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THIRD REPRINT

A.B. 386

ASSEMBLY BILL NO. 386—ASSEMBLYWOMEN MONROE-MORENO;
SUMMERS-ARMSTRONG AND THOMAS

MARCH 22, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to midwives. (BDR 54-111)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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 midwives; establishing the Board of Licensed Certified Professional Midwives and requiring the Board to adopt certain regulations; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain tasks relating to the regulation of licensed certified professional midwives; providing for the licensure of licensed certified professional midwives; authorizing a licensed certified professional midwife to utilize a certified professional midwife birth assistant under certain circumstances; prescribing requirements relating to the practice of certified professional midwifery; requiring any midwife who provides services in this State to provide to clients a Community Birth Disclosure; authorizing a licensed certified professional midwife to possess, administer and order certain drugs, devices, chemicals and solutions; creating a special endorsement authorizing a licensed certified professional midwife to order, dispense and implant certain devices; creating a special endorsement authorizing a licensed certified professional midwife to possess, administer, prescribe and dispense certain drugs; exempting a licensed certified professional midwife and other providers of health care from certain liability; prohibiting certain persons from performing midwifery; requiring Medicaid to cover the services of a licensed certified professional midwife; authorizing a licensed certified professional midwife to serve as the director of a freestanding birthing center; specifying the midwives to which certain requirements apply; providing a penalty; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing law requires a midwife to perform certain duties relating to reporting
2 births and deaths and testing newborn babies for certain diseases. (NRS 440.100,
3 440.740, 442.008-442.110, 442.600-442.680) **Sections 2-32** of this bill provide for:
4 (1) the licensure of licensed certified professional midwives by the Division of
5 Public and Behavioral Health of the Department of Health and Human Services;
6 and (2) the regulation of licensed certified professional midwives by the Division
7 and the Board of Licensed Certified Professional Midwives created by **section 17**
8 of this bill. **Sections 2-14, 45, 69 and 74** of this bill define certain terms related to
9 the practice of certified professional midwifery. **Section 15** of this bill: (1) exempts
10 certain providers of health care from requirements governing the licensure and
11 regulation of licensed certified professional midwives; and (2) provides that
12 **sections 2-32** do not abridge, limit or otherwise affect the right of a person to
13 deliver a baby in the manner and location that the person desires. **Sections 36, 38,**
14 **39 and 42-44** of this bill similarly exempt licensed certified professional midwives
15 and certified professional midwife student midwives from provisions governing
16 certain other providers of health care. Licensed certified professional midwives and
17 certified professional midwife student midwives would also be exempt from
18 provisions governing allopathic physicians. (NRS 630.047)

19 **Section 16** of this bill authorizes the Division to accept gifts, grants and
20 donations to pay the costs of performing its duties under the provisions of this bill.

21 **Section 17** creates the Board of Licensed Certified Professional Midwives.
22 **Sections 34, 55 and 58-62** of this bill make various changes to ensure that the
23 Board is treated similarly to other boards that regulate health-related professions.
24 **Section 34** also provides that a person may obtain a license as a licensed certified
25 professional midwife through reciprocity if the person has been in practice for at
26 least 1 year immediately preceding the date on which the person submits an
27 application. **Section 18** of this bill prescribes certain requirements concerning the
28 operations and duties of the Board. **Section 19** of this bill requires the Board to
29 adopt regulations governing the practice of certified professional midwifery,
30 including: (1) requirements governing the issuance and renewal of a license as a
31 licensed certified professional midwife, including a requirement that an applicant to
32 renew a license must have completed continuing education in cultural humility or
33 the elimination of racism or bias; (2) requirements governing the investigation of
34 misconduct and discipline; (3) requirements governing the management of a client
35 who is at a moderate or high risk of an adverse outcome; and (4) requirements
36 governing certain other aspects of the practice of certified professional midwifery.
37 **Section 76.5** of this bill provides that continuing education in cultural humility or
38 the elimination of racism or bias completed by a licensed certified professional
39 midwife satisfies a requirement that an agent or employee of certain health care
40 facilities receive training in cultural competency.

