

Amendment No. 526

Assembly Amendment to Assembly Bill No. 198 Proposed by: Assembly Committee on Commerce and Labor Amendment Box: Replaces Amendment No. 438. Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	(BDR 54-446)
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Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 198 (§§ 5, 10, 16 & NRS 453.221, 453.226, 639.170).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DAN/EWR



Date: 4/24/2023

A.B. No. 198—Revises provisions governing health care. (BDR 54-446)



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; ~~providing for the registration of providers of health care who are not licensed in this State to provide services through telehealth to patients located in this State and for the regulation of such providers; establishing proper venue for a civil action arising out of the provision of a service through telehealth; revising the circumstances under which a provider of health care is authorized to provide services through telehealth to a patient located in this State; abolishing certain licensure to practice medicine; providing for the licensure~~ **enacting provisions governing the certification and regulation** of certified registered nurse anesthetists ~~as advanced practice registered nurses; authorizing such an advanced practice registered nurse to order and select~~ ; **authorizing a certified registered nurse anesthetist to order, prescribe, possess and administer** controlled substances, poisons, ~~and~~ dangerous drugs **and devices** under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 ~~Existing law: (1) requires a provider of health care to be licensed in this State in order to~~
2 ~~use telehealth to direct or manage the care or render a diagnosis of a patient who is located at~~
3 ~~an originating site in this State or write a treatment order or prescription for such a patient;~~
4 ~~and (2) provides that a provider of health care who uses telehealth for those purposes is~~
5 ~~subject to the laws and jurisdiction of this State. Existing law additionally authorizes the~~
6 ~~establishment of a provider-patient relationship through telehealth. (NRS 629.515)~~
7 ~~— Sections 2-19 of this bill enact the Uniform Telehealth Act. Section 2 of this bill labels~~
8 ~~the Uniform Act as such. Sections 3-10 of this bill define certain terms for the purposes of the~~
9 ~~Uniform Act. Section 11 of this bill provides that the provisions of this bill apply to the~~
10 ~~provision of services through telehealth to a patient who is located in this State exclusively.~~
11 ~~— Section 19 of this bill removes existing provisions requiring a provider of health care to~~
12 ~~be licensed in this State in order to direct or manage care or issue a prescription or treatment~~
13 ~~order. Instead, section 19 authorizes a provider of health care to provide services through~~
14 ~~telehealth to a patient who is located in this State if the provider: (1) is licensed in this State;~~
15 ~~(2) is registered with the appropriate licensing board to provide services through telehealth to~~
16 ~~patients in this State; or (3) provides services through telehealth on certain limited bases.~~

17 Section 12 of this bill deems a provider of health care who is registered with the appropriate
18 licensing board to provide services through telehealth to patients in this State to be licensed in
19 this State if he or she practices only within the scope of the registration. Section 12 also
20 provides that such registration satisfies certain requirements relating to supervision and the
21 control of entities that provide health care. Section 13 of this bill prescribes the requirements
22 to obtain such registration, which include: (1) holding an active, unrestricted license to
23 practice the relevant profession in another state; (2) not being subject to pending discipline;
24 (3) not having been disciplined for certain infractions in the immediately preceding 5 years, or
25 certain other infractions at any time; and (4) having professional liability insurance that covers
26 the provision of services through telehealth. Section 13 also requires a licensing board to
27 make information concerning registrants publicly available in the same manner as information
28 concerning licensees.

29 — Section 14 of this bill: (1) authorizes a licensing board to adopt regulations to carry out
30 the Uniform Act; and (2) prohibits a licensing board from adopting certain regulations that
31 restrict the use of telehealth. Section 15 of this bill prescribes the grounds for disciplinary
32 action against a registrant and the disciplinary actions that a licensing board is authorized to
33 impose. Section 16 of this bill requires a registrant to: (1) notify the relevant licensing board
34 of any pending investigation or any restriction or disciplinary action imposed against the
35 registrant in another state; and (2) maintain liability insurance that covers the provision of
36 services through telehealth. Section 16 also prohibits a registrant from opening or maintaining
37 an office in this State or providing in-person services to patients in this State.

38 — Section 17 of this bill provides that: (1) the provision of a telehealth service is deemed to
39 occur at the location of the patient at the time the service is provided; and (2) in a civil action
40 arising out of the provision of a telehealth service, venue is proper in the patient's county of
41 residence in this State or in another county authorized by law. Section 18 of this bill requires a
42 court, in applying and construing the provisions of the Uniform Act, to consider the promotion
43 of uniformity of law among the jurisdictions that enact the Uniform Act. Sections 21, 25, 29,
44 31, 34, 40 and 43-51 of this bill make conforming changes to revise references to certain
45 definitions moved by this bill.

