapters 445C, 590, 623 to 625A,
15 inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32,*
16 *inclusive, of this act,* 648, 652, 654 and 656 of NRS; or

17 (c) Officers or employees of any agency of the Executive
18 Department of the State Government who are exempted by specific
19 statute.

20 2. Except as otherwise provided in subsection 3, the terms and
21 conditions of employment of all persons referred to in subsection 1,
22 including salaries not prescribed by law and leaves of absence,
23 including, without limitation, annual leave and sick and disability
24 leave, must be fixed by the appointing or employing authority
25 within the limits of legislative appropriations or authorizations.

26 3. Except as otherwise provided in this subsection, leaves of
27 absence prescribed pursuant to subsection 2 must not be of lesser
28 duration than those provided for other state officers and employees
29 pursuant to the provisions of this chapter. The provisions of this
30 subsection do not govern the Legislative Commission with respect
31 to the personnel of the Legislative Counsel Bureau.

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

38 5. To the extent that they are inconsistent or otherwise in
39 conflict, the provisions of this chapter do not apply to any terms and
40 conditions of employment that are properly within the scope of and
41 subject to the provisions of a collective bargaining agreement or a
42 supplemental bargaining agreement that is enforceable pursuant to
43 the provisions of NRS 288.400 to 288.630, inclusive.



1 **Sec. 59.** NRS 353.005 is hereby amended to read as follows:
2 353.005 Except as otherwise provided in NRS 353.007, the
3 provisions of this chapter do not apply to boards created by the
4 provisions of NRS 590.485 and chapters 623 to 625A, inclusive,
5 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of this*
6 *act*, 648, 654 and 656 of NRS and the officers and employees of
7 those boards.

8 **Sec. 60.** NRS 353A.020 is hereby amended to read as follows:
9 353A.020 1. The Director, in consultation with the
10 Committee and Legislative Auditor, shall adopt a uniform system of
11 internal accounting and administrative control for agencies. The
12 elements of the system must include, without limitation:

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

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

17 (c) Procedures for authorizations and recordkeeping which
18 effectively control accounting of assets, liabilities, revenues and
19 expenses;

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

22 (e) An effective system of internal review.

23 2. The Director, in consultation with the Committee and
24 Legislative Auditor, may modify the system whenever the Director
25 considers it necessary.

26 3. Each agency shall develop written procedures to carry out
27 the system of internal accounting and administrative control adopted
28 pursuant to this section.

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

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

33 (b) The Nevada System of Higher Education.

34 (c) The Public Employees' Retirement System.

35 (d) The Housing Division of the Department of Business and
36 Industry.

37 (e) The Colorado River Commission of Nevada.

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

39 353A.025 1. The head of each agency shall periodically
40 review the agency's system of internal accounting and
41 administrative control to determine whether it is in compliance with
42 the uniform system of internal accounting and administrative control
43 for agencies adopted pursuant to subsection 1 of NRS 353A.020.

44 2. On or before July 1 of each even-numbered year, the head of
45 each agency shall report to the Director whether the agency's



1 system of internal accounting and administrative control is in
2 compliance with the uniform system adopted pursuant to subsection
3 1 of NRS 353A.020. The reports must be made available for
4 inspection by the members of the Legislature.

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

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

9 (b) The Nevada System of Higher Education.

10 (c) The Public Employees' Retirement System.

11 (d) The Housing Division of the Department of Business and
12 Industry.

13 (e) The Colorado River Commission of Nevada.

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

17 (a) Director of the Legislative Counsel Bureau for transmittal to
18 the:

19 (1) Senate Standing Committee on Finance; and

20 (2) Assembly Standing Committee on Ways and Means;

21 (b) Governor; and

22 (c) Legislative Auditor.

23 5. The report submitted by the Director pursuant to subsection
24 4 must include, without limitation:

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

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

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

33 **Sec. 62.** NRS 353A.045 is hereby amended to read as follows:

34 353A.045 The Administrator shall:

35 1. Report to the Director.

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

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

44 (b) The Nevada System of Higher Education.

45 (c) The Public Employees' Retirement System.



1 (d) The Housing Division of the Department of Business and
2 Industry.

3 (e) The Colorado River Commission of Nevada.

4 3. Provide a copy of the approved annual work plan to the
5 Legislative Auditor.

6 4. In consultation with the Director, prepare a plan for auditing
7 executive branch agencies for each fiscal year and present the plan
8 to the Committee for its review and approval. Each plan for auditing
9 must:

10 (a) State the agencies which will be audited, the proposed scope
11 and assignment of those audits and the related resources which will
12 be used for those audits; and

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

15 5. Perform the audits of the programs and activities of the
16 agencies in accordance with the plan approved pursuant to
17 subsection 5 of NRS 353A.038 and prepare audit reports of his or
18 her findings.

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

22 7. Submit to each agency that is audited pursuant to subsection
23 5 analyses, appraisals and recommendations concerning:

24 (a) The adequacy of the internal accounting and administrative
25 controls of the agency; and

26 (b) The efficiency and effectiveness of the management of the
27 agency.

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

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

33 10. Consult with the Legislative Auditor concerning the plan
34 for auditing and the scope of audits to avoid duplication of effort
35 and undue disruption of the functions of agencies that are audited
36 pursuant to subsection 5.

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

38 372.7285 1. In administering the provisions of NRS 372.325,
39 the Department shall apply the exemption to the sale of a medical
40 device to a governmental entity that is exempt pursuant to that
41 section without regard to whether the person using the medical
42 device or the governmental entity that purchased the device is
43 deemed to be the holder of title to the device if:



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

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

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

9 2. As used in this section:

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

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

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

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

28 374.731 1. In administering the provisions of NRS 374.330,
29 the Department shall apply the exemption to the sale of a medical
30 device to a governmental entity that is exempt pursuant to that
31 section without regard to whether the person using the medical
32 device or the governmental entity that purchased the device is
33 deemed to be the holder of title to the device if:

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

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

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

42 2. As used in this section:

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



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

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

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

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

18 *1. To the extent authorized by federal law, the Director shall*
19 *include a requirement in the State Plan for Medicaid a*
20 *requirement that, except as otherwise provided in subsection 2, the*
21 *State pay the nonfederal share of expenditures incurred for*
22 *services rendered by a licensed certified professional midwife.*
23 *Such services must be reimbursed at a comparable rate to similar*
24 *services provided by other providers of health care, including,*
25 *without limitation, physicians, physician assistants and advanced*
26 *practice registered nurses, regardless of the location at which the*
27 *services are provided.*

28 *2. The Department or a managed care organization,*
29 *including, without limitation, a health maintenance organization,*
30 *that provides health care services to recipients of Medicaid under*
31 *the State Plan for Medicaid may charge a copayment or*
32 *coinsurance or apply a deductible for the services described in*
33 *subsection 1. The amount of such a copayment, coinsurance or*
34 *deductible must not exceed the amount of the copayment,*
35 *coinsurance or deductible charged for the same services provided*
36 *by another provider of health care.*

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

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

40 432B.220 1. Any person who is described in subsection 4
41 and who, in his or her professional or occupational capacity, knows
42 or has reasonable cause to believe that a child has been abused or
43 neglected shall:



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

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

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

10 (a) A person directly responsible or serving as a volunteer for or
11 an employee of a public or private home, institution or facility
12 where the child is receiving child care outside of the home for a
13 portion of the day, the person shall make the report to a law
14 enforcement agency.

