

SENATE BILL NO. 211—SENATORS D. HARRIS, HARDY;  
LANGE, OHRENSCHALL AND SCHEIBLE

MARCH 11, 2021

Referred to Committee on Health and Human Services

SUMMARY—Establishes requirements relating to testing for sexually transmitted diseases. (BDR 40-563)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to public health; requiring certain providers of emergency medical services in a hospital or primary care to ask certain patients whether they wish to be tested for sexually transmitted diseases; requiring such a provider to test a patient who answers in the affirmative or assist the patient in obtaining a test where practicable; authorizing the imposition of professional discipline against a provider for certain violations; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law establishes requirements concerning the control, prevention and  
2 treatment of the human immunodeficiency virus and other sexually transmitted  
3 diseases. (NRS 441A.240-441A.336) **Section 1** of this bill requires, with certain  
4 exceptions, a physician, physician assistant, advanced practice registered nurse or  
5 midwife who provides or supervises the provision of emergency medical services in  
6 a hospital or primary care to a patient who is at least 15 years of age to: (1) ask the  
7 patient if he or she wishes to be tested for sexually transmitted diseases; and (2) to  
8 the extent practicable, test a patient who answers in the affirmative for sexually  
9 transmitted diseases or help such a patient obtain a test. A physician, physician  
10 assistant, advanced practice registered nurse or midwife is not required to offer to  
11 provide such a test or referral if the patient is being treated for a life-threatening  
12 emergency, has recently been offered or undergone such a test or lacks the capacity  
13 to consent to testing. **Sections 1-6** of this bill provide that a physician, physician  
14 assistant, advanced practice registered nurse or midwife who fails to comply with  
15 the requirements of **section 1** is not subject to a criminal penalty or an  
16 administrative fine imposed by the State Board of Health, but it subject to  
17 professional discipline where applicable.



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

1 **Section 1.** Chapter 441A of NRS is hereby amended by  
2 adding thereto a new section to read as follows:

3 *1. Except as otherwise provided in subsection 2, a physician,*  
4 *physician assistant, advanced practice registered nurse or midwife*  
5 *who provides or supervises the provision of emergency medical*  
6 *services in a hospital or primary care to a patient who is 15 years*  
7 *of age or older shall, in accordance with the regulations adopted*  
8 *pursuant to subsection 3:*

9 *(a) Ask the patient if he or she wishes to be tested for sexually*  
10 *transmitted diseases; including, without limitation, the human*  
11 *immunodeficiency virus; and*

12 *(b) If the patient answers in the affirmative, conduct such a*  
13 *test or assist the patient with obtaining such a test, to the extent*  
14 *practicable for the physician, physician assistant, advance practice*  
15 *registered nurse or midwife.*

16 *2. A physician, physician assistant, advanced practice*  
17 *registered nurse or midwife is not required to comply with the*  
18 *requirements of subsection 1 if he or she reasonably believes that*  
19 *the patient:*

20 *(a) Is being treated for a life-threatening emergency;*

21 *(b) Has previously been offered or has been the subject of a*  
22 *test for the human immunodeficiency virus or other sexually*  
23 *transmitted diseases; or*

24 *(c) Lacks capacity to consent to such testing.*

25 *3. The Board shall adopt regulations to ensure that*  
26 *communications concerning testing pursuant to this section are*  
27 *made in a culturally competent manner and, to the extent*  
28 *practicable, in a language that is easily understood by the patient.*

29 *4. A physician, physician assistant, advanced practice*  
30 *registered nurse or midwife who fails to comply with the*  
31 *provisions of this section:*

32 *(a) Is not subject to a criminal penalty or an administrative*  
33 *fine pursuant to this chapter; and*

34 *(b) Is subject to professional discipline, where applicable.*

35 **Sec. 2.** NRS 441A.910 is hereby amended to read as follows:

36 441A.910 Except as otherwise provided ~~§~~ *in section 1 of this*  
37 *act*, every person who violates any provision of this chapter is guilty  
38 of a misdemeanor.