46 — Existing law creates a special purpose license to practice medicine only using equipment
47 that transfers information electronically, telephonically or by fiber optics. (NRS 630.261)
48 Sections 22 and 23 of this bill abolish this license because it is duplicative of registration to
49 provide services through telehealth under the Uniform Act.]

50 Existing law provides for the certification of certified registered nurse anesthetists, who
51 are registered nurses who: (1) have completed a nationally accredited program in the science
52 of anesthesia; and (2) administer anesthetic agents to a person under the care of a licensed
53 physician, a licensed dentist or a licensed podiatric physician. (NRS 632.014)

54 [Existing law also provides for the licensure of advanced practice registered nurses, who are
55 registered nurses who: (1) have completed certain training regarding medical diagnosis,
56 therapeutic or corrective measures and prescribing controlled substances, poisons, dangerous
57 drugs and devices; and (2) meet certain other requirements. (NRS 632.237) Section 24 of this
58 bill provides for the licensure of certified registered nurse anesthetists — as a type of advanced
59 practice registered nurse.] **Section 2 of this bill requires the State Board of Nursing to issue
60 a certificate of registration to practice as a certified registered nurse anesthetist to a
61 registered nurse who meets the requirements prescribed by existing law for such
62 certification and any additional requirements prescribed by the Board. Section 2 also
63 requires the Board to adopt regulations governing certified registered nurse anesthetists.**

64 Existing law authorizes a registered nurse to possess and administer controlled
65 substances and dangerous drugs under certain circumstances. (NRS 453.375, 454.213)
66 Sections [24, 30, 32, 33, 41 and 42] **3, 5, 10 and 16** of this bill additionally authorize [such
67 an advanced practice registered nurse] **a certified registered nurse anesthetist to order ,
68 prescribe, possess and administer** controlled substances, poisons , [and] dangerous drugs
69 [only for use during the period surrounding an operation or birth. Sections 24 and 27 of this
70 bill provide that certain provisions of existing law governing advanced practice registered
71 nurses do not apply to an advanced practice registered nurse who practices as a certified
72 registered nurse anesthetist. Sections 20, 26 and 54 of this bill remove references to
73 certification or approval as a certified registered nurse anesthetist. Section 28 of this bill
74 requires the State Board of Nursing to disseminate a technical advisory bulletin concerning
75 the prescribing of controlled substances to advanced practice registered nurses who practice as

76 ~~certified registered nurse anesthetists if that bulletin is not available on the Internet.] and~~
 77 ~~devices to treat a person under the care of a licensed physician, a licensed dentist or a~~
 78 ~~licensed podiatric physician before, during and after surgery or childbirth. Sections 6-9~~
 79 ~~and 11-15 of this bill make additional changes necessary to authorize a certified~~
 80 ~~registered nurse anesthetist to order, prescribe, possess and administer controlled~~
 81 ~~substances, poisons, dangerous drugs and devices in such circumstances. A certified~~
 82 ~~registered nurse anesthetist who unlawfully possesses, prescribes or administers a~~
 83 ~~controlled substance, dangerous drug or poison would be subject to discipline and~~
 84 ~~criminal and civil penalties to the same extent as other practitioners who unlawfully~~
 85 ~~possess, prescribe or administer such drugs. (NRS 453.236, 453.305, 453.326, 453.3363,~~
 86 ~~453.553, 454.170, 454.356)~~
 87 ~~Section 4 of this bill makes a conforming change to remove a provision now~~
 88 ~~duplicated in section 2.~~

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

1 Delete existing sections 1 through 55 of this bill and replace with the following
 2 new sections 1 through 17:
 3

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

6 Sec. 2. 1. The Board shall issue a certificate of registration to practice as
 7 a certified registered nurse anesthetist to an applicant who:

8 (a) Has successfully completed a nationally accredited program in the
 9 science of anesthesia; and

10 (b) Meets any additional requirements prescribed by the Board pursuant to
 11 subsection 2.

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

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

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

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

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

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

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

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

31 632.014 "Certified registered nurse anesthetist" means a registered nurse who

32 ~~1. Has completed a nationally accredited program in the science of anesthesia;~~
 33 ~~and~~
 34

1 ~~2. 1.1~~ is certified by the Board pursuant to section 2 of this act to administer
2 anesthetic agents to a person under the care of a licensed physician, a licensed
3 dentist or a licensed podiatric physician.

