

(§§ 19, 29)

(Reprinted with amendments adopted on May 28, 2021)

SECOND 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; 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) **Section 15.5** of this bill
17 authorizes the Division to accept gifts, grants and donations to pay the costs of
18 performing its duties under the provisions of this bill.

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

35 **Section 19** of this bill prescribes the requirements for the issuance of a license
36 as a licensed certified professional midwife. **Section 101** of this bill revises the
37 requirements for the issuance of a license as a licensed certified professional
38 midwife on January 1, 2025. **Section 22** of this bill: (1) authorizes a licensed
39 certified professional midwife to utilize a certified professional midwife birth
40 assistant to perform certain simple, routine medical tasks; and (2) prescribes the
41 required training for a certified professional midwife birth assistant.

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

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

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

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

91 **Section 57** of this bill makes a conforming change to clarify that confidential
92 records of the Division are not public records. **Section 31** of this bill prohibits a
93 person who does not hold a license as a licensed certified professional midwife
94 from representing 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 to engage in the practice of certified professional midwifery if the person
97 is licensed in another district, state or territory of the United States and the person
98 discloses that license to the public. **Section 31** also prohibits a certified professional
99 midwife student midwife from: (1) engaging in midwifery in circumstances other
100 than those authorized by this bill; or (2) representing that he or she is qualified to
101 engage in the practice of certified professional midwifery without supervision.
102 **Section 31** authorizes the Division to, when it has reason to believe or has received
103 complaints that a person has repeatedly violated the provisions of **section 31**,
104 certify the facts to the Attorney General, or other appropriate law enforcement
105 officer, who may, in his or her discretion, cause appropriate proceedings to be
106 brought. **Section 32** of this bill authorizes the Division or the Attorney General to
107 seek an injunction against any person violating 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 performs midwifery under the direct*
9 *supervision of a preceptor pursuant to section 24 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 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. 15.5.** *The Division may accept gifts, grants and*
7 *donations to pay the costs of performing its duties under the*
8 *provisions of this chapter.*

9 **Sec. 16.** 1. *The Board of Licensed Certified Professional*
10 *Midwives is hereby created.*

11 2. *The Administrator of the Division shall appoint to the*
12 *Board:*

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

15 (b) *One voting member who is an advanced practice registered*
16 *nurse, certified nurse-midwife or physician currently practicing in*
17 *the area of obstetrics in this State;*

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

21 (d) *Two voting members who are representatives of the general*
22 *public and who have received care from a licensed certified*
23 *professional midwife; and*

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

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

27 4. *The Administrator of the Division:*

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

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

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

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

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

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

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



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

5 **2.** *The Board shall:*

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

8 *(b) Meet annually at the call of the Chair; and*

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

12 **3.** *To the extent that money is available, the Board may meet*
13 *more frequently than required by paragraph (b) of subsection 2.*

14 **4.** *To the extent practicable, any advice or recommendations*
15 *made by the Board concerning the practice of certified*
16 *professional midwifery must be guided by current, peer-reviewed*
17 *scientific research.*

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

21 *(a) A list of programs of training for certified professional*
22 *midwife birth assistants approved by the Board. The Division shall*
23 *post the list on an Internet website maintained by the Division.*

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

27 *(1) The period for which a license is valid, which must not*
28 *exceed 2 years.*

29 *(2) A requirement that an applicant for the renewal of a*
30 *license must have completed continuing education in cultural*
31 *humility or the elimination of racism or bias.*

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

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

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

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



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

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

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

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

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

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

33 (h) Requirements governing the screening of clients in
34 accordance with chapter 442 of NRS and necessary measures for
35 the prevention of communicable diseases.

36 (i) Requirements concerning the records of treatment and
37 outcomes that must be kept by a licensed certified professional
38 midwife.

39 (j) Administrative penalties that the Division may impose upon
40 a certified professional midwife student midwife who engages in
41 the practice of certified professional midwifery without a
42 preceptor.

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



1 2. *The Board may, by regulation, require an applicant for a*
2 *license as a licensed certified professional midwife to submit to the*
3 *Division a complete set of his or her fingerprints and written*
4 *permission authorizing the Division to forward the fingerprints to*
5 *the Central Repository for Nevada Records of Criminal History*
6 *for submission to the Federal Bureau of Investigation for its*
7 *report.*

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

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

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

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

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

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

33 3. *To the extent that the implementation of such provisions*
34 *will leave the Division with sufficient money to carry out its duties*
35 *under this chapter, the State Board of Health shall establish by*
36 *regulation a procedure through which:*

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

42 (b) *The Division allocates a portion of the fees imposed and*
43 *collected pursuant to this section to programs that promote*
44 *applicant 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.** (Deleted by amendment.)

9 **Sec. 21.** (Deleted by amendment.)

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

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

18 (b) *Have completed a program of training for certified*
19 *professional midwife birth assistants on the list of programs*
20 *approved by the Board pursuant to paragraph (a) of subsection 1*
21 *of section 18 of this act;*

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

24 (d) *Have completed training in the techniques of administering*
25 *neonatal resuscitation provided through the Neonatal*
26 *Resuscitation Program of the American Academy of Pediatrics, or*
27 *any successor to that program; and*

28 (e) *Hold current certification in the techniques of*
29 *administering cardiopulmonary resuscitation.*

30 2. *A certified professional midwife birth assistant who is a*
31 *licensed certified professional midwife or who is a certified nurse-*
32 *midwife is not required to possess the qualifications set forth in*
33 *subsection 1.*

34 3. *Except as otherwise provided in subsection 4, a certified*
35 *professional midwife birth assistant may perform routine clinical*
36 *tasks and procedures only under the direct supervision of a*
37 *licensed certified professional midwife who is present on the*
38 *premises and able to intervene if necessary. Such tasks include,*
39 *without limitation:*

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

44 (b) *Providing medication, including, without limitation and to*
45 *the extent applicable, any medication described in subsection 2 of*



1 *section 26 of this act, to a patient to self-administer orally,*
2 *sublingually, topically or rectally;*

3 *(c) Administering oxygen;*

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

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

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

9 *(g) Performing cardiopulmonary or neonatal resuscitation;*
10 *and*

11 *(h) Checking vital signs.*

12 *4. A certified professional midwife birth assistant may*
13 *provide any necessary assistance in an emergency or when birth is*
14 *imminent if his or her supervising licensed certified professional*
15 *midwife is not present. If a certified professional midwife birth*
16 *assistant provides such assistance without supervision, the*
17 *certified professional midwife birth assistant must contact a*
18 *provider of emergency medical services to provide further*
19 *assistance.*

20 *5. A certified professional midwife birth assistant shall not*
21 *assess clinical information or make clinical decisions.*

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

24 *(a) An applicant for the issuance of a license as a licensed*
25 *certified professional midwife in this State shall include the social*
26 *security number of the applicant in the application submitted to*
27 *the Division.*

28 *(b) An applicant for the issuance of a license as a licensed*
29 *certified professional midwife in this State shall submit to the*
30 *Division of Public and Behavioral Health of the Department of*
31 *Health and Human Services the statement prescribed by the*
32 *Division of Welfare and Supportive Services of the Department of*
33 *Health and Human Services pursuant to NRS 425.520. The*
34 *statement must be completed and signed by the applicant.*

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

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

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

41 *3. A license as a licensed certified professional midwife may*
42 *not be issued or renewed by the Division if the applicant:*

43 *(a) Fails to submit the statement required pursuant to*
44 *subsection 1; or*



1 (b) Indicates on the statement submitted pursuant to
2 subsection 1 that the applicant is subject to a court order for the
3 support of a child and is not in compliance with the order or a
4 plan approved by the district attorney or other public agency
5 enforcing the order for the repayment of the amount owed
6 pursuant to the order.

7 4. If an applicant indicates on the statement submitted
8 pursuant to subsection 1 that the applicant is subject to a court
9 order for the support of a child and is not in compliance with the
10 order or a plan approved by the district attorney or other public
11 agency enforcing the order for the repayment of the amount owed
12 pursuant to the order, the Division shall advise the applicant to
13 contact the district attorney or other public agency enforcing the
14 order to determine the actions that the applicant may take to
15 satisfy the arrearage.

16 **Sec. 24.** 1. Except as otherwise provided in subsection 5, a
17 certified professional midwife student midwife may engage in the
18 practice of certified professional midwifery, including, without
19 limitation, by using or administering any drug, vaccine, device,
20 chemical or solution described in subsection 1, 2 or 3 of section 26
21 of this act, only under the direct supervision of a preceptor who is
22 present on the premises and able to intervene if necessary. The
23 preceptor is responsible for each client to whom the certified
24 professional midwife student midwife provides midwifery services.

25 2. A preceptor must be a person engaged in the practice of
26 certified professional midwifery who is approved by the North
27 American Registry of Midwives, or its successor organization, to
28 serve as a preceptor.

29 3. A preceptor shall:

30 (a) Notify each client that a certified professional midwife
31 student midwife may be involved in the care of the client;

32 (b) Explain the scope of the activities that the certified
33 professional midwife student midwife may perform under the
34 supervision of the preceptor; and

35 (c) Review and evaluate all care provided by a certified
36 professional midwife student midwife under his or her supervision
37 and attend every clinical encounter between the certified
38 professional midwife student midwife and a client.

39 4. If the preceptor of a certified professional midwife student
40 midwife ceases to serve as his or her preceptor and the certified
41 professional midwife student midwife has no additional preceptor,
42 the certified professional midwife student midwife must cease
43 engaging in the practice of certified professional midwifery.

44 5. A certified professional midwife student midwife may
45 provide any necessary assistance in an emergency or when birth is



1 *imminent if his or her preceptor is not present. If a certified*
2 *professional midwife student midwife needs to provide such*
3 *assistance and his or her preceptor is not present, the certified*
4 *professional midwife student midwife must contact a provider of*
5 *emergency medical services to provide further assistance.*

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

7 *1. Any midwife, including, without limitation, a licensed*
8 *certified professional midwife and a certified nurse-midwife, shall*
9 *provide the client with a Community Birth Disclosure. The*
10 *Community Birth Disclosure must inform the client regarding:*

- 11 *(a) The type of midwife that the midwife is;*
12 *(b) The level of education that the midwife has received; and*
13 *(c) The care to be provided by the midwife.*

14 *↳ The Board shall create the Community Birth Disclosure in*
15 *collaboration with all types of midwives practicing in this State.*

16 *2. A midwife must sign and date, and obtain the signature of*
17 *the client with a notation of the date of the signature upon, the*
18 *Community Birth Disclosure pursuant to subsection 1.*
19 *The midwife shall retain a copy of the Community Birth*
20 *Disclosure for 5 years.*

21 *3. In addition to providing the Community Birth Disclosure*
22 *pursuant to subsection 1, a licensed certified professional midwife*
23 *shall obtain from the client informed written consent regarding*
24 *the care to be provided by the licensed certified professional*
25 *midwife. Informed written consent requires that the licensed*
26 *certified professional midwife provide to the client:*

27 *(a) A description of the educational background and*
28 *credentials of the licensed certified professional midwife;*

29 *(b) A description of the practice of certified professional*
30 *midwifery as set forth in section 11 of this act and the limitations*
31 *on the practice of a licensed certified professional midwife;*

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

35 *(d) Instructions for filing a complaint with the Division in*
36 *accordance with the regulations adopted pursuant to section 18 of*
37 *this act;*

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



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

4 (g) *A disclosure of whether the licensed certified professional*
5 *midwife holds liability insurance;*

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

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

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

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

22 (b) *Equipment for administering nitrous oxide, including,*
23 *without limitation, scavenging systems, only in an obstetric center*
24 *licensed pursuant to chapter 449 of NRS;*

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

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

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

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

34 (b) *Influenza vaccine, hepatitis B vaccine, COVID-19 vaccine*
35 *and diphtheria, tetanus and pertussis vaccine;*

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

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

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

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



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

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

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

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

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

16 (a) Complete placenta previa;

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

18 (c) Infection with the human immunodeficiency virus;

19 (d) Cardiovascular disease;

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

22 (f) Pre-eclampsia or eclampsia;

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

25 (h) Potentially serious anatomic fetal abnormalities;

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

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

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

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

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

40 (b) Multifetal gestation; or

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

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

45 (a) The contents of the recommendation;



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

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

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

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

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

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

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

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

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

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



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

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

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

30 **Sec. 28. 1.** *With each application for the renewal of his or*
31 *her license, a licensed certified professional midwife shall submit*
32 *to the Division a report that includes, for the immediately*
33 *preceding licensure period:*

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

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

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

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



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

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

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

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

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

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

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

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

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

35 2. Except as otherwise provided in this section and NRS
36 239.0115, a complaint filed with the Division, all documents and
37 other information filed with the complaint and all documents and
38 other information compiled as a result of an investigation
39 conducted to determine whether to initiate disciplinary action
40 against a person are confidential and privileged.

