

REQUIRES TWO-THIRDS MAJORITY VOTE

(§§ 5, 10, 16 & NRS 453.221, 453.226, 639.170)

(Reprinted with amendments adopted on April 24, 2023)

FIRST REPRINT

A.B. 198

ASSEMBLY BILL NO. 198—ASSEMBLYMAN ORENTLICHER

FEBRUARY 20, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing health care.
(BDR 54-446)

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 health care; enacting provisions governing the certification and regulation of certified registered nurse anesthetists; authorizing a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for the certification of certified registered nurse
2 anesthetists, who are registered nurses who: (1) have completed a nationally
3 accredited program in the science of anesthesia; and (2) administer anesthetic
4 agents to a person under the care of a licensed physician, a licensed dentist or a
5 licensed podiatric physician. (NRS 632.014) **Section 2** of this bill requires the State
6 Board of Nursing to issue a certificate of registration to practice as a certified
7 registered nurse anesthetist to a registered nurse who meets the requirements
8 prescribed by existing law for such certification and any additional requirements
9 prescribed by the Board. **Section 2** also requires the Board to adopt regulations
10 governing certified registered nurse anesthetists.

11 Existing law authorizes a registered nurse to possess and administer controlled
12 substances and dangerous drugs under certain circumstances. (NRS 453.375,
13 454.213) **Sections 3, 5, 10 and 16** of this bill additionally authorize a certified
14 registered nurse anesthetist to order, prescribe, possess and administer controlled
15 substances, poisons, dangerous drugs and devices to treat a person under the care of
16 a licensed physician, a licensed dentist or a licensed podiatric physician before,
17 during and after surgery or childbirth. **Sections 6-9 and 11-15** of this bill make
18 additional changes necessary to authorize a certified registered nurse anesthetist to
19 order, prescribe, possess and administer controlled substances, poisons, dangerous
20 drugs and devices in such circumstances. A certified registered nurse anesthetist



21 who unlawfully possesses, prescribes or administers a controlled substance,
22 dangerous drug or poison would be subject to discipline and criminal and civil
23 penalties to the same extent as other practitioners who unlawfully possess,
24 prescribe or administer such drugs. (NRS 453.236, 453.305, 453.326, 453.3363,
25 453.553, 454.170, 454.356)

26 **Section 4** of this bill makes a conforming change to remove a provision now
27 duplicated in **section 2**.

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

1 **Section 1.** Chapter 632 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *The Board shall issue a certificate of registration*
4 *to practice as a certified registered nurse anesthetist to an*
5 *applicant who:*

6 *(a) Has successfully completed a nationally accredited*
7 *program in the science of anesthesia; and*

8 *(b) Meets any additional requirements prescribed by the Board*
9 *pursuant to subsection 2.*

10 **2.** *The Board shall adopt regulations to carry out the*
11 *provisions of this section and section 3 of this act, including,*
12 *without limitation, regulations:*

13 *(a) Specifying any additional training, education and*
14 *experience necessary for certification as a certified registered*
15 *nurse anesthetist;*

16 *(b) Delineating the authorized scope of practice of a certified*
17 *registered nurse anesthetist; and*

18 *(c) Establishing the procedure to apply for certification as a*
19 *certified registered nurse anesthetist.*

20 **Sec. 3.** *A certified registered nurse anesthetist may:*

21 **1.** *Order, prescribe, possess and administer controlled*
22 *substances, poisons, dangerous drugs and devices to treat a patient*
23 *under the care of a licensed physician, a licensed dentist or a*
24 *licensed podiatric physician in preparation for surgery or*
25 *childbirth, during surgery or childbirth and while a patient*
26 *recovers from surgery or childbirth.*

27 **2.** *Possess and administer controlled substances, poisons,*
28 *dangerous drugs and devices in other circumstances under which*
29 *a registered nurse is authorized to possess and administer*
30 *controlled substances, poisons, dangerous drugs and devices.*

31 **Sec. 4.** NRS 632.014 is hereby amended to read as follows:

32 632.014 "Certified registered nurse anesthetist" means a
33 registered nurse who ~~E~~



1 ~~1. Has completed a nationally accredited program in the~~
2 ~~science of anesthesia; and~~

3 ~~2. Is~~ *is* certified by the Board *pursuant to section 2 of this act*
4 to administer anesthetic agents to a person under the care of a
5 licensed physician, a licensed dentist or a licensed podiatric
6 physician.