41 **Section 20** of this bill prescribes the requirements for the issuance of a license
42 as a licensed certified professional midwife. **Section 103** of this bill revises the
43 requirements for the issuance of a license as a licensed certified professional
44 midwife on January 1, 2026, to authorize the Division to exempt certain applicants
45 from certain education requirements to address shortages in the number of
46 midwives practicing in rural or underserved areas in the State or barriers for
47 applicants from marginalized identities. **Section 21** of this bill: (1) authorizes a
48 licensed certified professional midwife to utilize a certified professional midwife
49 birth assistant to perform certain simple, routine medical tasks; and (2) prescribes
50 the required training for a certified professional midwife birth assistant.

51 Existing federal law requires each state to adopt procedures to ensure that
52 applicants for certain licenses and certificates comply with child support
53 obligations. (42 U.S.C. § 666) **Sections 22 and 29** of this bill enact such procedures
54 as applicable to an applicant for a license as a licensed certified professional



55 midwife in order to comply with federal law. **Sections 104 and 110** of this bill
56 remove a requirement that an application for a license as a licensed certified
57 professional midwife include the social security number of the applicant on the date
58 that those federal requirements are repealed, while leaving in place the other
59 requirements of **sections 22 and 29** until 2 years after that date. **Section 33** of this
60 bill makes a conforming change to account for applicants for licensure who do not
61 have a social security number.

62 **Section 23** of this bill prescribes the authorized activities of a certified
63 professional midwife student midwife and requirements governing the supervision
64 of a certified professional midwife student midwife by a preceptor. **Section 24** of
65 this bill requires any midwife who provides services in this State to provide to a
66 client a Community Birth Disclosure that contains certain information. **Section 24**
67 additionally requires the Board to create the Community Birth Disclosure in
68 collaboration with all types of midwives practicing in this State. **Section 24** further
69 requires a licensed certified professional midwife to obtain informed written
70 consent from each client before providing services.

71 Existing law authorizes only certain practitioners who are licensed in this State
72 and registered with the State Board of Pharmacy to prescribe drugs and devices.
73 (NRS 639.235, 639.23505) **Sections 25, 40, 41 and 78** of this bill authorize a
74 licensed certified professional midwife to: (1) order, possess and administer certain
75 drugs, devices, chemicals and solutions; and (2) order certain devices and vaccines
76 for a client. **Sections 26, 40 and 78** of this bill authorize a licensed certified
77 professional midwife to apply to the Division for a special endorsement for his or
78 her license to: (1) order, dispense and implant contraceptive devices; or (2) possess,
79 administer, prescribe and dispense certain dangerous drugs. **Sections 21, 23 and 79**
80 of this bill authorize a certified professional midwife birth assistant or certified
81 professional midwife student midwife to administer certain drugs, devices,
82 chemicals and solutions under the direct supervision of a licensed certified
83 professional midwife or in certain emergency situations. **Section 23** additionally
84 authorizes a certified professional midwife student midwife to administer or
85 implant a contraceptive device under the supervision of a preceptor who holds the
86 appropriate special endorsement.

87 **Section 27** of this bill imposes specific requirements concerning the
88 management of a client who is at a moderate or high risk of an adverse outcome,
89 and **section 19** requires the Board of Licensed Certified Professional Midwives to
90 adopt additional regulations governing the management of such a client. **Section**
91 **19.5** of this bill authorizes the Board to establish an advisory committee to advise
92 the Board concerning the adoption of those regulations. **Section 27** also exempts:
93 (1) a licensed certified professional midwife from liability resulting from the
94 informed refusal to consent of such a client to consultation, co-management with or
95 referral to another provider of health care or transfer to a medical facility or the
96 inability of the licensed certified professional midwife to arrange for such
97 consultation or carry out such co-management, referral or transfer; and (2) other
98 providers of health care from liability for the actions or omissions of a licensed
99 certified professional midwife.