41 3. A complaint or other document filed by the Division to
42 initiate disciplinary action, any written opinion rendered by the
43 Division and all documents and information considered by the
44 Division when determining whether to impose discipline are public
45 records.



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

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

8 **Sec. 31. 1.** Except as otherwise provided in subsection 2, a
9 person who is not licensed as a licensed certified professional
10 midwife or a person whose license as a licensed certified
11 professional midwife has been suspended or revoked by the
12 Division shall not:

13 (a) Use in connection with his or her name the words
14 "licensed certified professional midwife," "licensed midwife" or
15 any other letters, words or insignia indicating or implying that he
16 or she is licensed to engage in the practice of certified professional
17 midwifery, or in any other way, orally, or in writing or print, or by
18 sign, directly or by implication, represent himself or herself as
19 licensed to engage in the practice of certified professional
20 midwifery in this State; or

21 (b) List or cause to have listed in any directory, including,
22 without limitation, a telephone directory, his or her name or the
23 name of his or her company under the heading "licensed certified
24 professional midwife," "licensed midwife" or any other term that
25 indicates or implies that he or she is licensed to engage in the
26 practice of certified professional midwifery in this State.

27 2. A person who is not licensed as a licensed certified
28 professional midwife or a person whose license as a licensed
29 certified professional midwife has been suspended or revoked by
30 the Division may use or list the words or headings described in
31 paragraph (a) or (b) of subsection 1 if the person is licensed in the
32 District of Columbia or any state or territory of the United States.
33 If the person uses or lists the words or headings pursuant to this
34 section, the person shall disclose the district, state or territory, as
35 applicable, in which he or she is licensed.

36 3. A person who is licensed as a licensed certified
37 professional midwife and who is also licensed in the District of
38 Columbia or any state or territory of the United States shall
39 disclose each additional district, state or territory, as applicable, in
40 which he or she is currently licensed or has ever been licensed in
41 all circumstances described in paragraphs (a) and (b) of
42 subsection 1.

43 4. A certified professional midwife student midwife shall not:
44 (a) Engage in midwifery except in circumstances authorized by
45 this chapter; or



1 (b) Use in connection with his or her name the words
2 "licensed certified professional midwife," "certified professional
3 midwife," "licensed midwife" or any other letters, words or
4 insignia indicating or implying that he or she is licensed to engage
5 in the practice of certified professional midwifery without
6 supervision, or in any other way, orally, or in writing or print, or
7 by sign, directly or by implication, represent himself or herself as
8 licensed to engage in the practice of certified professional
9 midwifery without supervision in this State.

10 5. A person or entity shall not operate a program of training
11 for certified professional midwife birth assistants or advertise or
12 otherwise represent that the person or entity is authorized to
13 operate such a program unless the program is included on the list
14 of programs approved by the Board pursuant to paragraph (a) of
15 subsection 1 of section 18 of this act.

16 6. If the Division has reason to believe that a person has
17 repeatedly violated any provision of this section or the Division
18 has received complaints that a person has repeatedly violated any
19 provision of this section, the Division may certify the facts to the
20 Attorney General, or other appropriate enforcement officer, who
21 may, in his or her discretion, cause appropriate proceedings to be
22 brought.

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

27 2. Such an injunction:

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

30 (b) Does not relieve any person or business entity from any
31 other legal action.

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

33 622.238 1. The Legislature hereby finds and declares that:

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

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

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

44 3. Notwithstanding the provisions of NRS 623.225, 623A.185,
45 624.268, 625.387, 625A.105, 628.0345, 628B.320, 630.197,



1 630A.246, 631.225, 632.3446, 633.307, 634.095, 634A.115,
2 635.056, 636.159, 637.113, 637B.166, 638.103, 639.129, 640.095,
3 640A.145, 640B.340, 640C.430, 640D.120, 640E.200, 641.175,
4 641A.215, 641B.206, 641C.280, 642.0195, 643.095, 644A.485,
5 645.358, 645A.025, 645B.023, 645B.420, 645C.295, 645C.655,
6 645D.195, 645E.210, 645G.110, 645H.550, 648.085, 649.233,
7 652.075, 653.550, 654.145, 655.075 and 656.155, *and section 23 of*
8 *this act*, an applicant for a license who does not have a social
9 security number must provide an alternative personally identifying
10 number, including, without limitation, his or her individual taxpayer
11 identification number, when completing an application for a license.

12 4. A regulatory body shall not disclose to any person who is
13 not employed by the regulatory body the social security number or
14 alternative personally identifying number, including, without
15 limitation, an individual taxpayer identification number, of an
16 applicant for a license for any purpose except:

- 17 (a) Tax purposes;
18 (b) Licensing purposes; and
19 (c) Enforcement of an order for the payment of child support.

20 5. A social security number or alternative personally
21 identifying number, including, without limitation, an individual
22 taxpayer identification number, provided to a regulatory body is
23 confidential and is not a public record for the purposes of chapter
24 239 of NRS.

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

26 622.520 1. A regulatory body that regulates a profession
27 pursuant to chapters 630, 630A, 632 to 641C, inclusive, *and*
28 *sections 2 to 32, inclusive, of this act*, 644A or 653 of NRS in this
29 State may enter into a reciprocal agreement with the corresponding
30 regulatory authority of the District of Columbia or any other state or
31 territory of the United States for the purposes of:

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

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

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

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

40 (b) The applicable provisions of law governing the practice of
41 the respective profession in the state or territory on whose behalf the
42 corresponding regulatory authority would execute the reciprocal
43 agreement are substantially similar to the corresponding provisions
44 of law in this State.



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

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

6 (b) ~~Has~~ *Except as otherwise provided in this paragraph, has*
7 *been in practice for at least the 5 years immediately preceding the*
8 *date on which the person submits an application for the issuance of*
9 *a license pursuant to a reciprocal agreement entered into pursuant to*
10 *subsection 1. If the person seeks to practice as a licensed certified*
11 *professional midwife in this State pursuant to sections 2 to 32,*
12 *inclusive, of this act, the person must have been in practice for at*
13 *least the 3 years immediately preceding the date on which the*
14 *person submits an application for the issuance of a license*
15 *pursuant to a reciprocal agreement entered into pursuant to*
16 *subsection 1.*

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

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

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

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

26 (g) Submits to the applicable regulatory body the statement
27 required by NRS 425.520.

28 4. If the regulatory body enters into a reciprocal agreement
29 pursuant to subsection 1, the regulatory body must prepare an
30 annual report before January 31 of each year outlining the progress
31 of the regulatory body as it relates to the reciprocal agreement and
32 submit the report to the Director of the Legislative Counsel Bureau
33 for transmittal to the next session of the Legislature in odd-
34 numbered years or to the Legislative Committee on Health Care in
35 even-numbered years.

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

37 629.031 Except as otherwise provided by a specific statute:

38 1. "Provider of health care" means:

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

41 (b) A physician assistant;

42 (c) A dentist;

43 (d) A licensed nurse;



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

4 (f) A dispensing optician;

5 (g) An optometrist;

6 (h) A speech-language pathologist;

7 (i) An audiologist;

8 (j) A practitioner of respiratory care;

9 (k) A licensed physical therapist;

10 (l) An occupational therapist;

11 (m) A podiatric physician;

12 (n) A licensed psychologist;

13 (o) A licensed marriage and family therapist;

14 (p) A licensed clinical professional counselor;

15 (q) A music therapist;

16 (r) A chiropractor;

17 (s) An athletic trainer;

18 (t) A perfusionist;

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

20 (v) A medical laboratory director or technician;

21 (w) A pharmacist;

22 (x) A licensed dietitian;

23 (y) An associate in social work, a social worker, an independent
24 social worker or a clinical social worker licensed pursuant to chapter
25 641B of NRS;

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

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

30 ~~(ab)~~

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

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

34 2. For the purposes of NRS 629.400 to 629.490, inclusive, the
35 term includes:

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

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

41 **Sec. 36.** NRS 630A.090 is hereby amended to read as follows:
42 630A.090 1. This chapter does not apply to:

43 (a) The practice of dentistry, chiropractic, Oriental medicine,
44 podiatry, optometry, perfusion, respiratory care, faith or Christian



1 Science healing, nursing, *certified professional midwifery*,
2 veterinary medicine or fitting hearing aids.

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

8 (c) Licensed or certified nurses in the discharge of their duties as
9 nurses.

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

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

16 3. This chapter does not prohibit:

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

18 (b) The domestic administration of family remedies.

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

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

23 632.472 1. The following persons shall report in writing to
24 the Executive Director of the Board any conduct of a licensee or
25 holder of a certificate which constitutes a violation of the provisions
26 of this chapter:

27 (a) Any physician, dentist, dental hygienist, *licensed certified*
28 *professional midwife*, chiropractor, optometrist, podiatric physician,
29 medical examiner, resident, intern, professional or practical nurse,
30 nursing assistant, medication aide - certified, perfusionist, physician
31 assistant licensed pursuant to chapter 630 or 633 of NRS,
32 psychiatrist, psychologist, marriage and family therapist, clinical
33 professional counselor, alcohol or drug counselor, music therapist,
34 holder of a license or limited license issued pursuant to chapter 653
35 of NRS, driver of an ambulance, paramedic or other person
36 providing medical services licensed or certified to practice in this
37 State.

38 (b) Any personnel of a medical facility or facility for the
39 dependent engaged in the admission, examination, care or treatment
40 of persons or an administrator, manager or other person in charge of
41 a medical facility or facility for the dependent upon notification by a
42 member of the staff of the facility.

43 (c) A coroner.

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



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

6 (g) Any employee of the Department of Health and Human
7 Services.

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

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

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

17 (k) Any social worker.

18 (l) Any person who operates or is employed by a community
19 health worker pool or with whom a community health worker pool
20 contracts to provide the services of a community health worker, as
21 defined in NRS 449.0027.

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

24 2. Every physician who, as a member of the staff of a medical
25 facility or facility for the dependent, has reason to believe that a
26 nursing assistant or medication aide - certified has engaged in
27 conduct which constitutes grounds for the denial, suspension or
28 revocation of a certificate shall notify the superintendent, manager
29 or other person in charge of the facility. The superintendent,
30 manager or other person in charge shall make a report as required in
31 subsection 1.

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

33 4. Any person who in good faith reports any violation of the
34 provisions of this chapter to the Executive Director of the Board
35 pursuant to this section is immune from civil liability for reporting
36 the violation.

37 5. As used in this section:

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

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

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

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

45 633.171 1. This chapter does not apply to:



1 (a) The practice of medicine or perfusion pursuant to chapter
2 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory
3 care, faith or Christian Science healing, nursing, *certified*
4 *professional midwifery*, veterinary medicine or fitting hearing aids.

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

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

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

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

19 3. This chapter does not prohibit:

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

21 (b) The domestic administration of family remedies.

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

23 637B.080 The provisions of this chapter do not apply to any
24 person who:

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

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

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

35 4. Holds a current license issued pursuant to chapters 630 to
36 637, inclusive, 640 to 641C, inclusive, or 653 of NRS ~~§~~ *or sections*
37 *2 to 32, inclusive, of this act*,

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

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

41 639.0125 "Practitioner" means:

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

44 2. A hospital, pharmacy or other institution licensed, registered
45 or otherwise permitted to distribute, dispense, conduct research with



1 respect to or administer drugs in the course of professional practice
2 or research in this State;

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

6 4. A physician assistant who:

7 (a) Holds a license issued by the Board of Medical Examiners;
8 and

9 (b) Is authorized by the Board to possess, administer, prescribe
10 or dispense controlled substances, poisons, dangerous drugs or
11 devices under the supervision of a physician as required by chapter
12 630 of NRS;

13 5. A physician assistant who:

14 (a) Holds a license issued by the State Board of Osteopathic
15 Medicine; and

16 (b) Is authorized by the Board to possess, administer, prescribe
17 or dispense controlled substances, poisons, dangerous drugs or
18 devices under the supervision of an osteopathic physician as
19 required by chapter 633 of NRS; ~~or~~

20 6. An optometrist who is certified by the Nevada State Board
21 of Optometry to prescribe and administer pharmaceutical agents
22 pursuant to NRS 636.288, when the optometrist prescribes or
23 administers pharmaceutical agents within the scope of his or her
24 certification ~~or~~; or

25 7. *A licensed certified professional midwife, for the purpose*
26 *of ordering:*

27 (a) *Any device or drug described in subsection 1 or 2 of section*
28 *26 of this act for use in his or her practice in accordance with the*
29 *provisions of that section and any regulations adopted pursuant to*
30 *section 18 of this act; and*

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

33 **Sec. 41.** NRS 639.23505 is hereby amended to read as
34 follows:

35 639.23505 ~~A~~

36 1. *Except as otherwise provided in subsection 2, a* practitioner
37 shall not dispense for human consumption any controlled substance
38 or dangerous drug if the practitioner charges a patient for that
39 substance or drug, either separately or together with charges for
40 other professional services:

41 ~~or~~ (a) Unless the practitioner first applies for and obtains a
42 certificate from the Board and pays the required fee; and

43 ~~or~~ (b) Issues a written prescription.