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

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

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

39 (a) A person providing services licensed or certified in this State
40 pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632,
41 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C,
42 640D, 640E, 641, 641A, 641B, 641C or 653 of NRS **or sections**
43 **2 to 32, inclusive, of this act.**

44 (b) Any personnel of a medical facility licensed pursuant to
45 chapter 449 of NRS who are engaged in the admission, examination,



1 care or treatment of persons or an administrator, manager or other
2 person in charge of such a medical facility upon notification of
3 suspected abuse or neglect of a child by a member of the staff of the
4 medical facility.

5 (c) A coroner.

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

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

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

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

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

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

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

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

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

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

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



1 enforcement agency. The written findings must include, if
2 obtainable, the information required pursuant to the provisions of
3 subsection 2 of NRS 432B.230.

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

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

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

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

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

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

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

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

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

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

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

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

42 10. As used in this section:

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



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

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

5 439A.0195 "Practitioner" means a physician licensed under
6 chapter 630, 630A or 633 of NRS, dentist, licensed nurse, *licensed*
7 *certified professional midwife*, dispensing optician, optometrist,
8 registered physical therapist, podiatric physician, licensed
9 psychologist, chiropractor, doctor of Oriental medicine in any form,
10 medical laboratory director or technician, pharmacist or other person
11 whose principal occupation is the provision of services for health.

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

13 439B.225 1. As used in this section, "licensing board" means
14 any division or board empowered to adopt standards for the issuance
15 or renewal of licenses, permits or certificates of registration
16 pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A,
17 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639,
18 640, 640A, 640D, 641, 641A, 641B, 641C, 652, 653 or 654 of NRS
19 *and sections 2 to 32, inclusive, of this act.*

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

24 (a) Any oral or written comment made or submitted to it by
25 members of the public or by persons or facilities affected by the
26 regulation;

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

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

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

33 3. After reviewing a proposed regulation, the Committee shall
34 notify the agency of the opinion of the Committee regarding the
35 advisability of adopting or revising the proposed regulation.

36 4. The Committee shall recommend to the Legislature as a
37 result of its review of regulations pursuant to this section any
38 appropriate legislation.

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

41 *As used in this chapter, "midwife" means any type of midwife,*
42 *including, without limitation, a licensed certified professional*
43 *midwife or any person who engages in the practice of certified*
44 *professional midwifery.*



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

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

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

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

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

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

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

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

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

5. If the mother was:

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

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

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

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



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

4 (2) The mother and a person other than the mother's spouse
5 at the time of conception have signed a declaration for the voluntary
6 acknowledgment of paternity developed by the Board pursuant to
7 NRS 440.283 or a declaration for the voluntary acknowledgment of
8 parentage developed by the Board pursuant to NRS 440.285.

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

12 (a) The provisions of paragraph (b) of subsection 5 are
13 applicable;

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

16 (c) The parents of the child have signed a declaration for the
17 voluntary acknowledgment of paternity developed by the Board
18 pursuant to NRS 440.283 or a declaration for the voluntary
19 acknowledgment of parentage developed by the Board pursuant to
20 NRS 440.285. If both parents execute a declaration consenting to
21 the use of the surname of one parent as the surname of the child, the
22 name of that parent must be entered on the original certificate of
23 birth and the surname of that parent must be entered thereon as the
24 surname of the child.

25 7. An order entered or a declaration executed pursuant to
26 subsection 6 must be submitted to the local health officer, the local
27 health officer's authorized representative, or the attending physician
28 or midwife before a proper certificate of birth is forwarded to the
29 State Registrar. The order or declaration must then be delivered to
30 the State Registrar for filing. The State Registrar's file of orders and
31 declarations must be sealed and the contents of the file may be
32 examined only upon order of a court of competent jurisdiction or at
33 the request of either parent or the Division of Welfare and
34 Supportive Services of the Department of Health and Human
35 Services as necessary to carry out the provisions of 42 U.S.C. §
36 654a. The local health officer shall complete the original certificate
37 of birth in accordance with subsection 6 and other provisions of this
38 chapter.

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

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

42 440.770 Any person who furnishes false information to a
43 physician, advanced practice registered nurse, *licensed certified*
44 *professional midwife*, funeral director, midwife or informant for the



1 purpose of making incorrect certification of births or deaths shall be
2 punished by a fine of not more than \$250.

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

4 441A.110 "Provider of health care" means a physician, nurse,
5 *licensed certified professional midwife* or veterinarian licensed in
6 accordance with state law or a physician assistant licensed pursuant
7 to chapter 630 or 633 of NRS.

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

9 442.003 As used in this chapter, unless the context requires
10 otherwise:

11 1. "Advisory Board" means the Advisory Board on Maternal
12 and Child Health.

13 2. "Department" means the Department of Health and Human
14 Services.

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

16 4. "Division" means the Division of Public and Behavioral
17 Health of the Department.

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

19 6. "Laboratory" has the meaning ascribed to it in
20 NRS 652.040.

21 7. *"Midwife" means any type of midwife, including, without*
22 *limitation, a licensed certified professional midwife or any person*
23 *who engages in the practice of certified professional midwifery.*

24 8. "Obstetric center" has the meaning ascribed to it in
25 NRS 449.0155.

26 ~~8.1~~ 9. "Provider of health care or other services" means:

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

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

34 (c) A licensed nurse;

35 (d) A licensed psychologist;

36 (e) A licensed marriage and family therapist;

37 (f) A licensed clinical professional counselor;

38 (g) A licensed social worker;

39 (h) A licensed dietitian; ~~for~~

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

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

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

43 442.119 As used in NRS 442.119 to 442.1198, inclusive,
44 unless the context otherwise requires:



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

3 2. "Medicaid" has the meaning ascribed to it in
4 NRS 439B.120.

5 3. "Medicare" has the meaning ascribed to it in
6 NRS 439B.130.

7 4. "Provider of prenatal care" means:

8 (a) A physician who is licensed in this State and certified in
9 obstetrics and gynecology, family practice, general practice or
10 general surgery.

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

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

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

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

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

21 442.610 "Provider of health care" means:

22 1. A provider of health care as defined in NRS 629.031 ~~{ }~~,
23 *including, without limitation, a licensed certified professional*
24 *midwife; and*

25 2. ~~{A midwife; and~~

26 ~~—3.}~~ An obstetric center licensed pursuant to chapter 449 of
27 NRS.

28 **Sec. 76.** NRS 454.00958 is hereby amended to read as
29 follows:

30 454.00958 "Practitioner" means:

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

33 2. A pharmacy, hospital or other institution licensed or
34 registered to distribute, dispense, conduct research with respect to or
35 to administer a dangerous drug in the course of professional practice
36 in this State.

37 3. When relating to the prescription of poisons, dangerous
38 drugs and devices:

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

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



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

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

7 *(a) Any device or drug described in subsection 1 or 2 of section*
8 *26 of this act for use in his or her practice; or*

9 *(b) Any device or vaccine described in subsection 4 of section*
10 *26 of this act for a client.*

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

12 454.213 1. Except as otherwise provided in NRS 454.217, a
13 drug or medicine referred to in NRS 454.181 to 454.371, inclusive,
14 may be possessed and administered by:

15 (a) A practitioner.

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

20 (c) Except as otherwise provided in paragraph (d), a registered
21 nurse licensed to practice professional nursing or licensed practical
22 nurse, at the direction of a prescribing physician, physician assistant
23 licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric
24 physician or advanced practice registered nurse, or pursuant to a
25 chart order, for administration to a patient at another location.