4 **Sec. 5. NRS 639.0125 is hereby amended to read as follows:**

5 639.0125 "Practitioner" means:

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

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

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

13 4. A physician assistant who:

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

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

18 5. A physician assistant who:

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

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

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

27 7. A certified registered nurse anesthetist who orders, prescribes, possesses
28 or administers controlled substances, poisons, dangerous drugs or devices in
29 accordance with section 3 of this act.

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

32 **"Certified registered nurse anesthetist" has the meaning ascribed to it in NRS**
33 **632.014.**

34 **Sec. 7. NRS 453.016 is hereby amended to read as follows:**

35 453.016 As used in this chapter, the words and terms defined in NRS 453.021
36 to 453.141, inclusive, and section 6 of this act have the meanings ascribed to them
37 in those sections except in instances where the context clearly indicates a different
38 meaning.

39 **Sec. 8. NRS 453.038 is hereby amended to read as follows:**

40 453.038 "Chart order" means an order entered on the chart of a patient:

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

44 2. Under emergency treatment in a hospital by a physician, advanced practice
45 registered nurse, certified registered nurse anesthetist, dentist or podiatric
46 physician, or on the written or oral order of a physician, physician assistant licensed
47 pursuant to chapter 630 or 633 of NRS, advanced practice registered nurse,
48 certified registered nurse anesthetist, dentist or podiatric physician authorizing the
49 administration of a drug to the patient.

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

51 453.091 1. "Manufacture" means the production, preparation, propagation,
52 compounding, conversion or processing of a substance, either directly or indirectly
53 by extraction from substances of natural origin, or independently by means of

1 chemical synthesis, or by a combination of extraction and chemical synthesis, and
2 includes any packaging or repackaging of the substance or labeling or relabeling of
3 its container.

4 2. "Manufacture" does not include the preparation, compounding, packaging
5 or labeling of a substance by a pharmacist, physician, physician assistant licensed
6 pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, advanced
7 practice registered nurse, certified registered nurse anesthetist or veterinarian:

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

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

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

13 453.126 "Practitioner" means:

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

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

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

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

28 5. A physician assistant who:

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

30 (b) Is authorized by the Board to possess, administer, prescribe or dispense
31 controlled substances under the supervision of a physician as required by chapter
32 630 of NRS.

33 6. A physician assistant who:

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

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

38 7. An optometrist who is certified by the Nevada State Board of Optometry to
39 prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the
40 optometrist prescribes or administers pharmaceutical agents within the scope of his
41 or her certification.

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

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

45 453.128 1. "Prescription" means:

46 (a) An order given individually for the person for whom prescribed, directly
47 from a physician, physician assistant licensed pursuant to chapter 630 or 633 of
48 NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse,
49 certified registered nurse anesthetist or veterinarian, or his or her agent, to a
50 pharmacist or indirectly by means of an order signed by the practitioner or an
51 electronic transmission from the practitioner to a pharmacist; or

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

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

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

4 453.226 1. Every practitioner or other person who dispenses any controlled
5 substance within this State or who proposes to engage in the dispensing of any
6 controlled substance within this State shall obtain biennially a registration issued by
7 the Board in accordance with its regulations. A person must present proof that he or
8 she is authorized to access the database of the program established pursuant to NRS
9 453.162 before the Board may issue or renew a registration.

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

15 3. The following persons are not required to register and may lawfully
16 possess and distribute controlled substances pursuant to the provisions of NRS
17 453.011 to 453.552, inclusive, **and section 6 of this act:**

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

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

23 (c) An ultimate user or a person in possession of any controlled substance
24 pursuant to a lawful order of a physician, physician assistant licensed pursuant to
25 chapter 630 or 633 of NRS, dentist, advanced practice registered nurse, **certified**
26 **registered nurse 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 Medical
30 Examiners or a temporary license issued by the State Board of Osteopathic
31 Medicine; and

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

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

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

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

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

41 453.336 1. Except as otherwise provided in subsection 6, a person shall not
42 knowingly or intentionally possess a controlled substance, unless the substance was
43 obtained directly from, or pursuant to, a prescription or order of a physician,
44 physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist,
45 podiatric physician, optometrist, advanced practice registered nurse, **certified**
46 **registered nurse anesthetist** or veterinarian while acting in the course of his or her
47 professional practice, or except as otherwise authorized by the provisions of NRS
48 453.005 to 453.552, inclusive, **and section 6 of this act.**

49 2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS
50 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or
51 453.339, a person who violates this section:

52 (a) For a first or second offense, if the controlled substance is listed in schedule
53 I or II and the quantity possessed is less than 14 grams, or if the controlled

1 substance is listed in schedule III, IV or V and the quantity possessed is less than 28
2 grams, is guilty of possession of a controlled substance and shall be punished for a
3 category E felony as provided in NRS 193.130. In accordance with NRS 176.211,
4 the court shall defer judgment upon the consent of the person.