44 2. *A licensed certified professional midwife may administer*
45 *drugs and devices ordered pursuant to section 26 of this act in*



1 *accordance with the provisions of that section and any regulations*
2 *adopted pursuant to section 18 of this act without obtaining a*
3 *certificate from the Board.*

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

5 640A.070 This chapter does not apply to a person:

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

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

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

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

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

19 640B.145 The provisions of this chapter do not apply to:

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

23 2. A person who is employed by the Federal Government and
24 engages in the practice of athletic training within the scope of that
25 employment.

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

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

30 640C.100 1. The provisions of this chapter do not apply to:

31 (a) A person licensed pursuant to chapter 630, 630A, 631, 632,
32 633, 634, 634A, 635, 640, 640A or 640B of NRS *or sections 2 to*
33 *32, inclusive, of this act* if the massage therapy, reflexology or
34 structural integration is performed in the course of the practice for
35 which the person is licensed.

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

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



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

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

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

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

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

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

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

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

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

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

39 *Except as otherwise expressly provided in a particular statute*
40 *or required by the context, "licensed certified professional*
41 *midwife" means a person licensed as a licensed certified*
42 *professional midwife pursuant to section 19 of this act.*

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

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



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

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

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

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

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

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

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

19 4. As used in this section:

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

27 (b) "Provider of health care" means a physician licensed under
28 chapter 630 or 633 of NRS, dentist, registered nurse, *licensed*
29 *certified professional midwife*, dispensing optician, optometrist,
30 registered physical therapist, podiatric physician, licensed
31 psychologist, chiropractor, doctor of Oriental medicine, holder of a
32 license or a limited license issued under the provisions of chapter
33 653 of NRS, medical laboratory director or technician, licensed
34 dietitian or a licensed hospital and its employees.

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

36 41.138 1. In any civil action concerning any unwelcome or
37 nonconsensual sexual conduct, including, without limitation, sexual
38 harassment, there is a rebuttable presumption that the sexual
39 conduct was unwelcome or nonconsensual if the alleged perpetrator
40 was a person in a position of authority over the alleged victim.

41 2. As used in this section:

42 (a) "Person in a position of authority" means a parent, relative,
43 household member, employer, supervisor, youth leader, scout
44 leader, coach, mentor in a mentoring program, teacher, professor,
45 counselor, school administrator, religious leader, doctor, nurse,



1 *licensed certified professional midwife, certified professional*
2 *midwife student midwife, certified professional midwife birth*
3 *assistant*, psychologist, other health care provider, guardian ad
4 litem, guardian, babysitter, police officer or other law enforcement
5 officer or any other person who, by reason of his or her position, is
6 able to exercise significant or undue influence over the victim.

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

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

10 41.505 1. Any person licensed under the provisions of
11 chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of*
12 *this act* and any person who holds an equivalent license issued by
13 another state, who renders emergency care or assistance, including,
14 without limitation, emergency obstetrical care or assistance, in an
15 emergency, gratuitously and in good faith, is not liable for any civil
16 damages as a result of any act or omission, not amounting to gross
17 negligence, by that person in rendering the emergency care or
18 assistance or as a result of any failure to act, not amounting to gross
19 negligence, to provide or arrange for further medical treatment for
20 the injured or ill person. This section does not excuse a physician,
21 physician assistant, ~~for~~ nurse *or licensed certified professional*
22 *midwife* from liability for damages resulting from that person's acts
23 or omissions which occur in a licensed medical facility relative to
24 any person with whom there is a preexisting relationship as a
25 patient.

26 2. Any person licensed under the provisions of chapter 630,
27 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* and any
28 person who holds an equivalent license issued by another state who:

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

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

36 3. Any person licensed to practice medicine under the
37 provisions of chapter 630 or 633 of NRS or licensed to practice
38 dentistry under the provisions of chapter 631 of NRS who renders
39 care or assistance to a patient for a governmental entity or a
40 nonprofit organization is not liable for any civil damages as a result
41 of any act or omission by that person in rendering that care or
42 assistance if the care or assistance is rendered gratuitously, in good
43 faith and in a manner not amounting to gross negligence or reckless,
44 willful or wanton conduct.



1 4. As used in this section, “gratuitously” has the meaning
2 ascribed to it in NRS 41.500.

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

4 41.506 1. Any person licensed under the provisions of
5 chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of*
6 *this act* and any person who holds an equivalent license issued by
7 another state who renders emergency obstetrical care or assistance
8 to a pregnant woman during labor or the delivery of the child is not
9 liable for any civil damages as a result of any act or omission by that
10 person in rendering that care or assistance if:

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

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

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

18 2. A licensed medical facility in which such care or assistance
19 is rendered is not liable for any civil damages as a result of any act
20 or omission by the person in rendering that care or assistance if that
21 person is not liable for any civil damages pursuant to subsection 1
22 and the actions of the medical facility relating to the rendering of
23 that care or assistance do not amount to gross negligence or
24 reckless, willful or wanton conduct.

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

26 41A.017 “Provider of health care” means a physician licensed
27 pursuant to chapter 630 or 633 of NRS, physician assistant, dentist,
28 licensed nurse, *licensed certified professional midwife*, dispensing
29 optician, optometrist, registered physical therapist, podiatric
30 physician, licensed psychologist, chiropractor, doctor of Oriental
31 medicine, holder of a license or a limited license issued under the
32 provisions of chapter 653 of NRS, medical laboratory director or
33 technician, licensed dietitian or a licensed hospital, clinic, surgery
34 center, physicians’ professional corporation or group practice that
35 employs any such person and its employees.

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

37 42.021 1. In an action for injury or death against a provider
38 of health care based upon professional negligence, if the defendant
39 so elects, the defendant may introduce evidence of any amount
40 payable as a benefit to the plaintiff as a result of the injury or death
41 pursuant to the United States Social Security Act, any state or
42 federal income disability or worker’s compensation act, any health,
43 sickness or income-disability insurance, accident insurance that
44 provides health benefits or income-disability coverage, and any
45 contract or agreement of any group, organization, partnership or



1 corporation to provide, pay for or reimburse the cost of medical,
2 hospital, dental or other health care services. If the defendant elects
3 to introduce such evidence, the plaintiff may introduce evidence of
4 any amount that the plaintiff has paid or contributed to secure the
5 plaintiff's right to any insurance benefits concerning which the
6 defendant has introduced evidence.

7 2. A source of collateral benefits introduced pursuant to
8 subsection 1 may not:

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

10 (b) Be subrogated to the rights of the plaintiff against a
11 defendant.

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

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

29 5. A judgment ordering the payment of future damages by
30 periodic payments entered pursuant to subsection 3 must specify the
31 recipient or recipients of the payments, the dollar amount of the
32 payments, the interval between payments, and the number of
33 payments or the period of time over which payments will be made.
34 Such payments must only be subject to modification in the event of
35 the death of the judgment creditor. Money damages awarded for loss
36 of future earnings must not be reduced or payments terminated by
37 reason of the death of the judgment creditor, but must be paid to
38 persons to whom the judgment creditor owed a duty of support, as
39 provided by law, immediately before the judgment creditor's death.
40 In such cases, the court that rendered the original judgment may,
41 upon petition of any party in interest, modify the judgment to award
42 and apportion the unpaid future damages in accordance with this
43 subsection.

44 6. If the court finds that the judgment debtor has exhibited a
45 continuing pattern of failing to make the periodic payments as



1 specified pursuant to subsection 5, the court shall find the judgment
2 debtor in contempt of court and, in addition to the required periodic
3 payments, shall order the judgment debtor to pay the judgment
4 creditor all damages caused by the failure to make such periodic
5 payments, including, but not limited to, court costs and attorney's
6 fees.

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

11 8. As used in this section:

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

15 (b) "Periodic payments" means the payment of money or
16 delivery of other property to the judgment creditor at regular
17 intervals.

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

25 (d) "Provider of health care" means a physician licensed under
26 chapter 630 or 633 of NRS, dentist, licensed nurse, *licensed*
27 *certified professional midwife*, dispensing optician, optometrist,
28 registered physical therapist, podiatric physician, licensed
29 psychologist, chiropractor, doctor of Oriental medicine, holder of a
30 license or a limited license issued under the provisions of chapter
31 653 of NRS, medical laboratory director or technician, licensed
32 dietitian or a licensed hospital and its employees.

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

34 52.320 As used in NRS 52.320 to 52.375, inclusive, unless the
35 context otherwise requires:

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

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



1 **Sec. 53.** NRS 200.5093 is hereby amended to read as follows:
2 200.5093 1. Any person who is described in subsection 4 and
3 who, in a professional or occupational capacity, knows or has
4 reasonable cause to believe that an older person or vulnerable
5 person has been abused, neglected, exploited, isolated or abandoned
6 shall:

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

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

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

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

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

20 2. If a person who is required to make a report pursuant to
21 subsection 1 knows or has reasonable cause to believe that the
22 abuse, neglect, exploitation, isolation or abandonment of the older
23 person or vulnerable person involves an act or omission of the
24 Aging and Disability Services Division, another division of the
25 Department of Health and Human Services or a law enforcement
26 agency, the person shall make the report to an agency other than the
27 one alleged to have committed the act or omission.

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

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

34 (a) Every physician, dentist, dental hygienist, chiropractor,
35 optometrist, podiatric physician, medical examiner, resident, intern,
36 professional or practical nurse, physician assistant licensed pursuant
37 to chapter 630 or 633 of NRS, **licensed certified professional**
38 **midwife**, perfusionist, psychiatrist, psychologist, marriage and
39 family therapist, clinical professional counselor, clinical alcohol and
40 drug counselor, alcohol and drug counselor, music therapist, athletic
41 trainer, driver of an ambulance, paramedic, licensed dietitian, holder
42 of a license or a limited license issued under the provisions of
43 chapter 653 of NRS or other person providing medical services
44 licensed or certified to practice in this State, who examines, attends



1 or treats an older person or vulnerable person who appears to have
2 been abused, neglected, exploited, isolated or abandoned.

3 (b) Any personnel of a hospital or similar institution engaged in
4 the admission, examination, care or treatment of persons or an
5 administrator, manager or other person in charge of a hospital or
6 similar institution upon notification of the suspected abuse, neglect,
7 exploitation, isolation or abandonment of an older person or
8 vulnerable person by a member of the staff of the hospital.

9 (c) A coroner.

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

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

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

17 (g) Any employee of the Department of Health and Human
18 Services, except the State Long-Term Care Ombudsman appointed
19 pursuant to NRS 427A.125 and any of his or her advocates or
20 volunteers where prohibited from making such a report pursuant to
21 45 C.F.R. § 1321.11.

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

25 (i) Any person who maintains or is employed by a facility or
26 establishment that provides care for older persons or vulnerable
27 persons.

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

33 (k) Every social worker.

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

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

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

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

43 6. If a person who is required to make a report pursuant to
44 subsection 1 knows or has reasonable cause to believe that an older
45 person or vulnerable person has died as a result of abuse, neglect,



1 isolation or abandonment, the person shall, as soon as reasonably
2 practicable, report this belief to the appropriate medical examiner or
3 coroner, who shall investigate the cause of death of the older person
4 or vulnerable person and submit to the appropriate local law
5 enforcement agencies, the appropriate prosecuting attorney, the
6 Aging and Disability Services Division of the Department of Health
7 and Human Services and the Unit for the Investigation and
8 Prosecution of Crimes his or her written findings. The written
9 findings must include the information required pursuant to the
10 provisions of NRS 200.5094, when possible.

11 7. A division, office or department which receives a report
12 pursuant to this section shall cause the investigation of the report to
13 commence within 3 working days. A copy of the final report of the
14 investigation conducted by a division, office or department, other
15 than the Aging and Disability Services Division of the Department
16 of Health and Human Services, must be forwarded within 30 days
17 after the completion of the report to the:

18 (a) Aging and Disability Services Division;

19 (b) Repository for Information Concerning Crimes Against
20 Older Persons or Vulnerable Persons created by NRS 179A.450;
21 and

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

23 8. If the investigation of a report results in the belief that an
24 older person or vulnerable person is abused, neglected, exploited,
25 isolated or abandoned, the Aging and Disability Services Division
26 of the Department of Health and Human Services or the county's
27 office for protective services may provide protective services to the
28 older person or vulnerable person if the older person or vulnerable
29 person is able and willing to accept them.