39 **Sec. 3.** NRS 441A.920 is hereby amended to read as follows:

40 441A.920 ~~Every~~ *Except as otherwise provided in section 1*  
41 *of this act, every* provider of health care, medical facility or medical  
42 laboratory that willfully fails, neglects or refuses to comply with any



1 regulation of the Board relating to the reporting of a communicable  
2 disease or drug overdose or any requirement of this chapter is guilty  
3 of a misdemeanor and, in addition, may be subject to an  
4 administrative fine of \$1,000 for each violation, as determined by  
5 the Board.

6 **Sec. 4.** NRS 630.306 is hereby amended to read as follows:

7 630.306 1. The following acts, among others, constitute  
8 grounds for initiating disciplinary action or denying licensure:

9 (a) Inability to practice medicine with reasonable skill and safety  
10 because of illness, a mental or physical condition or the use of  
11 alcohol, drugs, narcotics or any other substance.

12 (b) Engaging in any conduct:

13 (1) Which is intended to deceive;

14 (2) Which the Board has determined is a violation of the  
15 standards of practice established by regulation of the Board; or

16 (3) Which is in violation of a provision of chapter 639 of  
17 NRS, or a regulation adopted by the State Board of Pharmacy  
18 pursuant thereto, that is applicable to a licensee who is a  
19 practitioner, as defined in NRS 639.0125.

20 (c) Administering, dispensing or prescribing any controlled  
21 substance, or any dangerous drug as defined in chapter 454 of NRS,  
22 to or for himself or herself or to others except as authorized by law.

23 (d) Performing, assisting or advising the injection of any  
24 substance containing liquid silicone into the human body, except for  
25 the use of silicone oil to repair a retinal detachment.

26 (e) Practicing or offering to practice beyond the scope permitted  
27 by law or performing services which the licensee knows or has  
28 reason to know that he or she is not competent to perform or which  
29 are beyond the scope of his or her training.

30 (f) Performing, without first obtaining the informed consent of  
31 the patient or the patient's family, any procedure or prescribing any  
32 therapy which by the current standards of the practice of medicine is  
33 experimental.

34 (g) Continual failure to exercise the skill or diligence or use the  
35 methods ordinarily exercised under the same circumstances by  
36 physicians in good standing practicing in the same specialty or field.

37 (h) Having an alcohol or other substance use disorder.

38 (i) Making or filing a report which the licensee or applicant  
39 knows to be false or failing to file a record or report as required by  
40 law or regulation.

41 (j) Failing to comply with the requirements of NRS 630.254.

42 (k) Failure by a licensee or applicant to report in writing, within  
43 30 days, any disciplinary action taken against the licensee or  
44 applicant by another state, the Federal Government or a foreign  
45 country, including, without limitation, the revocation, suspension or



1 surrender of a license to practice medicine in another jurisdiction.  
2 The provisions of this paragraph do not apply to any disciplinary  
3 action taken by the Board or taken because of any disciplinary  
4 action taken by the Board.

5 (l) Failure by a licensee or applicant to report in writing, within  
6 30 days, any criminal action taken or conviction obtained against the  
7 licensee or applicant, other than a minor traffic violation, in this  
8 State or any other state or by the Federal Government, a branch of  
9 the Armed Forces of the United States or any local or federal  
10 jurisdiction of a foreign country.

11 (m) Failure to be found competent to practice medicine as a  
12 result of an examination to determine medical competency pursuant  
13 to NRS 630.318.

14 (n) Operation of a medical facility at any time during which:

15 (1) The license of the facility is suspended or revoked; or

16 (2) An act or omission occurs which results in the suspension  
17 or revocation of the license pursuant to NRS 449.160.

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

20 (o) Failure to comply with the requirements of NRS 630.373.

21 (p) Engaging in any act that is unsafe or unprofessional conduct  
22 in accordance with regulations adopted by the Board.