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

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

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

34 (e) A medication aide - certified at a designated facility under
35 the supervision of an advanced practice registered nurse or
36 registered nurse and in accordance with standard protocols
37 developed by the State Board of Nursing. As used in this paragraph,
38 "designated facility" has the meaning ascribed to it in
39 NRS 632.0145.

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

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



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

3 (3) A district board of health created pursuant to NRS
4 439.362 or 439.370 in any county.

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

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

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

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

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

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

22 ↪ A medical student or student nurse may administer a dangerous
23 drug in the presence or under the supervision of a registered nurse
24 alone only if the circumstances are such that the registered nurse
25 would be authorized to administer it personally.

26 (k) Any person designated by the head of a correctional
27 institution.

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

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

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

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

39 (1) Used for cooling and stretching external tissue during
40 therapeutic treatments; and

41 (2) Prescribed by a licensed physician for:

42 (I) Iontophoresis; or

43 (II) The transmission of drugs through the skin using
44 ultrasound.



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

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

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

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

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

13 (3) Administers immunizations in compliance with the
14 "Standards for Immunization Practices" recommended and
15 approved by the Advisory Committee on Immunization Practices of
16 the Centers for Disease Control and Prevention.

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

20 (t) A person who is enrolled in a training program to become a
21 physician assistant licensed pursuant to chapter 630 or 633 of NRS,
22 dental hygienist, advanced emergency medical technician,
23 paramedic, respiratory therapist, dialysis technician, physical
24 therapist or veterinary technician or to obtain a license to engage in
25 radiation therapy and radiologic imaging pursuant to chapter 653 of
26 NRS if the person possesses and administers the drug or medicine in
27 the same manner and under the same conditions that apply,
28 respectively, to a physician assistant licensed pursuant to chapter
29 630 or 633 of NRS, dental hygienist, advanced emergency medical
30 technician, paramedic, respiratory therapist, dialysis technician,
31 physical therapist, veterinary technician or person licensed to
32 engage in radiation therapy and radiologic imaging who may
33 possess and administer the drug or medicine, and under the direct
34 supervision of a person licensed or registered to perform the
35 respective medical art or a supervisor of such a person.

36 (u) A medical assistant, in accordance with applicable
37 regulations of the:

38 (1) Board of Medical Examiners, at the direction of the
39 prescribing physician and under the supervision of a physician or
40 physician assistant.

41 (2) State Board of Osteopathic Medicine, at the direction of
42 the prescribing physician and under the supervision of a physician
43 or physician assistant.

44 (v) *A certified professional midwife student midwife or*
45 *certified professional midwife birth assistant who is administering*



1 *the medicine or drug under the direct supervision of a licensed*
2 *certified professional midwife as authorized by sections 2 to 32,*
3 *inclusive, of this act and any regulations adopted pursuant*
4 *thereto.*

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

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

8 454.361 A conviction of the violation of any of the provisions
9 of NRS 454.181 to 454.371, inclusive, constitutes grounds for the
10 suspension or revocation of any license issued to such person
11 pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638,
12 639 or 653 of NRS ~~H~~ *or sections 2 to 32, inclusive, of this act.*

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

14 608.0116 “Professional” means pertaining to:

15 1. An employee who is licensed or certified by the State of
16 Nevada for and engaged in the practice of law or any of the
17 professions regulated by chapters 623 to 645, inclusive, 645G and
18 656A of NRS ~~H~~ *and sections 2 to 32, inclusive, of this act.*

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

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

23 679B.440 1. The Commissioner may require that reports
24 submitted pursuant to NRS 679B.430 include, without limitation,
25 information regarding:

26 (a) Liability insurance provided to:

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

29 (I) Cities and towns;

30 (II) School districts; and

31 (III) Other political subdivisions;

32 (2) Public officers;

33 (3) Establishments where alcoholic beverages are sold;

34 (4) Facilities for the care of children;

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

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

39 (b) Liability insurance for:

40 (1) Defective products;

41 (2) Medical or dental malpractice of:

42 (I) A practitioner licensed pursuant to chapter 630, 630A,
43 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS
44 *or sections 2 to 32, inclusive, of this act* or who holds a license or
45 limited license issued pursuant to chapter 653 of NRS;



- 1 (II) A hospital or other health care facility; or
2 (III) Any related corporate entity;
3 (3) Malpractice of attorneys;
4 (4) Malpractice of architects and engineers; and
5 (5) Errors and omissions by other professionally qualified
6 persons;

7 (c) Vehicle insurance, reported separately for:

- 8 (1) Private vehicles;
9 (2) Commercial vehicles;
10 (3) Liability insurance; and
11 (4) Insurance for property damage; and

12 (d) Workers' compensation insurance.

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

- 17 (a) Premiums directly written;
18 (b) Premiums directly earned;
19 (c) Number of policies issued;
20 (d) Net investment income, using appropriate estimates when
21 necessary;

22 (e) Losses paid;

23 (f) Losses incurred;

24 (g) Loss reserves, including:

25 (1) Losses unpaid on reported claims; and

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

27 (h) Number of claims, including:

28 (1) Claims paid; and

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

30 (i) Expenses for adjustment of losses, including allocated and
31 unallocated losses;

32 (j) Net underwriting gain or loss;

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

34 and

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

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

38 (a) Recoverable federal income tax;

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

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

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

43 686A.2825 "Practitioner" means:

44 1. A physician, dentist, nurse, *licensed certified professional*
45 *midwife*, dispensing optician, optometrist, physical therapist,



1 podiatric physician, psychologist, chiropractor, doctor of Oriental
2 medicine in any form, director or technician of a medical laboratory,
3 pharmacist, person who holds a license to engage in radiation
4 therapy and radiologic imaging or a limited license to engage in
5 radiologic imaging pursuant to chapter 653 of NRS or other
6 provider of health services who is authorized to engage in his or her
7 occupation by the laws of this state or another state; and

8 2. An attorney admitted to practice law in this state or any
9 other state.

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

11 686B.030 1. Except as otherwise provided in subsection 2
12 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799,
13 inclusive, apply to all kinds and lines of direct insurance written on
14 risks or operations in this State by any insurer authorized to do
15 business in this State, except:

- 16 (a) Ocean marine insurance;
- 17 (b) Contracts issued by fraternal benefit societies;
- 18 (c) Life insurance and credit life insurance;
- 19 (d) Variable and fixed annuities;
- 20 (e) Credit accident and health insurance;
- 21 (f) Property insurance for business and commercial risks;
- 22 (g) Casualty insurance for business and commercial risks other
23 than insurance covering the liability of a practitioner licensed
24 pursuant to chapters 630 to 640, inclusive, of NRS *and sections 2 to*
25 *32, inclusive, of this act* or who holds a license or limited license
26 issued pursuant to chapter 653 of NRS;
- 27 (h) Surety insurance;
- 28 (i) Health insurance offered through a group health plan
29 maintained by a large employer; and
- 30 (j) Credit involuntary unemployment insurance.

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

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

35 686B.040 1. Except as otherwise provided in subsection 2,
36 the Commissioner may by rule exempt any person or class of
37 persons or any market segment from any or all of the provisions of
38 NRS 686B.010 to 686B.1799, inclusive, if and to the extent that the
39 Commissioner finds their application unnecessary to achieve the
40 purposes of those sections.