7 **Sec. 5.** NRS 639.0125 is hereby amended to read as follows:
8 639.0125 “Practitioner” means:

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

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

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

18 4. A physician assistant who:

19 (a) Holds a license issued by the Board of Medical Examiners;
20 and

21 (b) Is authorized by the Board to possess, administer, prescribe
22 or dispense controlled substances, poisons, dangerous drugs or
23 devices under the supervision of a physician as required by chapter
24 630 of NRS;

25 5. A physician assistant who:

26 (a) Holds a license issued by the State Board of Osteopathic
27 Medicine; and

28 (b) Is authorized by the Board to possess, administer, prescribe
29 or dispense controlled substances, poisons, dangerous drugs or
30 devices under the supervision of an osteopathic physician as
31 required by chapter 633 of NRS; or

32 6. An optometrist who is certified by the Nevada State Board
33 of Optometry to prescribe and administer pharmaceutical agents
34 pursuant to NRS 636.288, when the optometrist prescribes or
35 administers pharmaceutical agents within the scope of his or her
36 certification.

37 *7. A certified registered nurse anesthetist who orders,*
38 *prescribes, possesses or administers controlled substances,*
39 *poisons, dangerous drugs or devices in accordance with section 3*
40 *of this act.*

41 **Sec. 6.** Chapter 453 of NRS is hereby amended by adding
42 thereto a new section to read as follows:

43 *“Certified registered nurse anesthetist” has the meaning*
44 *ascribed to it in NRS 632.014.*



1 **Sec. 7.** NRS 453.016 is hereby amended to read as follows:
2 453.016 As used in this chapter, the words and terms defined
3 in NRS 453.021 to 453.141, inclusive, *and section 6 of this act* have
4 the meanings ascribed to them in those sections except in instances
5 where the context clearly indicates a different meaning.

6 **Sec. 8.** NRS 453.038 is hereby amended to read as follows:
7 453.038 “Chart order” means an order entered on the chart of a
8 patient:

9 1. In a hospital, facility for intermediate care or facility for
10 skilled nursing which is licensed as such by the Division of Public
11 and Behavioral Health of the Department; or

12 2. Under emergency treatment in a hospital by a physician,
13 advanced practice registered nurse, *certified registered nurse*
14 *anesthetist*, dentist or podiatric physician, or on the written or oral
15 order of a physician, physician assistant licensed pursuant to chapter
16 630 or 633 of NRS, advanced practice registered nurse, *certified*
17 *registered nurse anesthetist*, dentist or podiatric physician
18 authorizing the administration of a drug to the patient.

19 **Sec. 9.** NRS 453.091 is hereby amended to read as follows:

20 453.091 1. “Manufacture” means the production, preparation,
21 propagation, compounding, conversion or processing of a substance,
22 either directly or indirectly by extraction from substances of natural
23 origin, or independently by means of chemical synthesis, or by a
24 combination of extraction and chemical synthesis, and includes any
25 packaging or repackaging of the substance or labeling or relabeling
26 of its container.

27 2. “Manufacture” does not include the preparation,
28 compounding, packaging or labeling of a substance by a pharmacist,
29 physician, physician assistant licensed pursuant to chapter 630 or
30 633 of NRS, dentist, podiatric physician, advanced practice
31 registered nurse , *certified registered nurse anesthetist* or
32 veterinarian:

33 (a) As an incident to the administering or dispensing of a
34 substance in the course of his or her professional practice; or

35 (b) By an authorized agent under his or her supervision, for the
36 purpose of, or as an incident to, research, teaching or chemical
37 analysis and not for sale.

38 **Sec. 10.** NRS 453.126 is hereby amended to read as follows:

39 453.126 “Practitioner” means:

40 1. A physician, dentist, veterinarian or podiatric physician who
41 holds a license to practice his or her profession in this State and is
42 registered pursuant to this chapter.

43 2. An advanced practice registered nurse who holds a
44 certificate from the State Board of Pharmacy authorizing him or her
45 to dispense or to prescribe and dispense controlled substances.



1 3. A scientific investigator or a pharmacy, hospital or other
2 institution licensed, registered or otherwise authorized in this State
3 to distribute, dispense, conduct research with respect to, to
4 administer, or use in teaching or chemical analysis, a controlled
5 substance in the course of professional practice or research.

6 4. A euthanasia technician who is licensed by the Nevada State
7 Board of Veterinary Medical Examiners and registered pursuant to
8 this chapter, while he or she possesses or administers sodium
9 pentobarbital pursuant to his or her license and registration.