23 (q) Knowingly or willfully procuring or administering a  
24 controlled substance or a dangerous drug as defined in chapter 454  
25 of NRS that is not approved by the United States Food and Drug  
26 Administration, unless the unapproved controlled substance or  
27 dangerous drug:

28 (1) Was procured through a retail pharmacy licensed  
29 pursuant to chapter 639 of NRS;

30 (2) Was procured through a Canadian pharmacy which is  
31 licensed pursuant to chapter 639 of NRS and which has been  
32 recommended by the State Board of Pharmacy pursuant to  
33 subsection 4 of NRS 639.2328;

34 (3) Is cannabis being used for medical purposes in  
35 accordance with chapter 678C of NRS; or

36 (4) Is an investigational drug or biological product prescribed  
37 to a patient pursuant to NRS 630.3735 or 633.6945.

38 (r) Failure to supervise adequately a medical assistant pursuant  
39 to the regulations of the Board.

40 (s) Failure to comply with the provisions of NRS 630.3745.

41 (t) Failure to obtain any training required by the Board pursuant  
42 to NRS 630.2535.

43 (u) Failure to comply with the provisions of NRS 454.217  
44 or 629.086.



1 *(v) Failure to comply with the provisions of section 1 of this*  
2 *act or any regulations adopted pursuant thereto.*

3 2. As used in this section, "investigational drug or biological  
4 product" has the meaning ascribed to it in NRS 454.351.

5 **Sec. 5.** NRS 632.347 is hereby amended to read as follows:

6 632.347 1. The Board may deny, revoke or suspend any  
7 license or certificate applied for or issued pursuant to this chapter, or  
8 take other disciplinary action against a licensee or holder of a  
9 certificate, upon determining that the licensee or certificate holder:

10 (a) Is guilty of fraud or deceit in procuring or attempting to  
11 procure a license or certificate pursuant to this chapter.

12 (b) Is guilty of any offense:

13 (1) Involving moral turpitude; or

14 (2) Related to the qualifications, functions or duties of a  
15 licensee or holder of a certificate,

16 ➔ in which case the record of conviction is conclusive evidence  
17 thereof.

18 (c) Has been convicted of violating any of the provisions of  
19 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,  
20 inclusive.

21 (d) Is unfit or incompetent by reason of gross negligence or  
22 recklessness in carrying out usual nursing functions.

23 (e) Uses any controlled substance, dangerous drug as defined in  
24 chapter 454 of NRS, or intoxicating liquor to an extent or in a  
25 manner which is dangerous or injurious to any other person or  
26 which impairs his or her ability to conduct the practice authorized  
27 by the license or certificate.

28 (f) Is a person with mental incompetence.

29 (g) Is guilty of unprofessional conduct, which includes, but is  
30 not limited to, the following:

31 (1) Conviction of practicing medicine without a license in  
32 violation of chapter 630 of NRS, in which case the record of  
33 conviction is conclusive evidence thereof.

34 (2) Impersonating any applicant or acting as proxy for an  
35 applicant in any examination required pursuant to this chapter for  
36 the issuance of a license or certificate.

37 (3) Impersonating another licensed practitioner or holder of a  
38 certificate.

39 (4) Permitting or allowing another person to use his or her  
40 license or certificate to practice as a licensed practical nurse,  
41 registered nurse, nursing assistant or medication aide - certified.

42 (5) Repeated malpractice, which may be evidenced by claims  
43 of malpractice settled against the licensee or certificate holder.

44 (6) Physical, verbal or psychological abuse of a patient.



1 (7) Conviction for the use or unlawful possession of a  
2 controlled substance or dangerous drug as defined in chapter 454 of  
3 NRS.

4 (h) Has willfully or repeatedly violated the provisions of this  
5 chapter. The voluntary surrender of a license or certificate issued  
6 pursuant to this chapter is prima facie evidence that the licensee or  
7 certificate holder has committed or expects to commit a violation of  
8 this chapter.

9 (i) Is guilty of aiding or abetting any person in a violation of this  
10 chapter.