100 **Section 28** of this bill requires a licensed certified professional midwife to
101 report to the Division certain information concerning his or her practice upon the
102 renewal of his or her license.

103 **Section 30** of this bill: (1) requires the Division to maintain certain records of
104 proceedings relating to licensing, disciplinary actions and investigations; and (2)
105 declares certain records to be confidential and certain other records to be public.
106 **Section 57** of this bill makes a conforming change to clarify that such confidential
107 records of the Division are not public records. **Section 31** of this bill prohibits a
108 person who does not hold a license as a licensed certified professional midwife
109 from representing that he or she is licensed to engage in the practice of certified



110 professional midwifery. **Section 31** also prohibits a person whose license to
111 perform midwifery in another jurisdiction of the United States has been suspended
112 or revoked from performing midwifery or holding himself or herself out as a
113 midwife in this State until the license in the other district, state or territory is
114 restored. **Section 31** authorizes a person to represent that he or she is licensed to
115 engage in the practice of certified professional midwifery if the person is licensed
116 in another district, state or territory of the United States and the person discloses
117 that license to the public. **Section 31** also prohibits a certified professional midwife
118 student midwife from: (1) engaging in midwifery in circumstances other than those
119 authorized by this bill; or (2) representing that he or she is qualified to engage in
120 the practice of certified professional midwifery without supervision. **Section 31**
121 authorizes the Division to order a person to cease and desist from performing
122 midwifery or holding himself or herself out as a midwife if: (1) his or her license as
123 a licensed certified professional midwife has been suspended or revoked; (2) he or
124 she is the subject of pending disciplinary action; or (3) he or she has voluntarily
125 relinquished his or her license under certain circumstances. **Section 31** additionally
126 authorizes the Division to, when it has reason to believe or has received complaints
127 that a person has repeatedly violated the provisions of **section 31**, certify the facts
128 to the Attorney General, or other appropriate law enforcement officer, who may, in
129 his or her discretion, cause appropriate proceedings to be brought. **Section 32**
130 authorizes the Division or the Attorney General to seek an injunction against any
131 person violating any provision of **sections 2-32**.

132 Existing law defines the term "provider of health care" as a person who
133 practices any of certain professions related to the provision of health care. (NRS
134 629.031) Existing law imposes certain requirements upon providers of health care,
135 including requirements for billing, standards for advertisements and criminal
136 penalties for acquiring certain debts. (NRS 629.071, 629.076, 629.078) **Section 35**
137 of this bill includes licensed certified professional midwives in the definition of
138 "provider of health care," thereby subjecting licensed certified professional
139 midwives to the same requirements. **Section 76** of this bill makes a conforming
140 change to clarify that licensed certified professional midwives are providers of
141 health care. **Section 37** of this bill requires a licensed certified professional midwife
142 to report misconduct by a person licensed or certified by the State Board of Nursing
143 to the Executive Director of the Board.

144 **Sections 48 and 49** of this bill provide that a licensed certified professional
145 midwife is not liable for civil damages resulting from providing emergency care or
146 gratuitous care to an indigent person under certain circumstances. **Section 70** of this
147 bill requires a licensed certified professional midwife who attends a birth that
148 occurs outside a hospital which is not also attended by a physician or advanced
149 practice registered nurse to prepare a birth certificate. **Section 71** of this bill
150 provides for the imposition of a fine upon a person who furnishes false information
151 to a licensed certified professional midwife for the purpose of making incorrect
152 certification of births or deaths.

153 Existing law provides that, in any civil action concerning any unwelcome or
154 nonconsensual sexual conduct, there is a rebuttable presumption that the sexual
155 conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in
156 a position of authority over the alleged victim. (NRS 41.138) **Section 47** of this bill
157 provides that a licensed certified professional midwife, certified professional
158 midwife student midwife or certified professional midwife birth assistant is a
159 person of authority for that purpose.