41 2. The Commissioner may not, by rule or otherwise, exempt an
42 insurer from the provisions of NRS 686B.010 to 686B.1799,
43 inclusive, with regard to insurance covering the liability of a
44 practitioner licensed pursuant to chapter 630, 631, 632 or 633 of



1 NRS *or sections 2 to 32, inclusive, of this act* for a breach of the
2 practitioner's professional duty toward a patient.

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

4 686B.115 1. Any hearing held by the Commissioner to
5 determine whether rates comply with the provisions of NRS
6 686B.010 to 686B.1799, inclusive, must be open to members of the
7 public.

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

10 3. At any hearing which is held by the Commissioner to
11 determine whether rates comply with the provisions of NRS
12 686B.010 to 686B.1799, inclusive, and which involves rates for
13 insurance covering the liability of a practitioner licensed pursuant to
14 chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive,*
15 *of this act* for a breach of the practitioner's professional duty toward
16 a patient, if a person is not otherwise authorized pursuant to this title
17 to become a party to the hearing by intervention, the person is
18 entitled to provide testimony at the hearing if, not later than 2 days
19 before the date set for the hearing, the person files with the
20 Commissioner a written statement which states:

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

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

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

25 4. If a person provides testimony at a hearing in accordance
26 with subsection 3:

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

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

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

37 689A.035 1. An insurer shall not charge a provider of health
38 care a fee to include the name of the provider on a list of providers
39 of health care given by the insurer to its insureds.

40 2. An insurer shall not contract with a provider of health care
41 to provide health care to an insured unless the insurer uses the form
42 prescribed by the Commissioner pursuant to NRS 629.095 to obtain
43 any information related to the credentials of the provider of health
44 care.



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

3 (a) At any time pursuant to a written agreement executed by
4 both parties.

5 (b) Except as otherwise provided in this paragraph, by the
6 insurer upon giving to the provider 45 days' written notice of the
7 modification of the insurer's schedule of payments, including any
8 changes to the fee schedule applicable to the provider's practice. If
9 the provider fails to object in writing to the modification within the
10 45-day period, the modification becomes effective at the end of that
11 period. If the provider objects in writing to the modification within
12 the 45-day period, the modification must not become effective
13 unless agreed to by both parties as described in paragraph (a).

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

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

19 (b) If requested by the provider of health care at any other time,
20 submit to the provider of health care the schedule of payments,
21 including any changes to the fee schedule applicable to the
22 provider's practice, specified in paragraph (a) within 7 days after
23 receiving the request.

24 5. As used in this section, "provider of health care" means a
25 provider of health care who is licensed pursuant to chapter 630, 631,
26 632 or 633 of NRS ~~H~~ *or sections 2 to 32, inclusive, of this act.*

27 **Sec. 86.** NRS 689B.015 is hereby amended to read as follows:

28 689B.015 1. An insurer that issues a policy of group health
29 insurance shall not charge a provider of health care a fee to include
30 the name of the provider on a list of providers of health care given
31 by the insurer to its insureds.

32 2. An insurer specified in subsection 1 shall not contract with a
33 provider of health care to provide health care to an insured unless
34 the insurer uses the form prescribed by the Commissioner pursuant
35 to NRS 629.095 to obtain any information related to the credentials
36 of the provider of health care.

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

39 (a) At any time pursuant to a written agreement executed by
40 both parties.

41 (b) Except as otherwise provided in this paragraph, by the
42 insurer upon giving to the provider 45 days' written notice of the
43 modification of the insurer's schedule of payments, including any
44 changes to the fee schedule applicable to the provider's practice. If
45 the provider fails to object in writing to the modification within the



1 45-day period, the modification becomes effective at the end of that
2 period. If the provider objects in writing to the modification within
3 the 45-day period, the modification must not become effective
4 unless agreed to by both parties as described in paragraph (a).

5 4. If an insurer specified in subsection 1 contracts with a
6 provider of health care to provide health care to an insured, the
7 insurer shall:

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

11 (b) If requested by the provider of health care at any other time,
12 submit to the provider of health care the schedule of payments,
13 including any changes to the fee schedule applicable to the
14 provider's practice, specified in paragraph (a) within 7 days after
15 receiving the request.

16 5. As used in this section, "provider of health care" means a
17 provider of health care who is licensed pursuant to chapter 630, 631,
18 632 or 633 of NRS ~~H~~ *or sections 2 to 32, inclusive, of this act.*

19 **Sec. 87.** NRS 689C.435 is hereby amended to read as follows:

20 689C.435 1. A carrier serving small employers and a carrier
21 that offers a contract to a voluntary purchasing group shall not
22 charge a provider of health care a fee to include the name of the
23 provider on a list of providers of health care given by the carrier to
24 its insureds.

25 2. A carrier specified in subsection 1 shall not contract with a
26 provider of health care to provide health care to an insured unless
27 the carrier uses the form prescribed by the Commissioner pursuant
28 to NRS 629.095 to obtain any information related to the credentials
29 of the provider of health care.

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

32 (a) At any time pursuant to a written agreement executed by
33 both parties.

34 (b) Except as otherwise provided in this paragraph, by the
35 carrier upon giving to the provider 45 days' written notice of the
36 modification of the carrier's schedule of payments, including any
37 changes to the fee schedule applicable to the provider's practice. If
38 the provider fails to object in writing to the modification within the
39 45 day period, the modification becomes effective at the end of that
40 period. If the provider objects in writing to the modification within
41 the 45 day period, the modification must not become effective
42 unless agreed to by both parties as described in paragraph (a).

43 4. If a carrier specified in subsection 1 contracts with a
44 provider of health care to provide health care to an insured, the
45 carrier 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 5. 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~~ *or sections 2 to 32, inclusive, of this act.*

12 **Sec. 88.** NRS 690B.250 is hereby amended to read as follows:

13 690B.250 Except as more is required in NRS 630.3067 and
14 633.526:

15 1. Each insurer which issues a policy of insurance covering the
16 liability of a practitioner licensed pursuant to chapters 630 to 640,
17 inclusive, of NRS *or sections 2 to 32, inclusive, of this act* or who
18 holds a license or limited license issued pursuant to chapter 653 of
19 NRS for a breach of his or her professional duty toward a patient
20 shall report to the board which licensed the practitioner within 45
21 days each settlement or award made or judgment rendered by reason
22 of a claim, if the settlement, award or judgment is for more than
23 \$5,000, giving the name of the claimant and the practitioner and the
24 circumstances of the case.

25 2. A practitioner licensed pursuant to chapters 630 to 640,
26 inclusive, of NRS *or sections 2 to 32, inclusive, of this act* or who
27 holds a license or limited license issued pursuant to chapter 653 of
28 NRS who does not have insurance covering liability for a breach of
29 his or her professional duty toward a patient shall report to the board
30 which issued the practitioner's license within 45 days of each
31 settlement or award made or judgment rendered by reason of a
32 claim, if the settlement, award or judgment is for more than \$5,000,
33 giving the practitioner's name, the name of the claimant and the
34 circumstances of the case.

35 3. These reports are public records and must be made available
36 for public inspection within a reasonable time after they are received
37 by the licensing board.

38 **Sec. 89.** NRS 690B.270 is hereby amended to read as follows:

39 690B.270 If an insurer declines to issue to a practitioner
40 licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or*
41 *sections 2 to 32, inclusive, of this act* a policy of professional
42 liability insurance, the insurer shall, upon the request of the
43 practitioner, disclose to the practitioner the reasons the insurer
44 declined to issue the policy.