11 (j) Has falsified an entry on a patient's medical chart concerning  
12 a controlled substance.

13 (k) Has falsified information which was given to a physician,  
14 pharmacist, podiatric physician or dentist to obtain a controlled  
15 substance.

16 (l) Has knowingly procured or administered a controlled  
17 substance or a dangerous drug as defined in chapter 454 of NRS that  
18 is not approved by the United States Food and Drug Administration,  
19 unless the unapproved controlled substance or dangerous drug:

20 (1) Was procured through a retail pharmacy licensed  
21 pursuant to chapter 639 of NRS;

22 (2) Was procured through a Canadian pharmacy which is  
23 licensed pursuant to chapter 639 of NRS and which has been  
24 recommended by the State Board of Pharmacy pursuant to  
25 subsection 4 of NRS 639.2328;

26 (3) Is cannabis being used for medical purposes in  
27 accordance with chapter 678C of NRS; or

28 (4) Is an investigational drug or biological product prescribed  
29 to a patient pursuant to NRS 630.3735 or 633.6945.

30 (m) Has been disciplined in another state in connection with a  
31 license to practice nursing or a certificate to practice as a nursing  
32 assistant or medication aide - certified, or has committed an act in  
33 another state which would constitute a violation of this chapter.

34 (n) Has engaged in conduct likely to deceive, defraud or  
35 endanger a patient or the general public.

36 (o) Has willfully failed to comply with a regulation, subpoena or  
37 order of the Board.

38 (p) Has operated a medical facility at any time during which:

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

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

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



1 (q) Is an advanced practice registered nurse who has failed to  
2 obtain any training required by the Board pursuant to  
3 NRS 632.2375.

4 (r) Is an advanced practice registered nurse who has failed to  
5 comply with the provisions of NRS 453.163, 453.164, 453.226,  
6 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and  
7 any regulations adopted by the State Board of Pharmacy pursuant  
8 thereto.

9 (s) Has engaged in the fraudulent, illegal, unauthorized or  
10 otherwise inappropriate prescribing, administering or dispensing of  
11 a controlled substance listed in schedule II, III or IV.

12 (t) Has violated the provisions of NRS 454.217 or 629.086.

13 ***(u) Has failed to comply with the provisions of section 1 of this***  
14 ***act or any regulations adopted pursuant thereto.***

15 2. For the purposes of this section, a plea or verdict of guilty or  
16 guilty but mentally ill or a plea of nolo contendere constitutes a  
17 conviction of an offense. The Board may take disciplinary action  
18 pending the appeal of a conviction.

19 3. A licensee or certificate holder is not subject to disciplinary  
20 action solely for administering auto-injectable epinephrine pursuant  
21 to a valid order issued pursuant to NRS 630.374 or 633.707.

22 4. As used in this section, "investigational drug or biological  
23 product" has the meaning ascribed to it in NRS 454.351.

24 **Sec. 6.** NRS 633.511 is hereby amended to read as follows:

25 633.511 1. The grounds for initiating disciplinary action  
26 pursuant to this chapter are:

27 (a) Unprofessional conduct.

28 (b) Conviction of:

29 (1) A violation of any federal or state law regulating the  
30 possession, distribution or use of any controlled substance or any  
31 dangerous drug as defined in chapter 454 of NRS;

32 (2) A felony relating to the practice of osteopathic medicine  
33 or practice as a physician assistant;

34 (3) A violation of any of the provisions of NRS 616D.200,  
35 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

36 (4) Murder, voluntary manslaughter or mayhem;

37 (5) Any felony involving the use of a firearm or other deadly  
38 weapon;

39 (6) Assault with intent to kill or to commit sexual assault or  
40 mayhem;

41 (7) Sexual assault, statutory sexual seduction, incest,  
42 lewdness, indecent exposure or any other sexually related crime;

43 (8) Abuse or neglect of a child or contributory delinquency;

44 or

45 (9) Any offense involving moral turpitude.



1 (c) The suspension of a license to practice osteopathic medicine  
2 or to practice as a physician assistant by any other jurisdiction.