160 **Sections 46, 50-54, 63, 64, 66-76 and 80-102** of this bill make revisions to
161 treat licensed certified professional midwives similarly to other providers of health
162 care in certain respects. **Section 65** of this bill requires Medicaid to cover the
163 services of a licensed certified professional midwife and to provide reimbursement
164 for such services at rates comparable to other providers of health care who provide



165 similar services. **Section 56** of this bill makes a conforming change to indicate the
166 proper placement of **section 65** in the Nevada Revised Statutes.

167 **Section 77** of this bill authorizes a licensed certified professional midwife to
168 serve as the director of a freestanding birthing center.

169 Existing law requires a primary care provider, including a midwife, to take
170 certain actions to facilitate the detection of harmful mutations in the BRCA gene in
171 patients who are adult women. (NRS 457.301) **Section 81** of this bill provides that
172 this requirement applies to licensed certified professional midwives, but not to
173 other midwives.

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

1 **Section 1.** Title 54 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 32, inclusive, of this act.

4 **Sec. 2.** *As used in this chapter, unless the context otherwise*
5 *requires, the words and terms defined in sections 3 to 14,*
6 *inclusive, of this act have the meanings ascribed to them in those*
7 *sections.*

8 **Sec. 3.** *“Board” means the Board of Licensed Certified*
9 *Professional Midwives created by section 17 of this act.*

10 **Sec. 4.** *“Certified nurse-midwife” means a person who is:*
11 *1. Certified as a nurse-midwife by the American Midwifery*
12 *Certification Board, or its successor organization; and*
13 *2. Licensed as an advanced practice registered nurse*
14 *pursuant to NRS 632.237.*

15 **Sec. 5.** *“Certified professional midwife birth assistant”*
16 *means a person who performs routine medical tasks and*
17 *procedures under the direct supervision of a licensed certified*
18 *professional midwife.*

19 **Sec. 6.** *“Certified professional midwife student midwife”*
20 *means a person who performs midwifery under the direct*
21 *supervision of a preceptor pursuant to section 23 of this act.*

22 **Sec. 7.** *“Co-manage” means a licensed certified professional*
23 *midwife jointly managing the care of a client with another*
24 *provider of health care.*

25 **Sec. 8.** *“Consult” means a client receiving an opinion*
26 *concerning the management of a particular condition or symptom*
27 *from an appropriate provider of health care at the direction of a*
28 *licensed certified professional midwife.*

29 **Sec. 9.** *“Division” means the Division of Public and*
30 *Behavioral Health of the Department of Health and Human*
31 *Services.*



1 **Sec. 10.** *“Licensed certified professional midwife” means a*
2 *person licensed as a licensed certified professional midwife*
3 *pursuant to section 20 of this act.*

4 **Sec. 11.** *“Medical facility” has the meaning ascribed to it in*
5 *NRS 449.0151.*

6 **Sec. 11.5.** *“Midwifery” means the provision of care to clients*
7 *before conception, while pregnant and during the postpartum*
8 *period and to newborn infants. The term includes, without*
9 *limitation, the practice of certified professional midwifery.*

10 **Sec. 12.** *“Practice of certified professional midwifery” means*
11 *the provision of autonomous care to healthy clients who are at low*
12 *risk of developing complications before conception, while*
13 *pregnant and during the postpartum period and to newborn*
14 *infants for up to 6 weeks after childbirth. The term includes,*
15 *without limitation, co-management of the care of a client with a*
16 *qualified provider of health care.*

17 **Sec. 13.** *“Provider of health care” has the meaning ascribed*
18 *to it in NRS 629.031.*

19 **Sec. 14.** *“Refer” means a licensed certified professional*
20 *midwife arranging for another provider of health care to assume*
21 *primary responsibility for managing a condition or symptom.*

22 **Sec. 15.** 1. *Except as otherwise provided in this section and*
23 *sections 21, 24 and 27 of this act, the provisions of this chapter do*
24 *not apply to a person who holds a license, certificate or other*
25 *credential issued pursuant to chapters 630 to 641D, inclusive, of*
26 *NRS and is practicing within the scope of authority authorized by*
27 *that license, certificate or other credential. For the purposes of*
28 *this subsection, a certified nurse-midwife shall be deemed to be*
29 *practicing within the scope of authority authorized by his or her*
30 *license as an advanced practice registered nurse.*