1 **Sec. 90.** NRS 690B.280 is hereby amended to read as follows:
2 690B.280 If an insurer, for a policy of professional liability
3 insurance for a practitioner licensed pursuant to chapter 630, 631,
4 632 or 633 of NRS **§ or sections 2 to 32, inclusive, of this act**, sets
5 the premium for the policy for the practitioner at a rate that is higher
6 than the standard rate of the insurer for the applicable type of policy
7 and specialty of the practitioner, the insurer shall, upon the request
8 of the practitioner, disclose the reasons the insurer set the premium
9 for the policy at the higher rate.

10 **Sec. 91.** NRS 690B.290 is hereby amended to read as follows:
11 690B.290 If an insurer offers to issue a claims-made policy to a
12 practitioner licensed pursuant to chapter 630, 631, 632 or 633 of
13 NRS **§ or sections 2 to 32, inclusive, of this act**, the insurer shall:

- 14 1. Offer to issue an extended reporting endorsement to the
15 practitioner; and
- 16 2. Disclose to the practitioner the cost formula that the insurer
17 uses to determine the premium for the extended reporting
18 endorsement. The cost formula must be based on:
 - 19 (a) An amount that is not more than twice the amount of the
20 premium for the claims-made policy at the time of the termination
21 of that policy; and
 - 22 (b) The rates filed by the insurer and approved by the
23 Commissioner.

24 **Sec. 92.** NRS 690B.300 is hereby amended to read as follows:
25 690B.300 1. Except as otherwise provided in this section, if
26 an insurer issues a policy of professional liability insurance to a
27 practitioner licensed pursuant to chapter 630, 632 or 633 of NRS **or**
28 **sections 2 to 32, inclusive, of this act** who delivers one or more
29 babies per year, the insurer shall not set the premium for the policy
30 at a rate that is different from the rate set for such a policy issued by
31 the insurer to any other practitioner licensed pursuant to chapter
32 630, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act**
33 who delivers one or more babies per year if the difference in rates is
34 based in whole or in part upon the number of babies delivered per
35 year by the practitioner.

36 2. If an insurer issues a policy of professional liability
37 insurance to a practitioner licensed pursuant to chapter 630, 632 or
38 633 of NRS **or sections 2 to 32, inclusive, of this act** who delivers
39 one or more babies per year, the insurer may set the premium for the
40 policy at a rate that is different, based in whole or in part upon
41 the number of babies delivered per year by the practitioner, from the
42 rate set for such a policy issued by the insurer to any other
43 practitioner licensed pursuant to chapter 630, 632 or 633 of NRS **or**
44 **sections 2 to 32, inclusive, of this act** who delivers one or more
45 babies per year if the insurer:



1 (a) Bases the difference upon actuarial and loss experience data
2 available to the insurer; and

3 (b) Obtains the approval of the Commissioner for the difference
4 in rates.

5 3. The provisions of this section do not prohibit an insurer from
6 setting the premium for a policy of professional liability insurance
7 issued to a practitioner licensed pursuant to chapter 630, 632 or 633
8 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one
9 or more babies per year at a rate that is different from the rate set for
10 such a policy issued by the insurer to any other practitioner licensed
11 pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32,*
12 *inclusive, of this act* who delivers one or more babies per year if the
13 difference in rates is based solely upon factors other than the
14 number of babies delivered per year by the practitioner.

15 **Sec. 93.** NRS 690B.310 is hereby amended to read as follows:

16 690B.310 1. If an agreement settles a claim or action against
17 a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of
18 NRS *or sections 2 to 32, inclusive, of this act* for a breach of his or
19 her professional duty toward a patient, the following terms of the
20 agreement must not be made confidential:

21 (a) The names of the parties;

22 (b) The date of the incidents or events giving rise to the claim or
23 action;

24 (c) The nature of the claim or action as set forth in the complaint
25 and the answer that is filed with the district court; and

26 (d) The effective date of the agreement.

27 2. Any provision of an agreement to settle a claim or action
28 that conflicts with this section is void.

29 **Sec. 94.** NRS 690B.320 is hereby amended to read as follows:

30 690B.320 1. If an insurer offers to issue a claims-made
31 policy to a practitioner licensed pursuant to chapters 630 to 640,
32 inclusive, of NRS *or sections 2 to 32, inclusive, of this act* or who
33 holds a license or limited license issued pursuant to chapter 653 of
34 NRS, the insurer shall:

35 (a) Offer to issue to the practitioner an extended reporting
36 endorsement without a time limitation for reporting a claim.

37 (b) Disclose to the practitioner the premium for the extended
38 reporting endorsement and the cost formula that the insurer uses to
39 determine the premium for the extended reporting endorsement.

40 (c) Disclose to the practitioner the portion of the premium
41 attributable to funding the extended reporting endorsement offered
42 at no additional cost to the practitioner in the event of the
43 practitioner's death, disability or retirement, if such a benefit is
44 offered.



1 (d) Disclose to the practitioner the vesting requirements for the
2 extended reporting endorsement offered at no additional cost to the
3 practitioner in the event of the practitioner's death or retirement, if
4 such a benefit is offered. If such a benefit is not offered, the absence
5 of such a benefit must be disclosed.

6 (e) Include, as part of the insurance contract, language which
7 must be approved by the Commissioner and which must be
8 substantially similar to the following:
9

10 If we adopt any revision that would broaden the coverage
11 under this policy without any additional premium either
12 within the policy period or within 60 days before the policy
13 period, the broadened coverage will immediately apply to this
14 policy.
15

16 2. The disclosures required by subsection 1 must be made as
17 part of the offer and acceptance at the inception of the policy and
18 again at each renewal in the form of an endorsement attached to the
19 insurance contract and approved by the Commissioner.

20 3. The requirements set forth in this section are in addition to
21 the requirements set forth in NRS 690B.290.

22 **Sec. 95.** NRS 690B.360 is hereby amended to read as follows:

23 690B.360 1. The Commissioner may collect all information
24 which is pertinent to monitoring whether an insurer that issues
25 professional liability insurance for a practitioner licensed pursuant
26 to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32,*
27 *inclusive, of this act* is complying with the applicable standards for
28 rates established in NRS 686B.010 to 686B.1799, inclusive. Such
29 information may include, without limitation:

30 (a) The amount of gross premiums collected with regard to each
31 medical specialty;

32 (b) Information relating to loss ratios; and

33 (c) Information reported pursuant to NRS 679B.430 and
34 679B.440.

35 2. In addition to the information collected pursuant to
36 subsection 1, the Commissioner may request any additional
37 information from an insurer:

38 (a) Whose rates and credit utilization are materially different
39 from other insurers in the market for professional liability insurance
40 for a practitioner licensed pursuant to chapter 630, 631, 632 or 633
41 of NRS *or sections 2 to 32, inclusive, of this act* in this State;

42 (b) Whose credit utilization shows a substantial change from the
43 previous year; or

44 (c) Whose information collected pursuant to subsection 1
45 indicates a potentially adverse trend.



1 3. If the Commissioner requests additional information from an
2 insurer pursuant to subsection 2, the Commissioner may:

3 (a) Determine whether the additional information offers a
4 reasonable explanation for the results described in paragraph (a), (b)
5 or (c) of subsection 2; and

6 (b) Take any steps permitted by law that are necessary and
7 appropriate to assure the ongoing stability of the market for
8 professional liability insurance for a practitioner licensed pursuant
9 to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32,*
10 *inclusive, of this act* in this State.

