

Assembly Bill No. 361–Assemblywoman Carlton

CHAPTER.....

AN ACT relating to the practice of medicine; revising provisions relating to a physician or osteopathic physician who is supervising medical students; revising provisions relating to certain inspections of medical premises which the Board of Medical Examiners or the State Board of Osteopathic Medicine is authorized to conduct; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Under existing law a physician or osteopathic physician shall not allow a person to perform or participate in any activity under the supervision of the physician for the purpose of receiving credit toward certain medical degrees unless the person is enrolled in good standing at one of certain accredited medical schools. There is an exception for such an activity which takes place in a primary care practice that is located in a health professional shortage area and under certain circumstances. (NRS 630.3745, 633.6955) **Sections 1 and 2.5** of this bill provide that a physician or osteopathic physician who violates this existing law is subject to a civil penalty of not more than \$10,000 for each violation, provided that an action to enforce the civil penalty is brought not later than 2 years after the date of the last such violation.

Existing law authorizes any member or agent of the Board of Medical Examiners to enter any premises in this State where a licensee under the authority of the Board practices, and to perform an inspection to determine if any violations of relevant law have occurred. (NRS 630.395) Similar authorization is provided for any member or agent of the State Board of Osteopathic Medicine. (NRS 633.512) **Section 2** of this bill adds, as an example of such a violation for which the premises may be inspected, a violation of the provisions of **section 1** regarding a physician who supervises a person who is enrolled in an accredited medical school. **Section 2.3** of this bill adds a similar provision pertaining to the premises of an osteopathic physician and a violation of the provisions of **section 2.5** by an osteopathic physician.

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

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

**Section 1.** NRS 630.3745 is hereby amended to read as follows:

630.3745 1. Except as otherwise provided in subsection 2, a physician shall not allow a person to perform or participate in any activity under the supervision of the physician for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine, including, without limitation, clinical



observation and contact with patients, unless the person is enrolled in good standing at:

(a) A medical school that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations; or

(b) A school of osteopathic medicine, as defined in NRS 633.121.

2. The provisions of subsection 1 do not apply to a physician who supervises an activity performed by a person for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine if:

(a) The activity takes place:

(1) In a primary care practice that is located in an area that has been designated by the United States Secretary of Health and Human Services as a health professional shortage area pursuant to 42 U.S.C. § 254e; and

(2) Entirely under the supervision of the physician; and

(b) The physician is not currently supervising any other person who is receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine.

3. *A physician who violates the provisions of this section is subject to a civil penalty of not more than \$10,000 for each violation. The Attorney General or any district attorney of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.*

4. *Any action brought under this section must be brought not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.*

5. As used in this section, “primary care practice” means a health care practice operated by one or more physicians who practice in the area of family medicine, internal medicine or pediatrics.

**Sec. 2.** NRS 630.395 is hereby amended to read as follows:

630.395 Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices medicine, perfusion or respiratory care and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation ~~[, and]~~ :

1. *An* inspection to determine whether any person at the premises is practicing medicine, perfusion or respiratory care



without the appropriate license issued pursuant to the provisions of this chapter ~~[ ]~~; or

*2. An inspection to determine whether any physician is allowing a person to perform or participate in any activity under the supervision of the physician for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine in violation of the provisions of NRS 630.3745.*

**Sec. 2.3.** NRS 633.512 is hereby amended to read as follows:

633.512 Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices osteopathic medicine or as a physician assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation ~~[, an]~~ :

*1. An inspection to determine whether any person at the premises is practicing osteopathic medicine or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter ~~[ ]~~; or*

*2. An inspection to determine whether any osteopathic physician is allowing a person to perform or participate in any activity under the supervision of the osteopathic physician for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine in violation of NRS 633.6955.*

**Sec. 2.5.** NRS 633.6955 is hereby amended to read as follows:

633.6955 1. Except as otherwise provided in subsection 2, an osteopathic physician shall not allow a person to perform or participate in any activity under the supervision of the osteopathic physician for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine, including, without limitation, clinical observation and contact with patients, unless the person is enrolled in good standing at:

(a) A medical school that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations; or

(b) A school of osteopathic medicine.

2. The provisions of subsection 1 do not apply to an osteopathic physician who supervises an activity performed by a person for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine if:

(a) The activity takes place:

(1) In a primary care practice that is located in an area that has been designated by the United States Secretary of Health and



Human Services as a health professional shortage area pursuant to 42 U.S.C. § 254e; and

(2) Entirely under the supervision of the osteopathic physician; and

(b) The osteopathic physician is not currently supervising any other person who is receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine.

3. *An osteopathic physician who violates the provisions of this section is subject to a civil penalty of not more than \$10,000 for each violation. The Attorney General or any district attorney of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.*

4. *Any action brought under this section must be brought not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.*

5. As used in this section, “primary care practice” means a health care practice operated by one or more physicians who practice in the area of family medicine, internal medicine or pediatrics.

**Sec. 3.** This act becomes effective on July 1, 2019.