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

32 10. As used in this section, "Unit for the Investigation and
33 Prosecution of Crimes" means the Unit for the Investigation and
34 Prosecution of Crimes Against Older Persons or Vulnerable Persons
35 in the Office of the Attorney General created pursuant to
36 NRS 228.265.

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

38 200.5095 1. Reports made pursuant to NRS 200.5093 and
39 200.5094, and records and investigations relating to those reports,
40 are confidential.

41 2. A person, law enforcement agency or public or private
42 agency, institution or facility who willfully releases data or
43 information concerning the reports and investigation of the abuse,
44 neglect, exploitation, isolation or abandonment of older persons or
45 vulnerable persons, except:



- 1 (a) Pursuant to a criminal prosecution;
- 2 (b) Pursuant to NRS 200.50982; or
- 3 (c) To persons or agencies enumerated in subsection 3,
- 4 ↪ is guilty of a misdemeanor.

5 3. Except as otherwise provided in subsection 2 and NRS
6 200.50982, data or information concerning the reports and
7 investigations of the abuse, neglect, exploitation, isolation or
8 abandonment of an older person or a vulnerable person is available
9 only to:

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

13 (b) An agency responsible for or authorized to undertake the
14 care, treatment and supervision of the older person or vulnerable
15 person;

16 (c) A district attorney or other law enforcement official who
17 requires the information in connection with an investigation of the
18 abuse, neglect, exploitation, isolation or abandonment of the older
19 person or vulnerable person;

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

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

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

27 (g) Any comparable authorized person or agency in another
28 jurisdiction;

29 (h) A legal guardian of the older person or vulnerable person, if
30 the identity of the person who was responsible for reporting the
31 alleged abuse, neglect, exploitation, isolation or abandonment of the
32 older person or vulnerable person to the public agency is protected,
33 and the legal guardian of the older person or vulnerable person is
34 not the person suspected of such abuse, neglect, exploitation,
35 isolation or abandonment;

36 (i) If the older person or vulnerable person is deceased, the
37 executor or administrator of his or her estate, if the identity of the
38 person who was responsible for reporting the alleged abuse, neglect,
39 exploitation, isolation or abandonment of the older person or
40 vulnerable person to the public agency is protected, and the executor
41 or administrator is not the person suspected of such abuse, neglect,
42 exploitation, isolation or abandonment;

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



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

3 (1) The protected person is an older person or vulnerable
4 person;

5 (2) The identity of the person who was responsible for
6 reporting the alleged abuse, neglect, exploitation, isolation or
7 abandonment of the older person or vulnerable person to the public
8 agency is protected; and

9 (3) The attorney of the protected person is not the person
10 suspected of such abuse, neglect, exploitation, isolation or
11 abandonment; or

12 (l) The State Guardianship Compliance Office created by
13 NRS 159.341.

14 4. If the person who is reported to have abused, neglected,
15 exploited, isolated or abandoned an older person or a vulnerable
16 person is the holder of a license ~~§~~ or certificate issued pursuant to
17 chapters 449, 630 to 641B, inclusive, 653 or 654 of NRS ~~§~~ *or*
18 *sections 2 to 32, inclusive, of this act*, the information contained in
19 the report must be submitted to the board that issued the license.

20 5. If data or information concerning the reports and
21 investigations of the abuse, neglect, exploitation, isolation or
22 abandonment of an older person or a vulnerable person is made
23 available pursuant to paragraph (b) or (j) of subsection 3 or
24 subsection 4, the name and any other identifying information of the
25 person who made the report must be redacted before the data or
26 information is made available.

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

28 218G.400 1. Except as otherwise provided in subsection 2,
29 each board created by the provisions of NRS 590.485 and chapters
30 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2*
31 *to 32, inclusive, of this act*, 648, 654 and 656 of NRS shall:

32 (a) If the revenue of the board from all sources is less than
33 \$200,000 for any fiscal year and, if the board is a regulatory body
34 pursuant to NRS 622.060, the board has submitted to the Director of
35 the Legislative Counsel Bureau for each quarter of that fiscal year
36 the information required by NRS 622.100, prepare a balance sheet
37 for that fiscal year on the form provided by the Legislative Auditor
38 and file the balance sheet with the Legislative Auditor and the Chief
39 of the Budget Division of the Office of Finance on or before
40 December 1 following the end of that fiscal year. The Legislative
41 Auditor shall prepare and make available a form that must be used
42 by a board to prepare such a balance sheet.

43 (b) If the revenue of the board from all sources is \$200,000 or
44 more for any fiscal year, or if the board is a regulatory body
45 pursuant to NRS 622.060 and has failed to submit to the Director of



1 the Legislative Counsel Bureau for each quarter of that fiscal year
2 the information required by NRS 622.100, engage the services of a
3 certified public accountant or public accountant, or firm of either of
4 such accountants, to audit all its fiscal records for that fiscal year
5 and file a report of the audit with the Legislative Auditor and the
6 Chief of the Budget Division of the Office of Finance on or before
7 December 1 following the end of that fiscal year.

8 2. In lieu of preparing a balance sheet or having an audit
9 conducted for a single fiscal year, a board may engage the services
10 of a certified public accountant or public accountant, or firm of
11 either of such accountants, to audit all its fiscal records for a period
12 covering two successive fiscal years. If such an audit is conducted,
13 the board shall file the report of the audit with the Legislative
14 Auditor and the Chief of the Budget Division of the Office of
15 Finance on or before December 1 following the end of the second
16 fiscal year.

17 3. The cost of each audit conducted pursuant to subsection 1 or
18 2 must be paid by the board that is audited. Each such audit must be
19 conducted in accordance with generally accepted auditing standards,
20 and all financial statements must be prepared in accordance with
21 generally accepted principles of accounting for special revenue
22 funds.

23 4. Whether or not a board is required to have its fiscal records
24 audited pursuant to subsection 1 or 2, the Legislative Auditor shall
25 audit the fiscal records of any such board whenever directed to do so
26 by the Legislative Commission. When the Legislative Commission
27 directs such an audit, the Legislative Commission shall also
28 determine who is to pay the cost of the audit.

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

31 (a) Is responsible for preparing a balance sheet or having an
32 audit conducted pursuant to this section or is responsible for
33 preparing or maintaining the fiscal records that are necessary to
34 prepare a balance sheet or have an audit conducted pursuant to this
35 section; and

36 (b) Knowingly fails to prepare the balance sheet or have the
37 audit conducted pursuant to this section or knowingly fails to
38 prepare or maintain the fiscal records that are necessary to prepare a
39 balance sheet or have an audit conducted pursuant to this section.

40 6. In addition to any other remedy or penalty, a person who is
41 guilty of nonfeasance pursuant to this section forfeits the person's
42 state office or employment and may not be appointed to a state
43 office or position of state employment for a period of 2 years
44 following the forfeiture. The provisions of this subsection do not



1 apply to a state officer who may be removed from office only by
2 impeachment pursuant to Article 7 of the Nevada Constitution.

3 **Sec. 56.** NRS 232.320 is hereby amended to read as follows:
4 232.320 1. The Director:

5 (a) Shall appoint, with the consent of the Governor,
6 administrators of the divisions of the Department, who are
7 respectively designated as follows:

8 (1) The Administrator of the Aging and Disability Services
9 Division;

10 (2) The Administrator of the Division of Welfare and
11 Supportive Services;

12 (3) The Administrator of the Division of Child and Family
13 Services;

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

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

18 (b) Shall administer, through the divisions of the Department,
19 the provisions of chapters 63, 424, 425, 427A, 432A to 442,
20 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS
21 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and*
22 *section 65 of this act*, 422.580, 432.010 to 432.133, inclusive,
23 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive,
24 and 445A.010 to 445A.055, inclusive, and all other provisions of
25 law relating to the functions of the divisions of the Department, but
26 is not responsible for the clinical activities of the Division of Public
27 and Behavioral Health or the professional line activities of the other
28 divisions.

29 (c) Shall administer any state program for persons with
30 developmental disabilities established pursuant to the
31 Developmental Disabilities Assistance and Bill of Rights Act of
32 2000, 42 U.S.C. §§ 15001 et seq.

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

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

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

43 (3) Provide for communication and the coordination of those
44 services among nonprofit organizations, agencies of local
45 government, the State and the Federal Government;



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

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

6 (6) Contain any other information necessary for the
7 Department to communicate effectively with the Federal
8 Government concerning demographic trends, formulas for the
9 distribution of federal money and any need for the modification of
10 programs administered by the Department.

11 (e) May, by regulation, require nonprofit organizations and state
12 and local governmental agencies to provide information regarding
13 the programs of those organizations and agencies, excluding
14 detailed information relating to their budgets and payrolls, which the
15 Director deems necessary for the performance of the duties imposed
16 upon him or her pursuant to this section.

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

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

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

22 239.010 1. Except as otherwise provided in this section and
23 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
24 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
25 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
26 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
27 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
28 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
29 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
30 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130,
31 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
32 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,
33 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015,
34 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
35 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
36 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
37 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
38 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
39 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
40 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069,
41 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014,
42 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,
43 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,
44 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
45 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490,



1 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
2 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068,
3 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,
4 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
5 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061,
6 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,
7 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,
8 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
9 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180,
10 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,
11 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455,
12 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249,
13 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,
14 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
15 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460,
16 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685,
17 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
18 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
19 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
20 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
21 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207,
22 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,
23 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
24 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345,
25 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,
26 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
27 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
28 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545,
29 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536,
30 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070,
31 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,
32 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,
33 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012,
34 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238,
35 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,
36 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
37 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368,
38 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715,
39 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
40 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
41 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,
42 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325,
43 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460,
44 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180,
45 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,



1 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
2 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
3 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
4 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380,
5 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800,
6 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285,
7 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540,
8 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
9 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,
10 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
11 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120,
12 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and*
13 *section 30 of this act*, sections 35, 38 and 41 of chapter 478,
14 Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of
15 Nevada 2013 and unless otherwise declared by law to be
16 confidential, all public books and public records of a governmental
17 entity must be open at all times during office hours to inspection by
18 any person, and may be fully copied or an abstract or memorandum
19 may be prepared from those public books and public records. Any
20 such copies, abstracts or memoranda may be used to supply the
21 general public with copies, abstracts or memoranda of the records or
22 may be used in any other way to the advantage of the governmental
23 entity or of the general public. This section does not supersede or in
24 any manner affect the federal laws governing copyrights or enlarge,
25 diminish or affect in any other manner the rights of a person in any
26 written book or record which is copyrighted pursuant to federal law.

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

29 3. A governmental entity that has legal custody or control of a
30 public book or record shall not deny a request made pursuant to
31 subsection 1 to inspect or copy or receive a copy of a public book or
32 record on the basis that the requested public book or record contains
33 information that is confidential if the governmental entity can
34 redact, delete, conceal or separate, including, without limitation,
35 electronically, the confidential information from the information
36 included in the public book or record that is not otherwise
37 confidential.

38 4. If requested, a governmental entity shall provide a copy of a
39 public record in an electronic format by means of an electronic
40 medium. Nothing in this subsection requires a governmental entity
41 to provide a copy of a public record in an electronic format or by
42 means of an electronic medium if:

43 (a) The public record:

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

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



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

3 (1) Give access to proprietary software; or

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

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

9 (a) Shall not refuse to provide a copy of that public record in the
10 medium that is requested because the officer, employee or agent has
11 already prepared or would prefer to provide the copy in a different
12 medium.

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

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

18 284.013 1. Except as otherwise provided in subsection 4, this
19 chapter does not apply to:

20 (a) Agencies, bureaus, commissions, officers or personnel in the
21 Legislative Department or the Judicial Department of State
22 Government, including the Commission on Judicial Discipline;

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

27 (c) Officers or employees of any agency of the Executive
28 Department of the State Government who are exempted by specific
29 statute.

30 2. Except as otherwise provided in subsection 3, the terms and
31 conditions of employment of all persons referred to in subsection 1,
32 including salaries not prescribed by law and leaves of absence,
33 including, without limitation, annual leave and sick and disability
34 leave, must be fixed by the appointing or employing authority
35 within the limits of legislative appropriations or authorizations.

36 3. Except as otherwise provided in this subsection, leaves of
37 absence prescribed pursuant to subsection 2 must not be of lesser
38 duration than those provided for other state officers and employees
39 pursuant to the provisions of this chapter. The provisions of this
40 subsection do not govern the Legislative Commission with respect
41 to the personnel of the Legislative Counsel Bureau.

42 4. Any board, commission, committee or council created in
43 chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A,
44 inclusive, 648, 652, 654 and 656 of NRS which contracts for the
45 services of a person, shall require the contract for those services to



1 be in writing. The contract must be approved by the State Board of
2 Examiners before those services may be provided.

3 5. To the extent that they are inconsistent or otherwise in
4 conflict, the provisions of this chapter do not apply to any terms and
5 conditions of employment that are properly within the scope of and
6 subject to the provisions of a collective bargaining agreement or a
7 supplemental bargaining agreement that is enforceable pursuant to
8 the provisions of NRS 288.400 to 288.630, inclusive.

