

ASSEMBLY BILL NO. 78—ASSEMBLYWOMAN BROWN-MAY

PREFILED JANUARY 30, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Exempts certain providers of jobs and day training services from licensure as nurses. (BDR 54-12)

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

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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 nursing; providing that certain persons who provide jobs and day training services are not required to be licensed as nurses; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a person to be licensed by the State Board of Nursing in
2 order to engage in activities that constitute the practice of nursing. (NRS 632.315)
3 Existing law exempts certain persons from the requirement to be licensed by the
4 Board, including a licensed provider of community-based living arrangement
5 services or a certified provider of supported living arrangement services or the
6 employee or independent contractor of such a licensed or certified provider. (NRS
7 632.316) This bill similarly exempts from such licensure a certified provider of jobs
8 and day training services or an employee or independent contractor of such a
9 certified provider.

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

1 **Section 1.** NRS 632.316 is hereby amended to read as follows:
2 632.316 The provisions of NRS 632.315 do not prohibit:
3 1. Gratuitous nursing by friends or by members of the family
4 of a patient.
5 2. The incidental care of the sick by domestic servants or
6 persons primarily employed as housekeepers as long as they do not
7 practice nursing within the meaning of this chapter.
8 3. Nursing assistance in the case of an emergency.



1 4. The practice of nursing by students enrolled in accredited
2 schools of nursing or by graduates of those schools or courses
3 pending the results of the first licensing examination scheduled by
4 the Board following graduation. A student or graduate may not work
5 as a nursing assistant unless the student or graduate is certified to
6 practice as a nursing assistant pursuant to the provisions of this
7 chapter.

8 5. The practice of nursing in this State by any legally qualified
9 nurse or nursing assistant of another state whose engagement
10 requires the nurse or nursing assistant to accompany and care for a
11 patient temporarily residing in this State during the period of one
12 such engagement, not to exceed 6 months, if the person does not
13 represent or hold himself or herself out as a nurse licensed to
14 practice in this State or as a nursing assistant who holds a certificate
15 to practice in this State.

16 6. The practice of any legally qualified nurse of another state
17 who is employed by the United States Government, or any bureau,
18 division or agency thereof, while in the discharge of his or her
19 official duties in this State, including, without limitation, providing
20 medical care in a hospital in accordance with an agreement entered
21 into pursuant to NRS 449.2455.

22 7. Nonmedical nursing for the care of the sick, with or without
23 compensation, if done by the adherents of, or in connection with, the
24 practice of the religious tenets of any well-recognized church or
25 religious denomination, if that nursing does not amount to the
26 practice of practical or professional nursing as defined in NRS
27 632.017 and 632.018, respectively.

28 8. A personal assistant from performing services for a person
29 with a disability pursuant to NRS 629.091.

30 9. A natural person from providing community-based living
31 arrangement services if:

32 (a) That person has been issued a license pursuant to chapter 449
33 of NRS and the regulations adopted pursuant thereto; or

34 (b) That person is employed or retained as an independent
35 contractor by a partnership, firm, corporation or association, state or
36 local government or agency thereof that has been issued a license
37 pursuant to chapter 449 of NRS and the regulations adopted
38 pursuant thereto.

39 ↪ As used in this subsection, "community-based living arrangement
40 services" has the meaning ascribed to it in NRS 449.0026.

41 10. A natural person from providing supported living
42 arrangement services if:

43 (a) That person has been issued a certificate pursuant to NRS
44 435.3305 to 435.339, inclusive, and the regulations adopted
45 pursuant to NRS 435.3305 to 435.339, inclusive; or



1 (b) That person is employed or retained as an independent
2 contractor by a partnership, firm, corporation or association, state or
3 local government or agency thereof that has been issued a certificate
4 pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations
5 adopted pursuant to NRS 435.3305 to 435.339, inclusive.

6 ↪ As used in this subsection, “supported living arrangement
7 services” has the meaning ascribed to it in NRS 435.3315.

8 ***11. A natural person from providing jobs and day training
9 services if:***

10 ***(a) That person has been issued a certificate pursuant to NRS
11 435.130 to 435.310, inclusive, and the regulations adopted
12 pursuant to NRS 435.130 to 435.310, inclusive; or***

13 ***(b) That person is employed or retained as an independent
14 contractor by a partnership, firm, corporation or association, state
15 or local government or agency thereof that has been issued a
16 certificate pursuant to NRS 435.130 to 435.310, inclusive, and the
17 regulations adopted pursuant to NRS 435.130 to 435.310,
18 inclusive.***

19 ↪ As used in this subsection, “jobs and day training services” has
20 the meaning ascribed to it in NRS 435.176.

21 **Sec. 2.** This act becomes effective upon passage and approval.