31 2. *This chapter does not prohibit:*

32 (a) *Gratuitous services of a person in an emergency; or*

33 (b) *Gratuitous care by friends or by members of the family.*

34 3. *This chapter does not abridge, limit or otherwise affect the*
35 *right of any person to deliver a baby in the manner and location*
36 *that the person desires.*

37 **Sec. 16.** *The Division may accept gifts, grants and donations*
38 *to pay the costs of performing its duties under the provisions of*
39 *this chapter.*

40 **Sec. 17.** 1. *The Board of Licensed Certified Professional*
41 *Midwives is hereby created.*

42 2. *The Administrator of the Division shall appoint to the*
43 *Board:*

44 (a) *Four voting members who are licensed certified*
45 *professional midwives currently practicing in this State;*



1 (b) One voting member who is a representative of the general
2 public and who has received care from a licensed certified
3 professional midwife; and

4 (c) One nonvoting member to serve as a liaison with the
5 Division.

6 3. The Board may adopt regulations, in consultation with the
7 Division, to add not more than three members, in addition to the
8 members appointed pursuant to subsection 2, to the Board.

9 4. Each member of the Board must be a resident of this State.

10 5. The Administrator of the Division:

11 (a) May solicit nominations for appointment to the Board from
12 interested persons and entities.

13 (b) Shall give preference when appointing the members of the
14 Board to candidates who have experience providing or utilizing
15 midwifery services outside of a hospital.

16 6. The Board shall adopt regulations prescribing the terms of
17 its members. Such terms must not exceed 4 years. The
18 Administrator of the Division may:

19 (a) Reappoint a member at the expiration of his or her term; or

20 (b) Terminate a member before the expiration of his or her
21 term for cause.

22 7. A vacancy on the Board must be filled in the same manner
23 as the initial appointment.

24 8. Except as otherwise provided in this subsection, members
25 of the Board serve without compensation. The State Board of
26 Health may, by regulation, provide for compensation of the
27 members of the Board.

28 **Sec. 18.** 1. A majority of the voting members of the Board
29 constitutes a quorum for the transaction of business, and a
30 majority of a quorum present at any meeting is sufficient for any
31 official action taken by the Board.

32 2. The Board shall:

33 (a) At its first meeting and annually thereafter, elect a Chair
34 from among its members;

35 (b) Meet annually at the call of the Chair; and

36 (c) Recommend to the Legislature any statutory changes to
37 improve the practice of certified professional midwifery in this
38 State.

39 3. To the extent that money is available, the Board may meet
40 more frequently than required by paragraph (b) of subsection 2.

41 4. To the extent practicable, any advice or recommendations
42 made by the Board concerning the practice of certified
43 professional midwifery must be guided by current, peer-reviewed
44 scientific research.



1 **Sec. 19.** *The Board shall adopt any regulations necessary or*
2 *convenient for carrying out the provisions of this chapter. In*
3 *adopting regulations, the Board shall consider measures necessary*
4 *to minimize the likelihood of serious harm to the clients of*
5 *licensed certified professional midwives and the fetuses and*
6 *newborn infants of such clients. Those regulations must include,*
7 *without limitation:*

8 1. *Requirements governing the issuance and renewal of a*
9 *license as a licensed certified professional midwife, including,*
10 *without limitation:*

11 (a) *The period for which a license is valid, which must not*
12 *exceed 2 years. If the Division determines that the fees collected*
13 *pursuant to this chapter will not cover the costs of the Division to*
14 *perform the duties prescribed by the provisions of this chapter if*
15 *that period is longer than 1 year, the Division shall notify the*
16 *Board of that determination. Upon receiving such notice, the*
17 *Board shall adopt regulations pursuant to this paragraph to*
18 *prescribe a period for which a license is valid that does not exceed*
19 *1 year.*