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

10 353.005 Except as otherwise provided in NRS 353.007, the
11 provisions of this chapter do not apply to boards created by the
12 provisions of NRS 590.485 and chapters 623 to 625A, inclusive,
13 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of this*
14 *act*, 648, 654 and 656 of NRS and the officers and employees of
15 those boards.

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

17 353A.020 1. The Director, in consultation with the
18 Committee and Legislative Auditor, shall adopt a uniform system of
19 internal accounting and administrative control for agencies. The
20 elements of the system must include, without limitation:

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

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

25 (c) Procedures for authorizations and recordkeeping which
26 effectively control accounting of assets, liabilities, revenues and
27 expenses;

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

30 (e) An effective system of internal review.

31 2. The Director, in consultation with the Committee and
32 Legislative Auditor, may modify the system whenever the Director
33 considers it necessary.

34 3. Each agency shall develop written procedures to carry out
35 the system of internal accounting and administrative control adopted
36 pursuant to this section.

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

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

41 (b) The Nevada System of Higher Education.

42 (c) The Public Employees' Retirement System.

43 (d) The Housing Division of the Department of Business and
44 Industry.

45 (e) The Colorado River Commission of Nevada.



1 **Sec. 61.** NRS 353A.025 is hereby amended to read as follows:
2 353A.025 1. The head of each agency shall periodically
3 review the agency's system of internal accounting and
4 administrative control to determine whether it is in compliance with
5 the uniform system of internal accounting and administrative control
6 for agencies adopted pursuant to subsection 1 of NRS 353A.020.

7 2. On or before July 1 of each even-numbered year, the head of
8 each agency shall report to the Director whether the agency's
9 system of internal accounting and administrative control is in
10 compliance with the uniform system adopted pursuant to subsection
11 1 of NRS 353A.020. The reports must be made available for
12 inspection by the members of the Legislature.

13 3. For the purposes of this section, "agency" does not include:
14 (a) A board created by the provisions of NRS 590.485 and
15 chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and*
16 *sections 2 to 32, inclusive, of this act*, 648, 654 and 656 of NRS.

17 (b) The Nevada System of Higher Education.

18 (c) The Public Employees' Retirement System.

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

21 (e) The Colorado River Commission of Nevada.

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

25 (a) Director of the Legislative Counsel Bureau for transmittal to
26 the:

27 (1) Senate Standing Committee on Finance; and

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

29 (b) Governor; and

30 (c) Legislative Auditor.

31 5. The report submitted by the Director pursuant to subsection
32 4 must include, without limitation:

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

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

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

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

42 353A.045 The Administrator shall:

43 1. Report to the Director.

44 2. Develop long-term and annual work plans to be based on the
45 results of periodic documented risk assessments. The annual work



1 plan must list the agencies to which the Division will provide
2 training and assistance and be submitted to the Director for
3 approval. Such agencies must not include:

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

7 (b) The Nevada System of Higher Education.

8 (c) The Public Employees' Retirement System.

9 (d) The Housing Division of the Department of Business and
10 Industry.

11 (e) The Colorado River Commission of Nevada.

12 3. Provide a copy of the approved annual work plan to the
13 Legislative Auditor.

14 4. In consultation with the Director, prepare a plan for auditing
15 executive branch agencies for each fiscal year and present the plan
16 to the Committee for its review and approval. Each plan for auditing
17 must:

18 (a) State the agencies which will be audited, the proposed scope
19 and assignment of those audits and the related resources which will
20 be used for those audits; and

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

23 5. Perform the audits of the programs and activities of the
24 agencies in accordance with the plan approved pursuant to
25 subsection 5 of NRS 353A.038 and prepare audit reports of his or
26 her findings.

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

30 7. Submit to each agency that is audited pursuant to subsection
31 5 analyses, appraisals and recommendations concerning:

32 (a) The adequacy of the internal accounting and administrative
33 controls of the agency; and

34 (b) The efficiency and effectiveness of the management of the
35 agency.

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

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

41 10. Consult with the Legislative Auditor concerning the plan
42 for auditing and the scope of audits to avoid duplication of effort
43 and undue disruption of the functions of agencies that are audited
44 pursuant to subsection 5.



1 **Sec. 63.** NRS 372.7285 is hereby amended to read as follows:
2 372.7285 1. In administering the provisions of NRS 372.325,
3 the Department shall apply the exemption to the sale of a medical
4 device to a governmental entity that is exempt pursuant to that
5 section without regard to whether the person using the medical
6 device or the governmental entity that purchased the device is
7 deemed to be the holder of title to the device if:

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

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

12 (c) The purchase of the medical device is made pursuant to a
13 contract between the governmental entity that purchases the medical
14 device and the person who sells the medical device to the
15 governmental entity.

16 2. As used in this section:

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

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

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

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

35 374.731 1. In administering the provisions of NRS 374.330,
36 the Department shall apply the exemption to the sale of a medical
37 device to a governmental entity that is exempt pursuant to that
38 section without regard to whether the person using the medical
39 device or the governmental entity that purchased the device is
40 deemed to be the holder of title to the device if:

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

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



1 (c) The purchase of the medical device is made pursuant to a
2 contract between the governmental entity that purchases the medical
3 device and the person who sells the medical device to the
4 governmental entity.

5 2. As used in this section:

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

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

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

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

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

35 *2. The Department or a managed care organization,*
36 *including, without limitation, a health maintenance organization,*
37 *that provides health care services to recipients of Medicaid under*
38 *the State Plan for Medicaid may charge a copayment or*
39 *coinsurance or apply a deductible for the services described in*
40 *subsection 1. The amount of such a copayment, coinsurance or*
41 *deductible must not exceed the amount of the copayment,*
42 *coinsurance or deductible charged for the same services provided*
43 *by another provider of health care.*

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



1 **Sec. 66.** NRS 432B.220 is hereby amended to read as follows:
2 432B.220 1. Any person who is described in subsection 4
3 and who, in his or her professional or occupational capacity, knows
4 or has reasonable cause to believe that a child has been abused or
5 neglected shall:

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

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

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

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

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

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

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

44 (a) A person providing services licensed or certified in this State
45 pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632,



1 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C,
2 640D, 640E, 641, 641A, 641B, 641C or 653 of NRS ~~§~~ *or sections*
3 *2 to 32, inclusive, of this act.*

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

10 (c) A coroner.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



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

3 10. As used in this section:

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

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

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

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

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

18 439B.225 1. As used in this section, "licensing board" means
19 any division or board empowered to adopt standards for the issuance
20 or renewal of licenses, permits or certificates of registration
21 pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A,
22 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639,
23 640, 640A, 640D, 641, 641A, 641B, 641C, 652, 653 or 654 of NRS
24 ~~+~~ *and sections 2 to 32, inclusive, of this act.*

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

29 (a) Any oral or written comment made or submitted to it by
30 members of the public or by persons or facilities affected by the
31 regulation;

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

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

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

38 3. After reviewing a proposed regulation, the Committee shall
39 notify the agency of the opinion of the Committee regarding the
40 advisability of adopting or revising the proposed regulation.

41 4. The Committee shall recommend to the Legislature as a
42 result of its review of regulations pursuant to this section any
43 appropriate legislation.



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

3 *As used in this chapter, "midwife" means any type of midwife,*
4 *including, without limitation, a licensed certified professional*
5 *midwife, a certified nurse-midwife or any person who engages in*
6 *the practice of certified professional midwifery.*

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

8 440.280 1. If a birth occurs in a hospital or the mother and
9 child are immediately transported to a hospital, the person in charge
10 of the hospital or his or her designated representative shall obtain
11 the necessary information, prepare a birth certificate, secure the
12 signatures required by the certificate and file it within 10 days with
13 the health officer of the registration district where the birth occurred.
14 The physician in attendance shall provide the medical information
15 required by the certificate and certify to the fact of birth within 72
16 hours after the birth. If the physician does not certify to the fact of
17 birth within the required 72 hours, the person in charge of the
18 hospital or the designated representative shall complete and sign the
19 certification.

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

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

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

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

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

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

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

38 5. If the mother was:

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

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

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



1 declaration for the voluntary acknowledgment of parentage
2 developed by the Board pursuant to NRS 440.285.

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

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

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

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

17 (a) The provisions of paragraph (b) of subsection 5 are
18 applicable;

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

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

30 7. An order entered or a declaration executed pursuant to
31 subsection 6 must be submitted to the local health officer, the local
32 health officer's authorized representative, or the attending physician
33 or midwife before a proper certificate of birth is forwarded to the
34 State Registrar. The order or declaration must then be delivered to
35 the State Registrar for filing. The State Registrar's file of orders and
36 declarations must be sealed and the contents of the file may be
37 examined only upon order of a court of competent jurisdiction or at
38 the request of either parent or the Division of Welfare and
39 Supportive Services of the Department of Health and Human
40 Services as necessary to carry out the provisions of 42 U.S.C. §
41 654a. The local health officer shall complete the original certificate
42 of birth in accordance with subsection 6 and other provisions of this
43 chapter.

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



1 **Sec. 71.** NRS 440.770 is hereby amended to read as follows:
2 440.770 Any person who furnishes false information to a
3 physician, advanced practice registered nurse, *licensed certified*
4 *professional midwife*, funeral director, midwife or informant for the
5 purpose of making incorrect certification of births or deaths shall be
6 punished by a fine of not more than \$250.

7 **Sec. 72.** NRS 441A.110 is hereby amended to read as follows:
8 441A.110 “Provider of health care” means a physician, nurse,
9 *licensed certified professional midwife* or veterinarian licensed in
10 accordance with state law or a physician assistant licensed pursuant
11 to chapter 630 or 633 of NRS.

12 **Sec. 73.** NRS 442.003 is hereby amended to read as follows:
13 442.003 As used in this chapter, unless the context requires
14 otherwise:

15 1. “Advisory Board” means the Advisory Board on Maternal
16 and Child Health.

17 2. “Department” means the Department of Health and Human
18 Services.

19 3. “Director” means the Director of the Department.

20 4. “Division” means the Division of Public and Behavioral
21 Health of the Department.

22 5. “Fetal alcohol syndrome” includes fetal alcohol effects.

23 6. “Laboratory” has the meaning ascribed to it in
24 NRS 652.040.

25 7. *“Midwife” means any type of midwife, including, without*
26 *limitation, a licensed certified professional midwife or any person*
27 *who engages in the practice of certified professional midwifery.*

28 8. “Obstetric center” has the meaning ascribed to it in
29 NRS 449.0155.

30 ~~8.~~ **9.** “Provider of health care or other services” means:

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

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

38 (c) A licensed nurse;

39 (d) A licensed psychologist;

40 (e) A licensed marriage and family therapist;

41 (f) A licensed clinical professional counselor;

42 (g) A licensed social worker;

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

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

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



1 **Sec. 74.** NRS 442.119 is hereby amended to read as follows:
2 442.119 As used in NRS 442.119 to 442.1198, inclusive,
3 unless the context otherwise requires:

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

6 2. "Medicaid" has the meaning ascribed to it in
7 NRS 439B.120.

8 3. "Medicare" has the meaning ascribed to it in
9 NRS 439B.130.

10 4. "Provider of prenatal care" means:

11 (a) A physician who is licensed in this State and certified in
12 obstetrics and gynecology, family practice, general practice or
13 general surgery.

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

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

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

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

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

24 442.610 "Provider of health care" means:

25 1. A provider of health care as defined in NRS 629.031 ~~]~~,
26 *including, without limitation, a licensed certified professional*
27 *midwife; and*

28 2. ~~A midwife; and~~

29 ~~—3.]~~ An obstetric center licensed pursuant to chapter 449 of
30 NRS.

31 **Sec. 76.** NRS 454.00958 is hereby amended to read as
32 follows:

33 454.00958 "Practitioner" means:

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

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

40 3. When relating to the prescription of poisons, dangerous
41 drugs and devices:

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



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

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

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

10 (a) **Any device or drug described in subsection 1 or 2 of section**
11 **26 of this act for use in his or her practice; or**

12 (b) **Any device or vaccine described in subsection 4 of section**
13 **26 of this act for a client.**

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

15 454.213 1. Except as otherwise provided in NRS 454.217, a
16 drug or medicine referred to in NRS 454.181 to 454.371, inclusive,
17 may be possessed and administered by:

18 (a) A practitioner.

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

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

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

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

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

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

43 (f) Except as otherwise provided in paragraph (g), an advanced
44 emergency medical technician or a paramedic, as authorized by



1 regulation of the State Board of Pharmacy and in accordance with
2 any applicable regulations of:

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

5 (2) A county board of health in a county whose population is
6 100,000 or more; or

7 (3) A district board of health created pursuant to NRS
8 439.362 or 439.370 in any county.