5 (b) For a third or subsequent offense, if the controlled substance is listed in
6 schedule I or II and the quantity possessed is less than 14 grams, or if the controlled
7 substance is listed in schedule III, IV or V and the quantity possessed is less than 28
8 grams, or if the offender has previously been convicted two or more times in the
9 aggregate of any violation of the law of the United States or of any state, territory
10 or district relating to a controlled substance, is guilty of possession of a controlled
11 substance and shall be punished for a category D felony as provided in NRS
12 193.130, and may be further punished by a fine of not more than \$20,000.

13 (c) If the controlled substance is listed in schedule I or II and the quantity
14 possessed is 14 grams or more, but less than 28 grams, or if the controlled
15 substance is listed in schedule III, IV or V and the quantity possessed is 28 grams
16 or more, but less than 200 grams, is guilty of low-level possession of a controlled
17 substance and shall be punished for a category C felony as provided in NRS
18 193.130.

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

26 (e) If the controlled substance is listed in schedule I or II and the quantity
27 possessed is 42 grams or more, but less than 100 grams, is guilty of high-level
28 possession of a controlled substance and shall be punished for a category B felony
29 by imprisonment in the state prison for a minimum term of not less than 2 years and
30 a maximum term of not more than 15 years and by a fine of not more than \$50,000.

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

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

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

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

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

46 or any combination thereof.

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

52 6. It is not a violation of this section if a person possesses a trace amount of a
53 controlled substance and that trace amount is in or on a hypodermic device obtained

1 from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994,
2 inclusive.

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

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

12 9. As used in this section:

13 (a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate
14 and each substance for which flunitrazepam or gamma-hydroxybutyrate is an
15 immediate precursor.

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

17 (c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS
18 439.986.

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

20 453.381 1. In addition to the limitations imposed by NRS 453.256 and
21 453.3611 to 453.3648, inclusive, a physician, physician assistant, dentist, advanced
22 practice registered nurse, **certified registered nurse anesthetist** or podiatric
23 physician may prescribe or administer controlled substances only for a legitimate
24 medical purpose and in the usual course of his or her professional practice, and he
25 or she shall not prescribe, administer or dispense a controlled substance listed in
26 schedule II for himself or herself, his or her spouse or his or her children except in
27 cases of emergency.

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

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

34 4. A pharmacist shall not fill an order which purports to be a prescription if
35 the pharmacist has reason to believe that it was not issued in the usual course of the
36 professional practice of a physician, physician assistant, dentist, advanced practice
37 registered nurse, **certified registered nurse anesthetist**, podiatric physician or
38 veterinarian.

39 5. Any person who has obtained from a physician, physician assistant, dentist,
40 advanced practice registered nurse, **certified registered nurse anesthetist**, podiatric
41 physician or veterinarian any controlled substance for administration to a patient
42 during the absence of the physician, physician assistant, dentist, advanced practice
43 registered nurse, **certified registered nurse anesthetist**, podiatric physician or
44 veterinarian shall return to him or her any unused portion of the substance when it
45 is no longer required by the patient.

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

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

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

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

1 453.391 A person shall not:

2 1. Unlawfully take, obtain or attempt to take or obtain a controlled substance
3 or a prescription for a controlled substance from a manufacturer, wholesaler,
4 pharmacist, physician, physician assistant, dentist, advanced practice registered
5 nurse, certified registered nurse anesthetist, veterinarian or any other person
6 authorized to administer, dispense or possess controlled substances.

7 2. While undergoing treatment and being supplied with any controlled
8 substance or a prescription for any controlled substance from one practitioner,
9 knowingly obtain any controlled substance or a prescription for a controlled
10 substance from another practitioner without disclosing this fact to the second
11 practitioner.

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

13 454.00958 "Practitioner" means:

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

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

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

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

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

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

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

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

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

33 **(a) Upon passage and approval for the purpose of adopting any**
34 **regulations and performing any other preparatory administrative tasks that**
35 **are necessary to carry out the provisions of this act; and**

36 **(b) On January 1, 2024, for all other purposes.**