10 5. A physician assistant who:

11 (a) Holds a license from the Board of Medical Examiners; and

12 (b) Is authorized by the Board to possess, administer, prescribe
13 or dispense controlled substances under the supervision of a
14 physician as required by chapter 630 of NRS.

15 6. A physician assistant who:

16 (a) Holds a license from the State Board of Osteopathic
17 Medicine; and

18 (b) Is authorized by the Board to possess, administer, prescribe
19 or dispense controlled substances under the supervision of an
20 osteopathic physician as required by chapter 633 of NRS.

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

26 **8. *A certified registered nurse anesthetist who orders,***
27 ***prescribes, possesses or administers controlled substances in***
28 ***accordance with section 3 of this act.***

29 **Sec. 11.** NRS 453.128 is hereby amended to read as follows:

30 453.128 1. "Prescription" means:

31 (a) An order given individually for the person for whom
32 prescribed, directly from a physician, physician assistant licensed
33 pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician,
34 optometrist, advanced practice registered nurse, ***certified registered***
35 ***nurse anesthetist*** or veterinarian, or his or her agent, to a pharmacist
36 or indirectly by means of an order signed by the practitioner or an
37 electronic transmission from the practitioner to a pharmacist; or

38 (b) A chart order written for an inpatient specifying drugs which
39 he or she is to take home upon his or her discharge.

40 2. The term does not include a chart order written for an
41 inpatient for use while he or she is an inpatient.

42 **Sec. 12.** NRS 453.226 is hereby amended to read as follows:

43 453.226 1. Every practitioner or other person who dispenses
44 any controlled substance within this State or who proposes to
45 engage in the dispensing of any controlled substance within this



1 State shall obtain biennially a registration issued by the Board in
2 accordance with its regulations. A person must present proof that he
3 or she is authorized to access the database of the program
4 established pursuant to NRS 453.162 before the Board may issue or
5 renew a registration.

6 2. A person registered by the Board in accordance with the
7 provisions of NRS 453.011 to 453.552, inclusive, *and section 6 of*
8 *this act* to dispense or conduct research with controlled substances
9 may possess, dispense or conduct research with those substances to
10 the extent authorized by the registration and in conformity with the
11 other provisions of those sections.

12 3. The following persons are not required to register and may
13 lawfully possess and distribute controlled substances pursuant to the
14 provisions of NRS 453.011 to 453.552, inclusive ~~H~~ *and section 6*
15 *of this act:*

16 (a) An agent or employee of a registered dispenser of a
17 controlled substance if he or she is acting in the usual course of his
18 or her business or employment;

19 (b) A common or contract carrier or warehouseman, or an
20 employee thereof, whose possession of any controlled substance is
21 in the usual course of business or employment;

22 (c) An ultimate user or a person in possession of any controlled
23 substance pursuant to a lawful order of a physician, physician
24 assistant licensed pursuant to chapter 630 or 633 of NRS, dentist,
25 advanced practice registered nurse, *certified registered nurse*
26 *anesthetist*, podiatric physician or veterinarian or in lawful
27 possession of a schedule V substance; or

28 (d) A physician who:

29 (1) Holds a locum tenens license issued by the Board of
30 Medical Examiners or a temporary license issued by the State Board
31 of Osteopathic Medicine; and

32 (2) Is registered with the Drug Enforcement Administration
33 at a location outside this State.

34 4. The Board may waive the requirement for registration of
35 certain dispensers if it finds it consistent with the public health and
36 safety.

37 5. A separate registration is required at each principal place of
38 business or professional practice where the applicant dispenses
39 controlled substances.

40 6. The Board may inspect the establishment of a registrant or
41 applicant for registration in accordance with the Board's regulations.

42 **Sec. 13.** NRS 453.336 is hereby amended to read as follows:

43 453.336 1. Except as otherwise provided in subsection 6, a
44 person shall not knowingly or intentionally possess a controlled
45 substance, unless the substance was obtained directly from, or



1 pursuant to, a prescription or order of a physician, physician
2 assistant licensed pursuant to chapter 630 or 633 of NRS, dentist,
3 podiatric physician, optometrist, advanced practice registered nurse,
4 *certified registered nurse anesthetist* or veterinarian while acting in
5 the course of his or her professional practice, or except as otherwise
6 authorized by the provisions of NRS 453.005 to 453.552, inclusive
7 **⚡ and section 6 of this act.**

8 2. Except as otherwise provided in subsections 3, 4 and 5 and
9 in NRS 453.3363, and unless a greater penalty is provided in NRS
10 212.160, 453.3385 or 453.339, a person who violates this section:

11 (a) For a first or second offense, if the controlled substance is
12 listed in schedule I or II and the quantity possessed is less than 14
13 grams, or if the controlled substance is listed in schedule III, IV or V
14 and the quantity possessed is less than 28 grams, is guilty of
15 possession of a controlled substance and shall be punished for a
16 category E felony as provided in NRS 193.130. In accordance with
17 NRS 176.211, the court shall defer judgment upon the consent of the
18 person.