11 4. On an ongoing basis, the Commissioner may analyze and
12 evaluate the information collected pursuant to this section to
13 determine trends in and measure the health of the market for
14 professional liability insurance for a practitioner licensed pursuant
15 to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32,*
16 *inclusive, of this act* in this State.

17 5. If the Commissioner convenes a hearing pursuant to
18 subsection 1 of NRS 690B.350 and determines that the market for
19 professional liability insurance issued to any class, type or specialty
20 of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS
21 *or sections 2 to 32, inclusive, of this act* is not competitive and that
22 such insurance is unavailable or unaffordable for a substantial
23 number of such practitioners, the Commissioner shall prepare and
24 submit a report of the Commissioner's findings and
25 recommendations to the Director of the Legislative Counsel Bureau
26 for transmittal to members of the Legislature.

27 **Sec. 96.** NRS 695A.095 is hereby amended to read as follows:

28 695A.095 1. A society shall not charge a provider of health
29 care a fee to include the name of the provider on a list of providers
30 of health care given by the society to its insureds.

31 2. A society shall not contract with a provider of health care to
32 provide health care to an insured unless the society uses the form
33 prescribed by the Commissioner pursuant to NRS 629.095 to obtain
34 any information related to the credentials of the provider of health
35 care.

36 3. A contract between a society and a provider of health care
37 may be modified:

38 (a) At any time pursuant to a written agreement executed by
39 both parties.

40 (b) Except as otherwise provided in this paragraph, by the
41 society upon giving to the provider 45 days' written notice of the
42 modification of the society's schedule of payments, including any
43 changes to the fee schedule applicable to the provider's practice. If
44 the provider fails to object in writing to the modification within the
45 45-day period, the modification becomes effective at the end of that



1 period. If the provider objects in writing to the modification within
2 the 45-day period, the modification must not become effective
3 unless agreed to by both parties as described in paragraph (a).

4 4. If a society contracts with a provider of health care to
5 provide health care to an insured, the society shall:

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

9 (b) If requested by the provider of health care at any other time,
10 submit to the provider of health care the schedule of payments,
11 including any changes to the fee schedule applicable to the
12 provider's practice, specified in paragraph (a) within 7 days after
13 receiving the request.

14 5. As used in this section, "provider of health care" means a
15 provider of health care who is licensed pursuant to chapter 630, 631,
16 632 or 633 of NRS ~~H~~ *or sections 2 to 32, inclusive, of this act.*

17 **Sec. 97.** NRS 695B.035 is hereby amended to read as follows:

18 695B.035 1. A corporation subject to the provisions of this
19 chapter shall not charge a provider of health care a fee to include the
20 name of the provider on a list of providers of health care given by
21 the corporation to its insureds.

22 2. A corporation specified in subsection 1 shall not contract
23 with a provider of health care to provide health care to an insured
24 unless the corporation uses the form prescribed by the
25 Commissioner pursuant to NRS 629.095 to obtain any information
26 related to the credentials of the provider of health care.

27 3. A contract between a corporation specified in subsection 1
28 and a 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 corporation upon giving to the provider 45 days' written notice of
33 the modification of the corporation's schedule of payments,
34 including any changes to the fee schedule applicable to the
35 provider's practice. If the provider fails to object in writing to the
36 modification within the 45-day period, the modification becomes
37 effective at the end of that period. If the provider objects in writing
38 to the modification within the 45-day period, the modification must
39 not become effective unless agreed to by both parties as described in
40 paragraph (a).

41 4. If a corporation specified in subsection 1 contracts with a
42 provider of health care to provide health care to an insured, the
43 corporation 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 5. 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. 98.** NRS 695C.125 is hereby amended to read as follows:

13 695C.125 1. A health maintenance organization shall not
14 contract with a provider of health care to provide health care to an
15 insured unless the health maintenance organization uses the form
16 prescribed by the Commissioner pursuant to NRS 629.095 to obtain
17 any information related to the credentials of the provider of health
18 care.

19 2. A contract between a health maintenance organization and a
20 provider of health care may be modified:

21 (a) At any time pursuant to a written agreement executed by
22 both parties.

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

33 3. If a health maintenance organization contracts with a
34 provider of health care to provide health care to an enrollee, the
35 health maintenance organization 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 4. 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. 99.** NRS 695G.430 is hereby amended to read as follows:

5 695G.430 1. A managed care organization shall not contract
6 with a provider of health care to provide health care to an insured
7 unless the managed care organization uses the form prescribed by
8 the Commissioner pursuant to NRS 629.095 to obtain any
9 information related to the credentials of the provider of health care.

10 2. A contract between a managed care organization and a
11 provider of health care may be modified:

12 (a) At any time pursuant to a written agreement executed by
13 both parties.

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

24 3. If a managed care organization contracts with a provider of
25 health care to provide health care services pursuant to chapter 689A,
26 689B, 689C, 695A, 695B or 695C of NRS, the managed care
27 organization shall:

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

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

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

39 **Sec. 100.** Section 18 of this act is hereby amended to read as
40 follows:

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

44 (a) Requirements concerning the approval by the Division
45 of programs of training for licensed certified professional



1 midwives and certified professional midwife birth assistants,
2 including, without limitation, the required training and
3 instruction that must be provided by such a program and the
4 procedure for obtaining such approval.

5 (b) Requirements governing the issuance and renewal of a
6 license as a licensed certified professional midwife,
7 including, without limitation:

8 (1) The educational qualifications that, ~~except as~~
9 ~~otherwise provided in section 19 of this act and~~ in addition to
10 the qualifications prescribed by ~~that~~ section ~~19~~ *19 of this*
11 *act*, are necessary to obtain a license pursuant to that section.

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

13 (3) A requirement that an applicant for the renewal of
14 a license must have completed continuing education in
15 cultural humility or the elimination of racism or bias.

16 (c) The procedure for filing a complaint with the Division
17 concerning a licensed certified professional midwife or
18 certified professional midwife student midwife.

19 (d) Grounds for the Division to impose disciplinary action
20 against a licensed certified professional midwife or certified
21 professional midwife student midwife and the procedure by
22 which the Division will impose such disciplinary action.

23 (e) Requirements governing the reinstatement of a license
24 that has been revoked, including, without limitation, the
25 procedure to apply for reinstatement.

26 (f) Regulations governing the ordering, usage and
27 administration of drugs, vaccines, chemicals, solutions and
28 devices pursuant to section 26 of this act;

29 (g) Regulations concerning the management by a licensed
30 certified professional midwife of a client who may have a
31 condition that puts the client at a moderate or high risk of an
32 adverse outcome for the client or the fetus or newborn infant
33 of the client. The regulations must, to the extent practicable,
34 be guided by current, peer-reviewed scientific research and
35 must include, without limitation:

36 (1) A list of conditions or symptoms associated with a
37 risk of serious permanent harm or death to a client or the fetus
38 or newborn infant of a client;

39 (2) A list of conditions or symptoms associated with a
40 risk of greater than minimal harm to a client or the fetus or
41 newborn infant of a client that do not pose a risk of serious
42 permanent harm or death; and

43 (3) Specific requirements for each condition or
44 symptom listed pursuant to subparagraphs (1) and (2)
45 governing:



1 (I) The circumstances under which a licensed
2 certified professional midwife must arrange for the client to
3 consult with another provider of health care, co-manage the
4 care of the client with another provider of health care, refer
5 primary responsibility for the care of a client to another
6 provider of health care or transfer the care of the client to a
7 medical facility, procedures for such consultation, co-
8 management, referral or transfer and requirements to ensure
9 that a provider of health care who is consulted, with whom a
10 client's condition or symptom is co-managed or to whom
11 primary responsibility for the care of a client is referred is
12 appropriately qualified; and

13 (II) The information that must be included on the
14 form for providing informed refusal to consent to
15 consultation, co-management, referral or transfer pursuant to
16 section 27 of this act and the management of a client who
17 provides such informed refusal to consent.