20 (b) *A requirement that an applicant for the renewal of a*
21 *license must have completed continuing education in cultural*
22 *humility or the elimination of racism or bias. The regulations*
23 *adopted pursuant to this paragraph must allow an applicant for*
24 *the renewal of a license to satisfy that requirement by completing*
25 *any continuing education in cultural humility or the elimination*
26 *of racism or bias required by the North American Registry of*
27 *Midwives, or its successor organization, to maintain certification*
28 *by that organization.*

29 2. *The procedure for filing a complaint with the Division*
30 *concerning a licensed certified professional midwife or certified*
31 *professional midwife student midwife.*

32 3. *Grounds for the Division to impose disciplinary action*
33 *against a licensed certified professional midwife or certified*
34 *professional midwife student midwife and the procedure by which*
35 *the Division will impose such disciplinary action.*

36 4. *Requirements governing the reinstatement of a license or*
37 *special endorsement that has been revoked, including, without*
38 *limitation, the procedure to apply for reinstatement and the*
39 *minimum amount of time after the revocation that must pass*
40 *before the person is authorized to apply for reinstatement.*

41 5. *Requirements governing the reinstatement of the authority*
42 *to perform midwifery of a person who has been ordered to cease*
43 *and desist from performing midwifery and holding himself or*
44 *herself out as a midwife pursuant to section 31 of this act,*
45 *including, without limitation, the procedure to apply for*



1 *reinstatement and the minimum amount of time after the issuance*
2 *of the order that must pass before the person is authorized to apply*
3 *for reinstatement.*

4 *6. Regulations governing the ordering, usage and*
5 *administration of drugs, vaccines, chemicals, solutions and*
6 *devices pursuant to section 25 of this act.*

7 *7. Regulations concerning the management by a licensed*
8 *certified professional midwife of a client who may have a*
9 *condition that puts the client at a moderate or high risk of an*
10 *adverse outcome for the client or the fetus or newborn infant of*
11 *the client. The regulations must, to the extent practicable, be*
12 *guided by current, peer-reviewed scientific research and must*
13 *include, without limitation:*

14 *(a) A list of conditions or symptoms associated with a risk of*
15 *serious permanent harm or death to a client or the fetus or*
16 *newborn infant of a client, in addition to those prescribed by*
17 *section 27 of this act;*

18 *(b) A list of conditions or symptoms associated with a risk of*
19 *greater than minimal harm to a client or the fetus or newborn*
20 *infant of a client that do not pose a risk of serious permanent*
21 *harm or death, in addition to those prescribed by section 27 of this*
22 *act; and*

23 *(c) Specific requirements for each condition or symptom listed*
24 *pursuant to subparagraphs (1) and (2) governing:*

25 *(1) The circumstances under which a licensed certified*
26 *professional midwife must arrange for the client to consult with*
27 *another provider of health care, co-manage the care of the client*
28 *with another provider of health care, refer primary responsibility*
29 *for the care of a client to another provider of health care or*
30 *transfer the care of the client to a medical facility, procedures for*
31 *such consultation, co-management, referral or transfer and*
32 *requirements to ensure that a provider of health care who is*
33 *consulted, with whom a client's condition or symptom is co-*
34 *managed or to whom primary responsibility for the care of a client*
35 *is referred is appropriately qualified; and*

36 *(2) The information that must be included on the forms for*
37 *providing informed consent and informed refusal to consent to*
38 *consultation, co-management, referral or transfer pursuant to*
39 *section 27 of this act and the management of a client who provides*
40 *such informed refusal to consent.*

41 *8. Requirements governing the screening of clients in*
42 *accordance with chapter 442 of NRS and necessary measures for*
43 *the prevention of communicable diseases.*



1 9. *Requirements concerning the records of treatment and*
2 *outcomes that must be kept by a licensed certified professional*
3 *midwife.*