19 (b) For a third or subsequent offense, if the controlled substance
20 is listed in schedule I or II and the quantity possessed is less than 14
21 grams, or if the controlled substance is listed in schedule III, IV or V
22 and the quantity possessed is less than 28 grams, or if the offender
23 has previously been convicted two or more times in the aggregate of
24 any violation of the law of the United States or of any state, territory
25 or district relating to a controlled substance, is guilty of possession
26 of a controlled substance and shall be punished for a category D
27 felony as provided in NRS 193.130, and may be further punished by
28 a fine of not more than \$20,000.

29 (c) If the controlled substance is listed in schedule I or II and the
30 quantity possessed is 14 grams or more, but less than 28 grams, or if
31 the controlled substance is listed in schedule III, IV or V and the
32 quantity possessed is 28 grams or more, but less than 200 grams, is
33 guilty of low-level possession of a controlled substance and shall be
34 punished for a category C felony as provided in NRS 193.130.

35 (d) If the controlled substance is listed in schedule I or II and the
36 quantity possessed is 28 grams or more, but less than 42 grams, or if
37 the controlled substance is listed in schedule III, IV or V and the
38 quantity possessed is 200 grams or more, is guilty of mid-level
39 possession of a controlled substance and shall be punished for a
40 category B felony by imprisonment in the state prison for a
41 minimum term of not less than 1 year and a maximum term of not
42 more than 10 years and by a fine of not more than \$50,000.

43 (e) If the controlled substance is listed in schedule I or II and the
44 quantity possessed is 42 grams or more, but less than 100 grams, is
45 guilty of high-level possession of a controlled substance and shall be



1 punished for a category B felony by imprisonment in the state prison
2 for a minimum term of not less than 2 years and a maximum term of
3 not more than 15 years and by a fine of not more than \$50,000.

4 3. Unless a greater penalty is provided in NRS 212.160,
5 453.337 or 453.3385, a person who is convicted of the possession of
6 flunitrazepam or gamma-hydroxybutyrate, or any substance for
7 which flunitrazepam or gamma-hydroxybutyrate is an immediate
8 precursor, is guilty of a category B felony and shall be punished by
9 imprisonment in the state prison for a minimum term of not less
10 than 1 year and a maximum term of not more than 6 years.

11 4. Unless a greater penalty is provided pursuant to NRS
12 212.160, a person who is convicted of the possession of 1 ounce or
13 less of marijuana is guilty of a misdemeanor and shall be punished
14 by:

15 (a) Performing not more than 24 hours of community service;

16 (b) Attending the live meeting described in paragraph (a) of
17 subsection 2 of NRS 484C.530 and complying with any other
18 requirements set forth in that section; or

19 (c) Being required to undergo an evaluation in accordance with
20 subsection 1 of NRS 484C.350,

21 ↪ or any combination thereof.

22 5. Unless a greater penalty is provided pursuant to NRS
23 212.160, a person who is convicted of the possession of more than 1
24 ounce, but less than 50 pounds, of marijuana or more than one-
25 eighth of an ounce, but less than one pound, of concentrated
26 cannabis is guilty of a category E felony and shall be punished as
27 provided in NRS 193.130.

28 6. It is not a violation of this section if a person possesses a
29 trace amount of a controlled substance and that trace amount is in or
30 on a hypodermic device obtained from a sterile hypodermic device
31 program pursuant to NRS 439.985 to 439.994, inclusive.

32 7. The court may grant probation to or suspend the sentence of
33 a person convicted of violating this section.

34 8. If a person fulfills the terms and conditions imposed for a
35 violation of subsection 4, the court shall, without a hearing, order
36 sealed all documents, papers and exhibits in that person's record,
37 minute book entries and entries on dockets, and other documents
38 relating to the case in the custody of such other agencies and
39 officers as are named in the court's order. The court shall cause a
40 copy of the order to be sent to each agency or officer named in the
41 order. Each such agency or officer shall notify the court in writing
42 of its compliance with the order.