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

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

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

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

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

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

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

30 (k) Any person designated by the head of a correctional
31 institution.

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

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

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

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

43 (1) Used for cooling and stretching external tissue during
44 therapeutic treatments; and

45 (2) Prescribed by a licensed physician for:



1 (I) Iontophoresis; or
2 (II) The transmission of drugs through the skin using
3 ultrasound.

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

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

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

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

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

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

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

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

39 (u) A medical assistant, in accordance with applicable
40 regulations of the:

41 (1) Board of Medical Examiners, at the direction of the
42 prescribing physician and under the supervision of a physician or
43 physician assistant.



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

4 *(v) A certified professional midwife student midwife or*
5 *certified professional midwife birth assistant who is administering*
6 *the medicine or drug under the direct supervision of a licensed*
7 *certified professional midwife as authorized by sections 2 to 32,*
8 *inclusive, of this act and any regulations adopted pursuant*
9 *thereto.*

10 2. As used in this section, "accredited college of medicine" has
11 the meaning ascribed to it in NRS 453.375.

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

13 454.361 A conviction of the violation of any of the provisions
14 of NRS 454.181 to 454.371, inclusive, constitutes grounds for the
15 suspension or revocation of any license issued to such person
16 pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638,
17 639 or 653 of NRS ~~§~~ *or sections 2 to 32, inclusive, of this act.*

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

19 608.0116 "Professional" means pertaining to:

20 1. An employee who is licensed or certified by the State of
21 Nevada for and engaged in the practice of law or any of the
22 professions regulated by chapters 623 to 645, inclusive, 645G and
23 656A of NRS ~~§~~ *and sections 2 to 32, inclusive, of this act.*

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

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

28 679B.440 1. The Commissioner may require that reports
29 submitted pursuant to NRS 679B.430 include, without limitation,
30 information regarding:

31 (a) Liability insurance provided to:

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

34 (I) Cities and towns;

35 (II) School districts; and

36 (III) Other political subdivisions;

37 (2) Public officers;

38 (3) Establishments where alcoholic beverages are sold;

39 (4) Facilities for the care of children;

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

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

44 (b) Liability insurance for:

45 (1) Defective products;



- 1 (2) Medical or dental malpractice of:
2 (I) A practitioner licensed pursuant to chapter 630, 630A,
3 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS
4 *or sections 2 to 32, inclusive, of this act* or who holds a license or
5 limited license issued pursuant to chapter 653 of NRS;
6 (II) A hospital or other health care facility; or
7 (III) Any related corporate entity;
8 (3) Malpractice of attorneys;
9 (4) Malpractice of architects and engineers; and
10 (5) Errors and omissions by other professionally qualified
11 persons;
12 (c) Vehicle insurance, reported separately for:
13 (1) Private vehicles;
14 (2) Commercial vehicles;
15 (3) Liability insurance; and
16 (4) Insurance for property damage; and
17 (d) Workers' compensation insurance.
18 2. The Commissioner may require that the report include,
19 without limitation, information specifically pertaining to this State
20 or to an insurer in its entirety, in the aggregate or by type of
21 insurance, and for a previous or current year, regarding:
22 (a) Premiums directly written;
23 (b) Premiums directly earned;
24 (c) Number of policies issued;
25 (d) Net investment income, using appropriate estimates when
26 necessary;
27 (e) Losses paid;
28 (f) Losses incurred;
29 (g) Loss reserves, including:
30 (1) Losses unpaid on reported claims; and
31 (2) Losses unpaid on incurred but not reported claims;
32 (h) Number of claims, including:
33 (1) Claims paid; and
34 (2) Claims that have arisen but are unpaid;
35 (i) Expenses for adjustment of losses, including allocated and
36 unallocated losses;
37 (j) Net underwriting gain or loss;
38 (k) Net operation gain or loss, including net investment income;
39 and
40 (l) Any other information requested by the Commissioner.
41 3. The Commissioner may also obtain, based upon an insurer
42 in its entirety, information regarding:
43 (a) Recoverable federal income tax;
44 (b) Net unrealized capital gain or loss; and
45 (c) All other expenses not included in subsection 2.



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

3 686A.2825 “Practitioner” means:

4 1. A physician, dentist, nurse, *licensed certified professional*
5 *midwife*, dispensing optician, optometrist, physical therapist,
6 podiatric physician, psychologist, chiropractor, doctor of Oriental
7 medicine in any form, director or technician of a medical laboratory,
8 pharmacist, person who holds a license to engage in radiation
9 therapy and radiologic imaging or a limited license to engage in
10 radiologic imaging pursuant to chapter 653 of NRS or other
11 provider of health services who is authorized to engage in his or her
12 occupation by the laws of this state or another state; and

13 2. An attorney admitted to practice law in this state or any
14 other state.

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

16 686B.030 1. Except as otherwise provided in subsection 2
17 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799,
18 inclusive, apply to all kinds and lines of direct insurance written on
19 risks or operations in this State by any insurer authorized to do
20 business in this State, except:

21 (a) Ocean marine insurance;

22 (b) Contracts issued by fraternal benefit societies;

23 (c) Life insurance and credit life insurance;

24 (d) Variable and fixed annuities;

25 (e) Credit accident and health insurance;

26 (f) Property insurance for business and commercial risks;

27 (g) Casualty insurance for business and commercial risks other
28 than insurance covering the liability of a practitioner licensed
29 pursuant to chapters 630 to 640, inclusive, of NRS *and sections 2 to*
30 *32, inclusive, of this act* or who holds a license or limited license
31 issued pursuant to chapter 653 of NRS;

32 (h) Surety insurance;

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

35 (j) Credit involuntary unemployment insurance.

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

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

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



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

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

8 686B.115 1. Any hearing held by the Commissioner to
9 determine whether rates comply with the provisions of NRS
10 686B.010 to 686B.1799, inclusive, must be open to members of the
11 public.

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

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

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

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

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

29 4. If a person provides testimony at a hearing in accordance
30 with subsection 3:

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

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

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

41 689A.035 1. An insurer shall not charge a provider of health
42 care a fee to include the name of the provider on a list of providers
43 of health care given by the insurer to its insureds.

44 2. An insurer shall not contract with a provider of health care
45 to provide health care to an insured unless the insurer uses the form



1 prescribed by the Commissioner pursuant to NRS 629.095 to obtain
2 any information related to the credentials of the provider of health
3 care.

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

6 (a) At any time pursuant to a written agreement executed by
7 both parties.

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

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

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

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

27 5. As used in this section, "provider of health care" means a
28 provider of health care who is licensed pursuant to chapter 630, 631,
29 632 or 633 of NRS ~~§~~ *or sections 2 to 32, inclusive, of this act.*

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

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

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

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

42 (a) At any time pursuant to a written agreement executed by
43 both parties.

44 (b) Except as otherwise provided in this paragraph, by the
45 insurer upon giving to the provider 45 days' written notice of the



1 modification of the insurer's schedule of payments, including any
2 changes to the fee schedule applicable to the provider's practice. If
3 the provider fails to object in writing to the modification within the
4 45-day period, the modification becomes effective at the end of that
5 period. If the provider objects in writing to the modification within
6 the 45-day period, the modification must not become effective
7 unless agreed to by both parties as described in paragraph (a).

8 4. If an insurer specified in subsection 1 contracts with a
9 provider of health care to provide health care to an insured, the
10 insurer shall:

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

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

19 5. As used in this section, "provider of health care" means a
20 provider of health care who is licensed pursuant to chapter 630, 631,
21 632 or 633 of NRS ~~H~~ *or sections 2 to 32, inclusive, of this act.*

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

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

28 2. A carrier specified in subsection 1 shall not contract with a
29 provider of health care to provide health care to an insured unless
30 the carrier uses the form prescribed by the Commissioner pursuant
31 to NRS 629.095 to obtain any information related to the credentials
32 of the provider of health care.

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

35 (a) At any time pursuant to a written agreement executed by
36 both parties.

37 (b) Except as otherwise provided in this paragraph, by the
38 carrier upon giving to the provider 45 days' written notice of the
39 modification of the carrier's schedule of payments, including any
40 changes to the fee schedule applicable to the provider's practice. If
41 the provider fails to object in writing to the modification within the
42 45 day period, the modification becomes effective at the end of that
43 period. If the provider objects in writing to the modification within
44 the 45 day period, the modification must not become effective
45 unless agreed to by both parties as described in paragraph (a).



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

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

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

12 5. As used in this section, "provider of health care" means a
13 provider of health care who is licensed pursuant to chapter 630, 631,
14 632 or 633 of NRS ~~H~~ *or sections 2 to 32, inclusive, of this act.*

15 **Sec. 88.** NRS 690B.250 is hereby amended to read as follows:

16 690B.250 Except as more is required in NRS 630.3067 and
17 633.526:

18 1. Each insurer which issues a policy of insurance covering the
19 liability of a practitioner licensed pursuant to chapters 630 to 640,
20 inclusive, of NRS *or sections 2 to 32, inclusive, of this act* or who
21 holds a license or limited license issued pursuant to chapter 653 of
22 NRS for a breach of his or her professional duty toward a patient
23 shall report to the board which licensed the practitioner within 45
24 days each settlement or award made or judgment rendered by reason
25 of a claim, if the settlement, award or judgment is for more than
26 \$5,000, giving the name of the claimant and the practitioner and the
27 circumstances of the case.

28 2. A practitioner licensed pursuant to chapters 630 to 640,
29 inclusive, of NRS *or sections 2 to 32, inclusive, of this act* or who
30 holds a license or limited license issued pursuant to chapter 653 of
31 NRS who does not have insurance covering liability for a breach of
32 his or her professional duty toward a patient shall report to the board
33 which issued the practitioner's license within 45 days of each
34 settlement or award made or judgment rendered by reason of a
35 claim, if the settlement, award or judgment is for more than \$5,000,
36 giving the practitioner's name, the name of the claimant and the
37 circumstances of the case.

38 3. These reports are public records and must be made available
39 for public inspection within a reasonable time after they are received
40 by the licensing board.

41 **Sec. 89.** NRS 690B.270 is hereby amended to read as follows:

42 690B.270 If an insurer declines to issue to a practitioner
43 licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or*
44 *sections 2 to 32, inclusive, of this act* a policy of professional
45 liability insurance, the insurer shall, upon the request of the



1 practitioner, disclose to the practitioner the reasons the insurer
2 declined to issue the policy.

3 **Sec. 90.** NRS 690B.280 is hereby amended to read as follows:

4 690B.280 If an insurer, for a policy of professional liability
5 insurance for a practitioner licensed pursuant to chapter 630, 631,
6 632 or 633 of NRS ~~§~~ *or sections 2 to 32, inclusive, of this act*, sets
7 the premium for the policy for the practitioner at a rate that is higher
8 than the standard rate of the insurer for the applicable type of policy
9 and specialty of the practitioner, the insurer shall, upon the request
10 of the practitioner, disclose the reasons the insurer set the premium
11 for the policy at the higher rate.

12 **Sec. 91.** NRS 690B.290 is hereby amended to read as follows:

13 690B.290 If an insurer offers to issue a claims-made policy to a
14 practitioner licensed pursuant to chapter 630, 631, 632 or 633 of
15 NRS ~~§~~ *or sections 2 to 32, inclusive, of this act*, the insurer shall:

16 1. Offer to issue an extended reporting endorsement to the
17 practitioner; and

18 2. Disclose to the practitioner the cost formula that the insurer
19 uses to determine the premium for the extended reporting
20 endorsement. The cost formula must be based on:

21 (a) An amount that is not more than twice the amount of the
22 premium for the claims-made policy at the time of the termination
23 of that policy; and

24 (b) The rates filed by the insurer and approved by the
25 Commissioner.

26 **Sec. 92.** NRS 690B.300 is hereby amended to read as follows:

27 690B.300 1. Except as otherwise provided in this section, if
28 an insurer issues a policy of professional liability insurance to a
29 practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or*
30 *sections 2 to 32, inclusive, of this act* who delivers one or more
31 babies per year, the insurer shall not set the premium for the policy
32 at a rate that is different from the rate set for such a policy issued by
33 the insurer to any other practitioner licensed pursuant to chapter
34 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act*
35 who delivers one or more babies per year if the difference in rates is
36 based in whole or in part upon the number of babies delivered per
37 year by the practitioner.

38 2. If an insurer issues a policy of professional liability
39 insurance to a practitioner licensed pursuant to chapter 630, 632 or
40 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers
41 one or more babies per year, the insurer may set the premium for the
42 policy at a rate that is different, based in whole or in part upon
43 the number of babies delivered per year by the practitioner, from the
44 rate set for such a policy issued by the insurer to any other
45 practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or*



1 *sections 2 to 32, inclusive, of this act* who delivers one or more
2 babies per year if the insurer:

3 (a) Bases the difference upon actuarial and loss experience data
4 available to the insurer; and

5 (b) Obtains the approval of the Commissioner for the difference
6 in rates.