18 (h) Requirements governing the screening of clients in
19 accordance with chapter 442 of NRS and necessary measures
20 for the prevention of communicable diseases.

21 (i) Requirements concerning the records of treatment and
22 outcomes that must be kept by a licensed certified
23 professional midwife.

24 (j) Any other requirements necessary to optimize
25 obstetrical and neonatal outcomes for clients of licensed
26 certified professional midwives.

27 2. The Board may, by regulation, require an applicant
28 for a license as a licensed certified professional midwife,
29 including, without limitation, an applicant for a license by
30 endorsement pursuant to section 20 of this act, to submit to
31 the Division a complete set of his or her fingerprints and
32 written permission authorizing the Division to forward the
33 fingerprints to the Central Repository for Nevada Records of
34 Criminal History for submission to the Federal Bureau of
35 Investigation for its report.

36 **Sec. 101.** Section 19 of this act is hereby amended to read as
37 follows:

38 Sec. 19. 1. An applicant for a license as a licensed
39 certified professional midwife, other than a license by
40 endorsement pursuant to section 20 of this act, must submit to
41 the Division an application pursuant to this section in the
42 form prescribed by the Division. The application must be
43 accompanied by a fee in the amount prescribed by regulation
44 of the State Board of Health pursuant to NRS 439.150, which
45 must not exceed \$1,000. The application must include,



1 without limitation, proof that the applicant is certified as a
2 midwife by the North American Registry of Midwives, or its
3 successor organization, and:

4 (a) ~~[Has]~~ *Except as otherwise provided in subsection 2,*
5 *has* completed an educational program accredited by the
6 Midwifery Education Accreditation Council, or its successor
7 organization; or

8 (b) Holds a Midwifery Bridge Certificate issued by the
9 North American Registry of Midwives, or its successor
10 organization, and has completed the Portfolio Evaluation
11 Process prescribed by that organization.

12 2. *If the Division determines it to be necessary to*
13 *address shortages in the number of midwives practicing in*
14 *rural or underserved areas in this State, the Division may,*
15 *on a case-by-case basis, exempt an applicant from*
16 *complying with paragraph (a) of subsection 1 if the*
17 *applicant complies with paragraph (b) of subsection 1.*

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

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

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

27 ~~[3.]~~ 4. The State Board of Health shall establish by
28 regulation a procedure through which:

29 (a) An applicant may petition the State Board to reduce
30 the fees imposed pursuant to this section. An applicant may
31 qualify for such a reduction if the applicant demonstrates, to
32 the satisfaction of the State Board, that the fees imposed
33 pursuant to this section are an economic hardship on the
34 applicant.

35 (b) The State Board allocates a portion of the fees
36 imposed and collected pursuant to this section to programs
37 that promote applicants from marginalized identities through
38 increasing the numbers of such applicants and reducing
39 barriers that such applicants face.

40 ~~[4.]~~ 5. As used in this section, "marginalized identity"
41 means an identity or expression that causes or has historically
42 caused a person of such identity or expression to be
43 disproportionately discriminated against, harassed or
44 otherwise negatively treated or affected as a result of the
45 identity or expression.



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 certified professional midwife student midwife in this State
12 shall submit to the Division of Public and Behavioral Health
13 of the Department of Health and Human Services the
14 statement prescribed by the Division of Welfare and
15 Supportive Services of the Department of Health and Human
16 Services pursuant to NRS 425.520. The statement must be
17 completed and signed by the applicant.

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

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

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

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

29 (a) Fails to submit the statement required pursuant to
30 subsection 1; or

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

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



1 **Sec. 103.** Section 27 of this act is hereby amended to read as
2 follows:

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

- 11 (a) Complete placenta previa;
- 12 (b) Partial placenta previa after the 27th week of
13 gestation;
- 14 (c) Infection with the human immunodeficiency virus;
- 15 (d) Cardiovascular disease;
- 16 (e) Severe mental illness that may cause the client to
17 cause harm to themselves or others;
- 18 (f) Pre-eclampsia or eclampsia;
- 19 (g) Fetal growth restriction, oligohydramnios or moderate
20 or severe polyhydramnios in the pregnancy;
- 21 (h) Potentially serious anatomic fetal abnormalities;
- 22 (i) Diabetes that requires insulin or other medication for
23 management;
- 24 (j) Gestational age of greater than 43 weeks; or
- 25 (k) Any other condition or symptom which, in the
26 judgment of the licensed certified professional midwife, could
27 threaten the life of the client or the fetus or newborn infant of
28 the client.

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

- 35 (a) Prior cesarean section or other surgery resulting in a
36 uterine scar;
- 37 (b) Multifetal gestation; or
- 38 (c) Non-cephalic presentation after 36 weeks of gestation.

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

- 42 (a) The contents of the recommendation;
- 43 (b) The condition or symptom for which the
44 recommendation was made;



1 (c) Whether the client consented to the consultation, co-
2 management, referral or transfer; and

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

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

12 ~~—(a) Consultation,~~ *consultation*, co-management, referral
13 or transfer after the licensed certified professional midwife
14 has determined that a condition or symptom ~~[described in~~
15 ~~subsection 1]~~ exists ~~[, the]~~ *for which consultation, co-*
16 *management, referral or transfer is required by the*
17 *regulations adopted pursuant to section 18 of this act:*

18 (a) *The* licensed certified professional midwife must
19 ~~[attempt to locate a qualified provider of health care for~~
20 ~~which the client consents to consultation, co-management or~~
21 ~~referral or an appropriate medical facility for which the client~~
22 ~~consents to transfer. If the licensed certified professional~~
23 ~~midwife is unable to locate such a provider of health care~~
24 ~~who is willing to consult, co-manage or accept the referral or~~
25 ~~such a medical facility which is willing to accept the transfer,~~
26 ~~the licensed certified professional midwife is]~~ *take any action*
27 *required by those regulations;*

28 (b) *If the condition or symptom threatens the life or*
29 *health of the client, the fetus or the newborn child during*
30 *labor or delivery, the licensed certified professional midwife*
31 *must call 911 and provide care until relieved by a qualified*
32 *provider of health care; and*

33 (c) *If the licensed certified professional midwife*
34 *complies with paragraphs (a) and (b), he or she is* not liable
35 for any damages resulting from the failure to consult, co-
36 manage, refer or transfer. ~~[If the condition or symptom~~
37 ~~threatens the life or health of the client or the fetus or the~~
38 ~~newborn infant of the client during labor or delivery, the~~
39 ~~licensed certified professional midwife must call 911 and~~
40 ~~provide care until relieved by a qualified provider of health~~
41 ~~care.~~

42 ~~—(b) Consultation, co-management or referral after the~~
43 ~~licensed certified professional midwife has determined that a~~
44 ~~condition or symptom described in subsection 2 exists, the~~
45 ~~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. 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. 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 certified
45 professional midwifery. Such a provider of health care is only



1 liable for the damages resulting from his or her own acts or
2 omissions in accordance with the standards of care governing
3 his or her profession.

