

Amendment No. 552

Senate Amendment to Assembly Bill No. 442 First Reprint (BDR 54-1055)
Proposed by: Senate Committee on Commerce and Labor
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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.

DP/AAK



Date: 5/19/2023

A.B. No. 442—Revises provisions relating to persons licensed by the Board of Medical Examiners. (BDR 54-1055)



ASSEMBLY BILL NO. 442—COMMITTEE
ON COMMERCE AND LABOR

MARCH 27, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to persons licensed by ~~the Board of Medical Examiners,~~ certain health care licensing boards. (BDR 54-1055)

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 medical professions; requiring ~~the Board of Medical Examiners,~~ each health care licensing board to take certain actions in response to a complaint alleging that a ~~physician, perfusionist, physician assistant or practitioner of respiratory care~~ licensee has committed any act constituting domestic violence or sexual assault; ~~requiring a law enforcement agency to notify the Board of a report alleging that a physician, perfusionist, physician assistant or practitioner of respiratory care committed any act constituting domestic violence or sexual assault,~~ requiring ~~the Board~~ each health care licensing board to adopt regulations setting forth circumstances under which ~~the Board~~ that board is required to summarily suspend, pending a formal hearing, the license of a ~~physician, perfusionist, physician assistant or practitioner of respiratory care~~ licensee in response to a complaint or a series of complaints; requiring the Joint Interim Standing Committee on Commerce and Labor to create a working group; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law authorizes any person to file with the Board of Medical Examiners a complaint against a physician, perfusionist, physician assistant or practitioner of respiratory care. (NRS 630.307) Section 2 of this bill requires the Board a health care licensing board to ask a person who files a complaint alleging that a physician, perfusionist, physician assistant or practitioner of respiratory care person licensed by that board committed any act which, if proven, would constitute domestic violence or sexual assault whether the person complainant wishes to pursue a criminal investigation of the allegation. If so, section 2 requires the Board health care licensing board to take certain actions to notify and direct the person complainant to an appropriate law enforcement agency. Section 2 also requires a law enforcement agency to notify the Board of any report received by the law enforcement agency alleging that a physician, perfusionist, physician assistant or practitioner of respiratory care has committed an act which, if proven, would constitute domestic violence or sexual~~

13 assault. Section 3.5 of this bill provides that such a law enforcement agency and any of its
 14 employees are immune from any civil action for providing such a notification to the Board.
 15 Section 4 of this bill makes a conforming change to refer to provisions that have been
 16 renumbered by this bill.

17 ~~— If an investigation by the Board regarding a licensed physician, perfusionist, physician~~
 18 ~~assistant or practitioner of respiratory care reasonably determines that the health, safety or~~
 19 ~~welfare of the public or any patient served by the licensee is at risk of imminent or continued~~
 20 ~~harm, existing law authorizes the Board to summarily suspend the license of the licensee~~
 21 ~~pending the conclusion of a hearing to consider a formal complaint against the licensee. (NRS~~
 22 ~~630.326.) Section [3 of this bill] 1 requires [the Board] each health care licensing board~~
 23 ~~to adopt regulations setting forth circumstances under which [the Board] that board, in~~
 24 ~~response to a complaint or series of complaints, is required to summarily suspend the license~~
 25 ~~of a licensee pending the conclusion of a hearing to consider a formal complaint against the~~
 26 ~~licensee.~~

27 Section 2 of this bill requires: (1) the Joint Interim Standing Committee on
 28 Commerce and Labor to create a working group to study issues relating to the sharing
 29 of information between law enforcement agencies and certain professional or
 30 occupational licensing boards during the 2023-2024 interim; and (2) the working group
 31 to study and make recommendations to the Committee regarding policies and
 32 procedures for such sharing of information concerning licensees who are under
 33 investigation for alleged acts which, if proven, would constitute domestic violence or
 34 sexual assault.

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

1 Delete existing sections 1 through 4 of this bill and replace with the following
 2 new sections 1, 2 and 3:

3
 4 Section 1. Chapter 629 of NRS is hereby amended by adding thereto a
 5 new section to read as follows:

6 1. If a health care licensing board receives a complaint which alleges that a
 7 person licensed by that health care licensing board has committed any act which,
 8 if proven, would constitute domestic violence pursuant to NRS 33.018 or sexual
 9 assault pursuant to NRS 200.366, the health care licensing board must ask the
 10 complainant, if the identity of the complainant is known, if the complainant
 11 wishes to pursue a criminal investigation of the allegation contained in the
 12 complaint. If so, the health care licensing board shall:

13 (a) Provide to an appropriate law enforcement agency the information
 14 contained in the complaint; and

15 (b) Direct the complainant to and, to the best of the ability of the health care
 16 licensing board, connect the complainant with, the law enforcement agency to
 17 which the health care licensing board provides the information in the complaint
 18 pursuant to paragraph (a).

19 2. Each health care licensing board shall adopt regulations setting forth
 20 circumstances under which that health care licensing board, in response to a
 21 complaint filed with the health care licensing board pursuant to subsection 1, is
 22 required to summarily suspend the license of a person licensed by that health
 23 care licensing board pending the conclusion of a hearing to consider a formal
 24 complaint against the licensee. Such regulations may, without limitation, require
 25 the health care licensing board to summarily suspend the license of a licensee in
 26 response to:

1 (a) A complaint alleging that the licensee committed certain acts specified by
2 the health care licensing board;

3 (b) A certain number of complaints filed against the licensee over a certain
4 period of time specified by the health care licensing board; or

5 (c) Any combination of the circumstances described in paragraphs (a) and
6 (b).

7 3. As used in this section, “health care licensing board” has the meaning
8 ascribed to it in NRS 629.079.

9 Sec. 2. 1. The Joint Interim Standing Committee on Commerce and
10 Labor shall, during the 2023-2024 legislative interim, create a working group
11 to study issues relating to the sharing of information between law enforcement
12 agencies and certain professional or occupational licensing boards during the
13 2023-2024 interim.

14 2. The Chair of the Joint Interim Standing Committee on Commerce and
15 Labor shall determine the appropriate number of members of the working
16 group created pursuant to subsection 1 and appoint the members of the
17 working group. The members must consist of representatives of:

18 (a) Law enforcement;

19 (b) The Board of Medical Examiners;

20 (c) The State Board of Osteopathic Medicine;

21 (d) The State Board of Nursing; and

22 (e) Any other board that:

23 (1) The Chair of the Committee deems to be appropriate; and

24 (2) Is a health care licensing board or any other professional or
25 occupational licensing board which regulates a profession that requires a
26 licensee to, in the regular course of providing professional services, make
27 physical contact with persons receiving the professional services.

28 3. The working group created pursuant to subsection 1 shall study and
29 make recommendations to the Joint Interim Standing Committee on
30 Commerce and Labor regarding policies and procedures for the sharing of
31 information between law enforcement agencies and professional or
32 occupational licensing boards concerning licensees who are under investigation
33 for alleged acts which, if proven, would constitute domestic violence pursuant
34 to NRS 33.018 or sexual assault pursuant to NRS 200.366.

35 4. As used in this section, “health care licensing board” has the meaning
36 ascribed to it in NRS 629.079.

37 Sec. 3. 1. This section becomes effective upon passage and approval.

38 2. Sections 1 and 2 of this act become effective:

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

42 (b) On July 1, 2023, for all other purposes.