7 3. The provisions of this section do not prohibit an insurer from
8 setting the premium for a policy of professional liability insurance
9 issued to a practitioner licensed pursuant to chapter 630, 632 or 633
10 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one
11 or more babies per year at a rate that is different from the rate set for
12 such a policy issued by the insurer to any other practitioner licensed
13 pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32,*
14 *inclusive, of this act* who delivers one or more babies per year if the
15 difference in rates is based solely upon factors other than the
16 number of babies delivered per year by the practitioner.

17 **Sec. 93.** NRS 690B.310 is hereby amended to read as follows:

18 690B.310 1. If an agreement settles a claim or action against
19 a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of
20 NRS *or sections 2 to 32, inclusive, of this act* for a breach of his or
21 her professional duty toward a patient, the following terms of the
22 agreement must not be made confidential:

23 (a) The names of the parties;

24 (b) The date of the incidents or events giving rise to the claim or
25 action;

26 (c) The nature of the claim or action as set forth in the complaint
27 and the answer that is filed with the district court; and

28 (d) The effective date of the agreement.

29 2. Any provision of an agreement to settle a claim or action
30 that conflicts with this section is void.

31 **Sec. 94.** NRS 690B.320 is hereby amended to read as follows:

32 690B.320 1. If an insurer offers to issue a claims-made
33 policy to a practitioner licensed pursuant to chapters 630 to 640,
34 inclusive, of NRS *or sections 2 to 32, inclusive, of this act* or who
35 holds a license or limited license issued pursuant to chapter 653 of
36 NRS, the insurer shall:

37 (a) Offer to issue to the practitioner an extended reporting
38 endorsement without a time limitation for reporting a claim.

39 (b) Disclose to the practitioner the premium for the extended
40 reporting endorsement and the cost formula that the insurer uses to
41 determine the premium for the extended reporting endorsement.

42 (c) Disclose to the practitioner the portion of the premium
43 attributable to funding the extended reporting endorsement offered
44 at no additional cost to the practitioner in the event of the



1 practitioner's death, disability or retirement, if such a benefit is
2 offered.

3 (d) Disclose to the practitioner the vesting requirements for the
4 extended reporting endorsement offered at no additional cost to the
5 practitioner in the event of the practitioner's death or retirement, if
6 such a benefit is offered. If such a benefit is not offered, the absence
7 of such a benefit must be disclosed.

8 (e) Include, as part of the insurance contract, language which
9 must be approved by the Commissioner and which must be
10 substantially similar to the following:

11
12 If we adopt any revision that would broaden the coverage
13 under this policy without any additional premium either
14 within the policy period or within 60 days before the policy
15 period, the broadened coverage will immediately apply to this
16 policy.
17

18 2. The disclosures required by subsection 1 must be made as
19 part of the offer and acceptance at the inception of the policy and
20 again at each renewal in the form of an endorsement attached to the
21 insurance contract and approved by the Commissioner.

22 3. The requirements set forth in this section are in addition to
23 the requirements set forth in NRS 690B.290.

24 **Sec. 95.** NRS 690B.360 is hereby amended to read as follows:

25 690B.360 1. The Commissioner may collect all information
26 which is pertinent to monitoring whether an insurer that issues
27 professional liability insurance for a practitioner licensed pursuant
28 to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32,*
29 *inclusive, of this act* is complying with the applicable standards for
30 rates established in NRS 686B.010 to 686B.1799, inclusive. Such
31 information may include, without limitation:

32 (a) The amount of gross premiums collected with regard to each
33 medical specialty;

34 (b) Information relating to loss ratios; and

35 (c) Information reported pursuant to NRS 679B.430 and
36 679B.440.

37 2. In addition to the information collected pursuant to
38 subsection 1, the Commissioner may request any additional
39 information from an insurer:

40 (a) Whose rates and credit utilization are materially different
41 from other insurers in the market for professional liability insurance
42 for a practitioner licensed pursuant to chapter 630, 631, 632 or 633
43 of NRS *or sections 2 to 32, inclusive, of this act* in this State;

44 (b) Whose credit utilization shows a substantial change from the
45 previous year; or



1 (c) Whose information collected pursuant to subsection 1
2 indicates a potentially adverse trend.

3 3. If the Commissioner requests additional information from an
4 insurer pursuant to subsection 2, the Commissioner may:

5 (a) Determine whether the additional information offers a
6 reasonable explanation for the results described in paragraph (a), (b)
7 or (c) of subsection 2; and

8 (b) Take any steps permitted by law that are necessary and
9 appropriate to assure the ongoing stability of the market for
10 professional liability insurance for a practitioner licensed pursuant
11 to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32,*
12 *inclusive, of this act* in this State.

13 4. On an ongoing basis, the Commissioner may analyze and
14 evaluate the information collected pursuant to this section to
15 determine trends in and measure the health of the market for
16 professional liability insurance for a practitioner licensed pursuant
17 to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32,*
18 *inclusive, of this act* in this State.

19 5. If the Commissioner convenes a hearing pursuant to
20 subsection 1 of NRS 690B.350 and determines that the market for
21 professional liability insurance issued to any class, type or specialty
22 of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS
23 *or sections 2 to 32, inclusive, of this act* is not competitive and that
24 such insurance is unavailable or unaffordable for a substantial
25 number of such practitioners, the Commissioner shall prepare and
26 submit a report of the Commissioner's findings and
27 recommendations to the Director of the Legislative Counsel Bureau
28 for transmittal to members of the Legislature.

29 **Sec. 96.** NRS 695A.095 is hereby amended to read as follows:

30 695A.095 1. A society shall not charge a provider of health
31 care a fee to include the name of the provider on a list of providers
32 of health care given by the society to its insureds.

33 2. A society shall not contract with a provider of health care to
34 provide health care to an insured unless the society uses the form
35 prescribed by the Commissioner pursuant to NRS 629.095 to obtain
36 any information related to the credentials of the provider of health
37 care.

38 3. A contract between a society and a provider of health care
39 may be modified:

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

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



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

6 4. If a society contracts with a provider of health care to
7 provide health care to an insured, the society 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. 97.** NRS 695B.035 is hereby amended to read as follows:

20 695B.035 1. A corporation subject to the provisions of this
21 chapter shall not charge a provider of health care a fee to include the
22 name of the provider on a list of providers of health care given by
23 the corporation to its insureds.

24 2. A corporation specified in subsection 1 shall not contract
25 with a provider of health care to provide health care to an insured
26 unless the corporation uses the form prescribed by the
27 Commissioner pursuant to NRS 629.095 to obtain any information
28 related to the credentials of the provider of health care.

29 3. A contract between a corporation specified in subsection 1
30 and a provider of health care may be modified:

31 (a) At any time pursuant to a written agreement executed by
32 both parties.

33 (b) Except as otherwise provided in this paragraph, by the
34 corporation upon giving to the provider 45 days' written notice of
35 the modification of the corporation's schedule of payments,
36 including any changes to the fee schedule applicable to the
37 provider's practice. If the provider fails to object in writing to the
38 modification within the 45-day period, the modification becomes
39 effective at the end of that period. If the provider objects in writing
40 to the modification within the 45-day period, the modification must
41 not become effective unless agreed to by both parties as described in
42 paragraph (a).

43 4. If a corporation specified in subsection 1 contracts with a
44 provider of health care to provide health care to an insured, the
45 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.** (Deleted by amendment.)

40 **Sec. 101.** Section 19 of this act is hereby amended to read as
41 follows:

42 Sec. 19. 1. An applicant for a license as a licensed
43 certified professional midwife must submit to the Division an
44 application pursuant to this section in the form prescribed by
45 the Division. The application must be accompanied by a fee



1 in the amount prescribed by regulation of the State Board of
2 Health pursuant to NRS 439.150, which must not exceed
3 \$1,000. The application must include, without limitation,
4 proof that the applicant ~~is~~:

5 (a) *Is* certified as a midwife by the North American
6 Registry of Midwives, or its successor organization ~~is~~ and ~~is~~
7 ~~Has~~ (b) *Except as otherwise provided in subsection*
8 *2, has* completed an educational program accredited by the
9 Midwifery Education Accreditation Council, or its successor
10 organization. ~~is or~~

11 ~~—(b) Holds a Midwifery Bridge Certificate issued by the~~
12 ~~North American Registry of Midwives, or its successor~~
13 ~~organization, and has completed the Portfolio Evaluation~~
14 ~~Process prescribed by that organization.]~~

15 2. *If the Division determines it to be necessary to*
16 *address shortages in the number of midwives practicing in*
17 *rural or underserved areas in this State or barriers for*
18 *applicants from marginalized identities, the Division may,*
19 *on a case-by-case basis, exempt an applicant from*
20 *complying with paragraph (b) of subsection 1 if the*
21 *applicant holds a Midwifery Bridge certificate issued by the*
22 *North American Registry of Midwives, or its successor*
23 *organization, and has completed the Portfolio Evaluation*
24 *Process prescribed by that organization.*

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

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

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

34 ~~3.]~~ 4. To the extent that the implementation of such
35 provisions will leave the Division with sufficient money to
36 carry out its duties under this chapter, the State Board of
37 Health shall establish by regulation a procedure through
38 which:

39 (a) An applicant may petition the Division to reduce the
40 fees imposed pursuant to this section. An applicant may
41 qualify for such a reduction if the applicant demonstrates, to
42 the satisfaction of the Division, that the fees imposed
43 pursuant to this section are an economic hardship on the
44 applicant.



(b) The Division allocates a portion of the fees imposed and collected pursuant to this section to programs that promote applicants from marginalized identities through increasing the numbers of such applicants and reducing barriers that such applicants face.

~~[4.]~~ 5. As used in this section, “marginalized identity” means an identity or expression that causes or has historically caused a person of such identity or expression to be disproportionately discriminated against, harassed or otherwise negatively treated or affected as a result of the identity or expression.

Sec. 102. Section 23 of this act is hereby amended to read as follows:

Sec. 23. 1. In addition to any other requirements set forth in this chapter ~~f:~~

~~—(a) An applicant for the issuance of a license as a licensed certified professional midwife in this State shall include the social security number of the applicant in the application submitted to the Division.~~

~~—(b) An]~~, *an* applicant for the issuance of a license as a licensed certified professional midwife in this State shall submit to the Division of Public and Behavioral Health of the Department of Health and Human Services the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

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

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

(b) A separate form prescribed by the Division.

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

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

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

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court



1 order for the support of a child and is not in compliance with
2 the order or a plan approved by the district attorney or other
3 public agency enforcing the order for the repayment of the
4 amount owed pursuant to the order, the Division shall advise
5 the applicant to contact the district attorney or other public
6 agency enforcing the order to determine the actions that the
7 applicant may take to satisfy the arrearage.

8 **Sec. 103.** Section 27 of this act is hereby amended to read as
9 follows:

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

- 18 (a) Complete placenta previa;
- 19 (b) Partial placenta previa after the 27th week of
20 gestation;
- 21 (c) Infection with the human immunodeficiency virus;
- 22 (d) Cardiovascular disease;
- 23 (e) Severe mental illness that may cause the client to
24 cause harm to themselves or others;
- 25 (f) Pre-eclampsia or eclampsia;
- 26 (g) Fetal growth restriction, oligohydramnios or moderate
27 or severe polyhydramnios in the pregnancy;
- 28 (h) Potentially serious anatomic fetal abnormalities;
- 29 (i) Diabetes that requires insulin or other medication for
30 management;
- 31 (j) Gestational age of greater than 43 weeks; or
- 32 (k) Any other condition or symptom which, in the
33 judgment of the licensed certified professional midwife, could
34 threaten the life of the client or the fetus or newborn infant of
35 the client.

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

- 42 (a) Prior cesarean section or other surgery resulting in a
43 uterine scar;
- 44 (b) Multifetal gestation; or
- 45 (c) Non-cephalic presentation after 36 weeks of gestation.