4 **Sec. 104.** As soon as practicable on or after the effective date
5 of this section, but not later than 6 months after receiving the
6 recommendations of the Collaboration and Transfer Guidelines
7 Workgroup created pursuant to section 105 of this act, the Board of
8 Licensed Certified Professional Midwives created by section 16 of
9 this act shall adopt the regulations required by paragraph (g) of
10 subsection 1 of section 18 of this act. In adopting the regulations,
11 the Board shall consider the measures necessary to minimize the
12 likelihood of serious harm to the client and the fetus or newborn
13 infant of the client.

14 **Sec. 105.** 1. The Collaboration and Transfer Guidelines
15 Workgroup is hereby created.

16 2. The Administrator of the Division of Public and Behavioral
17 Health of the Department of Health and Human Services shall
18 appoint to the Workgroup:

19 (a) One voting member who is a physician who practices in the
20 area of obstetrics or a certified nurse-midwife in Northern Nevada;

21 (b) One voting member who is a physician who practices in the
22 area of obstetrics or a certified nurse-midwife in Southern Nevada;

23 (c) One voting member who is a nurse manager of a labor and
24 delivery ward or a registered nurse with similar duties who is
25 responsible for coordinating transfers of pregnant women from a
26 home or birth center to a hospital and who practices in Northern
27 Nevada;

28 (d) One voting member who is a nurse manager of a labor and
29 delivery ward or a registered nurse with similar duties who is
30 responsible for coordinating transfers of pregnant women from a
31 home or birth center to a hospital and who practices in Southern
32 Nevada;

33 (e) One voting member who represents a provider of emergency
34 medical services in Northern Nevada;

35 (f) One voting member who represents a provider of emergency
36 medical services in Southern Nevada; and

37 (g) One nonvoting member to serve as a liaison with the State
38 Board of Health.

39 3. The Nevada Chapter of the National Association of Certified
40 Professional Midwives, or its successor organization, shall appoint
41 to the Workgroup four voting members who are midwives who
42 practice in Nevada. To the extent practicable, two of those members
43 must practice in Northern Nevada and two of those members must
44 practice in Southern Nevada.



1 4. The Nevada Hospital Association, or its successor
2 organization, may appoint to the Workgroup one member who is a
3 representative of that organization.

4 5. A vacancy on the Workgroup must be filled in the same
5 manner as the initial appointment.

6 6. Members of the Workgroup serve without compensation and
7 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 Workgroup who is an officer or employee
10 of this State or a political subdivision of this State must be relieved
11 from his or her duties without loss of regular compensation to
12 prepare for and attend meetings of the Workgroup and perform any
13 work necessary to carry out the duties of the Workgroup in the most
14 timely manner practicable. A state agency or political subdivision of
15 this State shall not require an officer or employee who is a member
16 of the Workgroup 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 Workgroup; or

19 (b) Take annual leave or compensatory time for the absence.

20 8. The Workgroup 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 Workgroup or a
24 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 Workgroup or a
27 subcommittee thereof.

28 10. The Workgroup 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 Workgroup or, if the
33 Workgroup divides into subcommittees pursuant to subsection 8,
34 each subcommittee of the Workgroup, shall make recommendations
35 to the Board of Licensed Certified Professional Midwives created by
36 section 16 of this act concerning the regulations required by
37 paragraph (g) of subsection 1 of section 18 of this act governing the
38 transfer of the client of a licensed certified professional midwife to a
39 medical facility. Those recommendations must, to the extent
40 practicable, be guided upon peer-reviewed scientific evidence and
41 widely accepted best practices and include, without limitation,
42 provisions for the transmission of all information necessary for the
43 care of the client from the licensed certified professional midwife to
44 the medical facility. The Workgroup ceases to exist upon



1 submission of those recommendations unless the Board requests that
2 the Workgroup 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) "Licensed certified professional midwife" means a person
9 who is certified as a certified professional midwife by the North
10 American Registry of Midwives.

11 (c) "Medical facility" has the meaning ascribed to it in
12 NRS 449.0151.

13 (d) "Northern Nevada" means Carson City and the counties of
14 Churchill, Elko, Eureka, Douglas, Humboldt, Lander, Lyon,
15 Pershing, Storey, Washoe and White Pine.

16 (e) "Southern Nevada" means the counties of Clark, Esmeralda,
17 Lincoln, Mineral and Nye.

18 **Sec. 106.** Notwithstanding the provisions of section 16 of this
19 act, on or before July 1, 2022, the Administrator of the Division of
20 Public and Behavioral Health of the Department of Health and
21 Human Services may appoint to the Board of Licensed Certified
22 Professional Midwives created by that section four members
23 pursuant to paragraph (a) of subsection 2 of that section who are not
24 licensed pursuant to section 19 or 20 of this act and are certified as
25 midwives by the North American Registry of Midwives, or its
26 successor organization. If such a member is not licensed as a
27 licensed certified professional midwife pursuant to section 19 or 20
28 of this act on July 1, 2022:

29 1. His or her term ends on that date; and

30 2. The Administrator shall appoint a person who is so licensed
31 to fill the vacancy.

32 **Sec. 107.** 1. This section and sections 104 and 105 of this act
33 become effective upon passage and approval.

34 2. Sections 1 to 99, inclusive, and 106 of this act become
35 effective:

36 (a) Upon passage and approval for the purpose of appointing the
37 members of the Board of Licensed Certified Professional Midwives,
38 adopting any regulations and performing any other preparatory
39 administrative tasks that are necessary to carry out the provisions of
40 this act; and

41 (b) On January 1, 2022, for all other purposes.

42 3. Sections 100 and 101 of this act become effective on
43 January 1, 2025.

44 4. Section 102 of this act becomes effective on the date on
45 which the provisions of 42 U.S.C. § 666 requiring each state to



1 establish procedures under which the state has authority to withhold
2 or suspend, or to restrict the use of professional, occupational and
3 recreational licenses of persons who:

4 (a) Have failed to comply with a subpoena or warrant relating to
5 a proceeding to determine the paternity of a child or to establish or
6 enforce an obligation for the support of a child; or

7 (b) Are in arrears in the payment for the support of one or more
8 children,

9 ➤ are repealed by the Congress of the United States.

10 5. Section 103 of this act becomes effective on the date on
11 which the regulations described in section 104 of this act become
12 effective.

13 6. Section 33 of this act expires by limitation on the date on
14 which the provisions of 42 U.S.C. § 666 requiring each state to
15 establish procedures under which the state has authority to withhold
16 or suspend, or to restrict the use of professional, occupational and
17 recreational licenses of persons who:

18 (a) Have failed to comply with a subpoena or warrant relating to
19 a proceeding to determine the paternity of a child or to establish or
20 enforce an obligation for the support of a child; or

21 (b) Are in arrears in the payment for the support of one or more
22 children,

23 ➤ are repealed by the Congress of the United States.

24 7. Sections 23, 29 and 102 of this act expire by limitation on
25 the date 2 years after the date on which the provisions of 42 U.S.C.
26 § 666 requiring each state to establish procedures under which the
27 state has authority to withhold or suspend, or to restrict the use of
28 professional, occupational and recreational licenses of persons who:

29 (a) Have failed to comply with a subpoena or warrant relating to
30 a proceeding to determine the paternity of a child or to establish or
31 enforce an obligation for the support of a child; or

32 (b) Are in arrears in the payment for the support of one or more
33 children,

34 ➤ are repealed by the Congress of the United States.