43 9. As used in this section:



1 (a) "Controlled substance" includes flunitrazepam, gamma-
2 hydroxybutyrate and each substance for which flunitrazepam or
3 gamma-hydroxybutyrate is an immediate precursor.

4 (b) "Marijuana" does not include concentrated cannabis.

5 (c) "Sterile hypodermic device program" has the meaning
6 ascribed to it in NRS 439.986.

7 **Sec. 14.** NRS 453.381 is hereby amended to read as follows:

8 453.381 1. In addition to the limitations imposed by NRS
9 453.256 and 453.3611 to 453.3648, inclusive, a physician, physician
10 assistant, dentist, advanced practice registered nurse , *certified*
11 *registered nurse anesthetist* or podiatric physician may prescribe or
12 administer controlled substances only for a legitimate medical
13 purpose and in the usual course of his or her professional practice,
14 and he or she shall not prescribe, administer or dispense a controlled
15 substance listed in schedule II for himself or herself, his or her
16 spouse or his or her children except in cases of emergency.

17 2. A veterinarian, in the course of his or her professional
18 practice only, and not for use by a human being, may prescribe,
19 possess and administer controlled substances, and the veterinarian
20 may cause them to be administered by a veterinary technician under
21 the direction and supervision of the veterinarian.

22 3. A euthanasia technician, within the scope of his or her
23 license, and not for use by a human being, may possess and
24 administer sodium pentobarbital.

25 4. A pharmacist shall not fill an order which purports to be a
26 prescription if the pharmacist has reason to believe that it was not
27 issued in the usual course of the professional practice of a physician,
28 physician assistant, dentist, advanced practice registered nurse,
29 *certified registered nurse anesthetist*, podiatric physician or
30 veterinarian.

31 5. Any person who has obtained from a physician, physician
32 assistant, dentist, advanced practice registered nurse, *certified*
33 *registered nurse anesthetist*, podiatric physician or veterinarian any
34 controlled substance for administration to a patient during the
35 absence of the physician, physician assistant, dentist, advanced
36 practice registered nurse, *certified registered nurse anesthetist*,
37 podiatric physician or veterinarian shall return to him or her any
38 unused portion of the substance when it is no longer required by the
39 patient.

40 6. A manufacturer, wholesale supplier or other person legally
41 able to furnish or sell any controlled substance listed in schedule II
42 shall not provide samples of such a controlled substance to
43 registrants.



1 7. A salesperson of any manufacturer or wholesaler of
2 pharmaceuticals shall not possess, transport or furnish any
3 controlled substance listed in schedule II.

4 8. A person shall not dispense a controlled substance in
5 violation of a regulation adopted by the Board.

6 **Sec. 15.** NRS 453.391 is hereby amended to read as follows:

7 453.391 A person shall not:

8 1. Unlawfully take, obtain or attempt to take or obtain a
9 controlled substance or a prescription for a controlled substance
10 from a manufacturer, wholesaler, pharmacist, physician, physician
11 assistant, dentist, advanced practice registered nurse, *certified*
12 *registered nurse anesthetist*, veterinarian or any other person
13 authorized to administer, dispense or possess controlled substances.

14 2. While undergoing treatment and being supplied with any
15 controlled substance or a prescription for any controlled substance
16 from one practitioner, knowingly obtain any controlled substance or
17 a prescription for a controlled substance from another practitioner
18 without disclosing this fact to the second practitioner.

19 **Sec. 16.** NRS 454.00958 is hereby amended to read as
20 follows:

21 454.00958 "Practitioner" means:

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

24 2. A pharmacy, hospital or other institution licensed or
25 registered to distribute, dispense, conduct research with respect to or
26 to administer a dangerous drug in the course of professional practice
27 in this State.

28 3. When relating to the prescription of poisons, dangerous
29 drugs and devices:

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

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

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

40 5. *A certified registered nurse anesthetist who orders,*
41 *prescribes, possesses or administers poisons, dangerous drugs or*
42 *devices in accordance with section 3 of this act.*

43 **Sec. 17.** 1. This section becomes effective upon passage and
44 approval.

45 2. Sections 1 to 16, inclusive, of this act become effective:



- 1 (a) Upon passage and approval for the purpose of adopting any
- 2 regulations and performing any other preparatory administrative
- 3 tasks that are necessary to carry out the provisions of this act; and
- 4 (b) On January 1, 2024, for all other purposes.



* A B 1 9 8 R 1 *