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

4 (a) The contents of the recommendation;

5 (b) The condition or symptom for which the
6 recommendation was made;

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

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

14 4. A client may provide informed refusal to consent to
15 consultation, co-management, referral or transfer in writing
16 on a form prescribed by the Board. If a client provides
17 informed refusal to consent to ~~§~~

18 ~~—(a) Consultation,]~~ *consultation*, co-management, referral
19 or transfer after the licensed certified professional midwife
20 has determined that a condition or symptom ~~[described in~~
21 ~~subsection 1]~~ exists ~~[, the]~~ *for which consultation, co-*
22 *management, referral or transfer is required by the*
23 *regulations adopted pursuant to section 18 of this act:*

24 (a) *The* licensed certified professional midwife must
25 ~~[attempt to locate a qualified provider of health care for~~
26 ~~which the client consents to consultation, co-management or~~
27 ~~referral or an appropriate medical facility for which the client~~
28 ~~consents to transfer. If the licensed certified professional~~
29 ~~midwife is unable to locate such a provider of health care~~
30 ~~who is willing to consult, co-manage or accept the referral or~~
31 ~~such a medical facility which is willing to accept the transfer,~~
32 ~~the licensed certified professional midwife is]~~ *take any action*
33 *required by those regulations;*

34 (b) *If the condition or symptom threatens the life or*
35 *health of the client, the fetus or the newborn child during*
36 *labor or delivery, the licensed certified professional midwife*
37 *must call 911 and provide care until relieved by a qualified*
38 *provider of health care; and*

39 (c) *If the licensed certified professional midwife*
40 *complies with paragraphs (a) and (b), he or she is* not liable
41 for any damages resulting from the failure to consult, co-
42 manage, refer or transfer. ~~[If the condition or symptom~~
43 ~~threatens the life or health of the client or the fetus or the~~
44 ~~newborn infant of the client during labor or delivery, the~~
45 ~~licensed certified professional midwife must call 911 and~~



1 ~~provide care until relieved by a qualified provider of health~~
2 ~~care.~~

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

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

10 ~~—(2) Is not liable for any damages resulting from the~~
11 ~~failure to consult, co-manage or refer.]~~

12 5. If, after determining that a condition or symptom
13 ~~[described in:~~

14 ~~—(a) Subsection 1] exists for which consultation, co-~~
15 ~~management, referral or transfer is required by the~~
16 ~~regulations adopted pursuant to section 18 of this act and~~
17 ~~making a reasonable effort to [arrange for consultation with,~~
18 ~~co-management of the condition or symptom with or referral~~
19 ~~of the client to a qualified provider of health care or the~~
20 ~~transfer of the client to an appropriate medical facility,]~~

21 ~~comply with those regulations,~~ a licensed certified
22 professional midwife is unable to locate a qualified provider
23 of health care who is willing to consult, co-manage or accept
24 the referral or an appropriate medical facility willing to
25 accept the transfer, the licensed certified professional midwife
26 shall be deemed to be in compliance with the requirements of
27 ~~[this section] those regulations~~ and is not liable for any
28 damages resulting from the inability of the licensed certified
29 professional midwife to consult, co-manage, refer or transfer.
30 If the condition or symptom threatens the life or health of the
31 client or the fetus or newborn infant of the client during labor
32 or delivery, the licensed certified professional midwife must
33 call 911 and provide care until relieved by a qualified
34 provider of health care.

35 ~~[(b) Subsection 2 exists and making a reasonable effort to~~
36 ~~arrange for consultation with, co-management of the~~
37 ~~condition or symptom with or referral of the client to a~~
38 ~~qualified provider of health care, a licensed certified~~
39 ~~professional midwife is unable to locate a qualified provider~~
40 ~~of health care who is willing to consult, co-manage or accept~~
41 ~~the referral, the licensed certified professional midwife shall~~
42 ~~be deemed to be in compliance with the requirements of this~~
43 ~~section and is not liable for any damages resulting from the~~
44 ~~inability of the licensed certified professional midwife to~~
45 ~~arrange for consultation, co-manage or refer.]~~



1 6. A provider of health care who is not a licensed
2 certified professional midwife is not liable for any damages
3 resulting from any act or omission of a licensed certified
4 professional midwife and is not required to adhere to any
5 standards of care governing the practice of certified
6 professional midwifery. Such a provider of health care is only
7 liable for the damages resulting from his or her own acts or
8 omissions in accordance with the standards of care governing
9 his or her profession.

10 **Sec. 104.** As soon as practicable on or after the effective date
11 of this section, but not later than 6 months after receiving the
12 recommendations of the Collaboration and Transfer Guidelines
13 Workgroup created pursuant to section 105 of this act, the Board of
14 Licensed Certified Professional Midwives created by section 16
15 of this act shall adopt the regulations required by paragraph (g) of
16 subsection 1 of section 18 of this act. In adopting the regulations,
17 the Board shall consider the measures necessary to minimize the
18 likelihood of serious harm to the client and the fetus or newborn
19 infant of the client.

20 **Sec. 105.** 1. The Collaboration and Transfer Guidelines
21 Workgroup is hereby created.

22 2. The Administrator of the Division of Public and Behavioral
23 Health of the Department of Health and Human Services shall
24 appoint to the Workgroup:

25 (a) One voting member who is a physician who practices in the
26 area of obstetrics or a certified nurse-midwife in Northern Nevada;

27 (b) One voting member who is a physician who practices in the
28 area of obstetrics or a certified nurse-midwife in Southern Nevada;

29 (c) One voting member who is a nurse manager of a labor and
30 delivery ward or a registered nurse with similar duties who is
31 responsible for coordinating transfers of pregnant women from a
32 home or birth center to a hospital and who practices in Northern
33 Nevada;

34 (d) One voting member who is a nurse manager of a labor and
35 delivery ward or a registered nurse with similar duties who is
36 responsible for coordinating transfers of pregnant women from a
37 home or birth center to a hospital and who practices in Southern
38 Nevada;

39 (e) One voting member who represents a provider of emergency
40 medical services in Northern Nevada;

41 (f) One voting member who represents a provider of emergency
42 medical services in Southern Nevada; and

43 (g) One nonvoting member to serve as a liaison with the State
44 Board of Health.



1 3. The Nevada Chapter of the National Association of Certified
2 Professional Midwives, or its successor organization, in consultation
3 with the Nevada Association of Professional Midwives, or its
4 successor organization, shall appoint to the Workgroup four voting
5 members who are midwives who reside and practice in Nevada. To
6 the extent practicable, two of those members must reside and
7 practice in Northern Nevada and two of those members must
8 practice in Southern Nevada.

9 4. The Nevada Hospital Association, or its successor
10 organization, may appoint to the Workgroup one member who is a
11 representative of that organization.

12 5. A vacancy on the Workgroup must be filled in the same
13 manner as the initial appointment.

14 6. Members of the Workgroup serve without compensation and
15 are not entitled to receive the per diem allowance and travel
16 expenses provided for state officers and employees generally.

17 7. A member of the Workgroup who is an officer or employee
18 of this State or a political subdivision of this State must be relieved
19 from his or her duties without loss of regular compensation to
20 prepare for and attend meetings of the Workgroup and perform any
21 work necessary to carry out the duties of the Workgroup in the most
22 timely manner practicable. A state agency or political subdivision of
23 this State shall not require an officer or employee who is a member
24 of the Workgroup to:

25 (a) Make up the time he or she is absent from work to carry out
26 his or her duties as a member of the Workgroup; or

27 (b) Take annual leave or compensatory time for the absence.

28 8. The Workgroup may divide into one subcommittee of
29 members from Northern Nevada and one subcommittee of members
30 from Southern Nevada.

31 9. A majority of the voting members of the Workgroup or a
32 subcommittee thereof constitutes a quorum for the transaction of
33 business, and a majority of a quorum present at any meeting is
34 sufficient for any official action taken by the Workgroup or a
35 subcommittee thereof.

36 10. The Workgroup and each subcommittee thereof shall:

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

39 (b) Meet at the call of the Chair.

40 11. Not later than July 1, 2022, the Workgroup or, if the
41 Workgroup divides into subcommittees pursuant to subsection 8,
42 each subcommittee of the Workgroup, shall make recommendations
43 to the Board of Licensed Certified Professional Midwives created by
44 section 16 of this act concerning the regulations required by
45 paragraph (g) of subsection 1 of section 18 of this act governing the



1 transfer of the client of a licensed certified professional midwife to a
2 medical facility. Those recommendations must, to the extent
3 practicable, be guided upon peer-reviewed scientific evidence and
4 widely accepted best practices and include, without limitation,
5 provisions for the transmission of all information necessary for the
6 care of the client from the licensed certified professional midwife to
7 the medical facility. The Workgroup ceases to exist upon
8 submission of those recommendations unless the Board requests that
9 the Workgroup continue to meet.

10 12. As used in this section:

11 (a) "Certified nurse-midwife" means an advanced practice
12 registered nurse who is certified as a nurse-midwife by the
13 American Midwifery Certification Board, or its successor
14 organization.

15 (b) "Licensed certified professional midwife" means a person
16 who is certified as a certified professional midwife by the North
17 American Registry of Midwives.

18 (c) "Medical facility" has the meaning ascribed to it in
19 NRS 449.0151.

20 (d) "Northern Nevada" means Carson City and the counties of
21 Churchill, Elko, Eureka, Douglas, Humboldt, Lander, Lyon,
22 Pershing, Storey, Washoe and White Pine.

23 (e) "Southern Nevada" means the counties of Clark, Esmeralda,
24 Lincoln, Mineral and Nye.

25 **Sec. 106.** Notwithstanding the provisions of section 16 of this
26 act, on or before July 1, 2022, the Administrator of the Division of
27 Public and Behavioral Health of the Department of Health and
28 Human Services may appoint to the Board of Licensed Certified
29 Professional Midwives created by that section:

30 1. Four members pursuant to paragraph (a) of subsection 2 of
31 that section who are not licensed pursuant to section 19 of this act
32 and are certified as midwives by the North American Registry of
33 Midwives, or its successor organization. If such a member is not
34 licensed as a licensed certified professional midwife pursuant to
35 section 19 of this act on July 1, 2022:

36 (a) His or her term ends on that date; and

37 (b) The Administrator shall appoint a person who is so licensed
38 to fill the vacancy.

39 2. Two members pursuant to paragraph (d) of subsection 2 of
40 section 16 of this act who have not received care from a licensed
41 certified professional midwife licensed pursuant to section 19 of this
42 act but who have received care from a midwife certified by the
43 North American Registry of Midwives, or its successor
44 organization. Those members may serve until the expiration of the
45 terms prescribed pursuant to subsection 5 of section 16 of this act.



1 **Sec. 106.5.** Section 1.1 of Assembly Bill No. 287 of the
2 current Legislative Session is hereby repealed.

3 **Sec. 107.** 1. This section and sections 104 and 105 of this act
4 become effective upon passage and approval.

5 2. Sections 1 to 99, inclusive, and 106 of this act become
6 effective:

7 (a) Upon passage and approval for the purpose of appointing the
8 members of the Board of Licensed Certified Professional Midwives,
9 adopting any regulations and performing any other preparatory
10 administrative tasks that are necessary to carry out the provisions of
11 this act; and

12 (b) On January 1, 2022, for all other purposes.

13 3. Sections 100 and 101 of this act become effective on
14 January 1, 2025.

15 4. Section 102 of this act becomes effective on the date on
16 which the provisions of 42 U.S.C. § 666 requiring each state to
17 establish procedures under which the state has authority to withhold
18 or suspend, or to restrict the use of professional, occupational and
19 recreational licenses of persons who:

20 (a) Have failed to comply with a subpoena or warrant relating to
21 a proceeding to determine the paternity of a child or to establish or
22 enforce an obligation for the support of a child; or

23 (b) Are in arrears in the payment for the support of one or more
24 children,

25 ↪ are repealed by the Congress of the United States.

26 5. Section 103 of this act becomes effective on the date on
27 which the regulations described in section 104 of this act become
28 effective.

29 6. Section 33 of this act expires by limitation on the date on
30 which the provisions of 42 U.S.C. § 666 requiring each state to
31 establish procedures under which the state has authority to withhold
32 or suspend, or to restrict the use of professional, occupational and
33 recreational licenses of persons who:

34 (a) Have failed to comply with a subpoena or warrant relating to
35 a proceeding to determine the paternity of a child or to establish or
36 enforce an obligation for the support of a child; or

37 (b) Are in arrears in the payment for the support of one or more
38 children,

39 ↪ are repealed by the Congress of the United States.

40 7. Sections 23, 29 and 102 of this act expire by limitation on
41 the date 2 years after the date on which the provisions of 42 U.S.C.
42 § 666 requiring each state to establish procedures under which the
43 state has authority to withhold or suspend, or to restrict the use of
44 professional, occupational and recreational licenses of persons who:



- 1 (a) Have failed to comply with a subpoena or warrant relating to
2 a proceeding to determine the paternity of a child or to establish or
3 enforce an obligation for the support of a child; or
4 (b) Are in arrears in the payment for the support of one or more
5 children,
6 ↪ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

**Section 1.1 of Assembly Bill No. 287 of the current
Legislative Session:**

Sec. 1.1. Chapter 440 of NRS is hereby amended by
adding thereto a new section to read as follows:

As used in this chapter, “midwife” means:

1. A person certified as:

(a) A Certified Professional Midwife by the North
American Registry of Midwives, or its successor
organization; or

(b) A Certified Nurse-Midwife by the American
Midwifery Certification Board, or its successor organization;
or

2. Any other type of midwife.