3 (d) Malpractice or gross malpractice, which may be evidenced  
4 by a claim of malpractice settled against a licensee.

5 (e) Professional incompetence.

6 (f) Failure to comply with the requirements of NRS 633.527.

7 (g) Failure to comply with the requirements of subsection 3 of  
8 NRS 633.471.

9 (h) Failure to comply with the provisions of NRS 633.694.

10 (i) Operation of a medical facility, as defined in NRS 449.0151,  
11 at any time during which:

12 (1) The license of the facility is suspended or revoked; or

13 (2) An act or omission occurs which results in the suspension  
14 or revocation of the license pursuant to NRS 449.160.

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

17 (j) Failure to comply with the provisions of subsection 2 of  
18 NRS 633.322.

19 (k) Signing a blank prescription form.

20 (l) Knowingly or willfully procuring or administering a  
21 controlled substance or a dangerous drug as defined in chapter 454  
22 of NRS that is not approved by the United States Food and Drug  
23 Administration, unless the unapproved controlled substance or  
24 dangerous drug:

25 (1) Was procured through a retail pharmacy licensed  
26 pursuant to chapter 639 of NRS;

27 (2) Was procured through a Canadian pharmacy which is  
28 licensed pursuant to chapter 639 of NRS and which has been  
29 recommended by the State Board of Pharmacy pursuant to  
30 subsection 4 of NRS 639.2328;

31 (3) Is cannabis being used for medical purposes in  
32 accordance with chapter 678C of NRS; or

33 (4) Is an investigational drug or biological product prescribed  
34 to a patient pursuant to NRS 630.3735 or 633.6945.

35 (m) Attempting, directly or indirectly, by intimidation, coercion  
36 or deception, to obtain or retain a patient or to discourage the use of  
37 a second opinion.

38 (n) Terminating the medical care of a patient without adequate  
39 notice or without making other arrangements for the continued care  
40 of the patient.

41 (o) In addition to the provisions of subsection 3 of NRS  
42 633.524, making or filing a report which the licensee knows to be  
43 false, failing to file a record or report that is required by law or  
44 knowingly or willfully obstructing or inducing another to obstruct  
45 the making or filing of such a record or report.





1 (p) Failure to report any person the licensee knows, or has  
2 reason to know, is in violation of the provisions of this chapter or  
3 the regulations of the Board within 30 days after the date the  
4 licensee knows or has reason to know of the violation.

5 (q) Failure by a licensee or applicant to report in writing, within  
6 30 days, any criminal action taken or conviction obtained against the  
7 licensee or applicant, other than a minor traffic violation, in this  
8 State or any other state or by the Federal Government, a branch of  
9 the Armed Forces of the United States or any local or federal  
10 jurisdiction of a foreign country.

11 (r) Engaging in any act that is unsafe in accordance with  
12 regulations adopted by the Board.

13 (s) Failure to comply with the provisions of NRS 629.515.

14 (t) Failure to supervise adequately a medical assistant pursuant  
15 to the regulations of the Board.

16 (u) Failure to obtain any training required by the Board pursuant  
17 to NRS 633.473.

18 (v) Failure to comply with the provisions of NRS 633.6955.

19 (w) Failure to comply with the provisions of NRS 453.163,  
20 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to  
21 639.23916, inclusive, and any regulations adopted by the State  
22 Board of Pharmacy pursuant thereto.

23 (x) Fraudulent, illegal, unauthorized or otherwise inappropriate  
24 prescribing, administering or dispensing of a controlled substance  
25 listed in schedule II, III or IV.

26 (y) Failure to comply with the provisions of NRS 454.217 or  
27 629.086.

28 (z) *Failure to comply with the provisions of section 1 of this act*  
29 *or any regulations adopted pursuant thereto.*

30 2. As used in this section, "investigational drug or biological  
31 product" has the meaning ascribed to it in NRS 454.351.

32 **Sec. 7.** This act becomes effective on July 1, 2021.