4 10. *Administrative penalties that the Division may impose*
5 *upon a certified professional midwife student midwife who*
6 *engages in the practice of certified professional midwifery without*
7 *a preceptor.*

8 11. *Administrative penalties that the Division may impose*
9 *upon a licensed certified professional midwife who engages in*
10 *activity for which a special endorsement is required by section 23*
11 *or 26 of this act without the appropriate endorsement.*

12 12. *Any other requirements necessary to optimize obstetrical*
13 *and neonatal outcomes for clients of licensed certified*
14 *professional midwives.*

15 **Sec. 19.5.** *1. The Board may establish by regulation an*
16 *advisory committee to advise the Board concerning the regulations*
17 *adopted pursuant to subsection 7 of section 19 of this act. If such*
18 *an advisory committee is established, the regulations adopted*
19 *pursuant to this section must establish:*

20 (i) *The membership of the advisory committee;*

21 (ii) *The terms of the members of the advisory committee; and*

22 (iii) *The duties of the advisory committee.*

23 2. *Any recommendations of an advisory committee*
24 *established pursuant to this section must be based on current,*
25 *peer-reviewed scientific evidence and widely accepted best*
26 *practices. Such recommendations may include, without limitation,*
27 *recommendations concerning the transmission of information*
28 *necessary for the care of a client from a licensed certified*
29 *professional midwife to a provider of health care to whom the*
30 *client is referred or a medical facility to which the client is*
31 *transferred.*

32 3. *Members of the advisory committee serve without*
33 *compensation and are not entitled to receive the per diem*
34 *allowance and travel expenses provided for state officers and*
35 *employees generally.*

36 4. *A member of the advisory committee who is an officer or*
37 *employee of this State or a political subdivision of this State must*
38 *be relieved from his or her duties without loss of regular*
39 *compensation to prepare for and attend meetings of the advisory*
40 *committee and perform any work necessary to carry out the duties*
41 *of the advisory committee in the most timely manner practicable.*
42 *A state agency or political subdivision of this State shall not*
43 *require an officer or employee who is a member of the advisory*
44 *committee to:*



1 (a) *Make up the time he or she is absent from work to carry*
2 *out his or her duties as a member of the advisory committee; or*

3 (b) *Take annual leave or compensatory time for the absence.*

4 **Sec. 20. 1.** *An applicant for a license as a licensed certified*
5 *professional midwife must submit to the Division an application*
6 *pursuant to this section in the form prescribed by the Division.*
7 *The application must be accompanied by a fee in the amount*
8 *prescribed by regulation of the State Board of Health pursuant to*
9 *NRS 439.150, which must not exceed \$1,000, and:*

10 (a) *A complete set of his or her fingerprints and written*
11 *permission authorizing the Division to forward the fingerprints to*
12 *the Central Repository for Nevada Records of Criminal History*
13 *for submission to the Federal Bureau of Investigation for its*
14 *report; or*

15 (b) *Written verification, on a form prescribed by the Division,*
16 *stating that the fingerprints of the applicant were taken in this*
17 *State and directly forwarded electronically or by another means to*
18 *the Central Repository and that the applicant has given written*
19 *permission to the law enforcement agency or other authorized*
20 *entity taking the fingerprints to submit the fingerprints to the*
21 *Central Repository for submission to the Federal Bureau of*
22 *Investigation for its report.*

23 2. *The application must include, without limitation, proof*
24 *that the applicant is certified as a midwife by the North American*
25 *Registry of Midwives, or its successor organization, and:*

26 (a) *Has completed an educational program that is consistent*
27 *with the most recent statement on licensure of Certified*
28 *Professional Midwives by the United States Midwifery Education,*
29 *Regulation and Association, or its successor organization; or*

30 (b) *Holds a Midwifery Bridge Certificate issued by the North*
31 *American Registry of Midwives, or its successor organization, and*
32 *has completed the Portfolio Evaluation Process prescribed by that*
33 *organization.*

34 3. *A license as a licensed certified professional midwife may*
35 *be renewed upon submission to the Division of a renewal*
36 *application in the form prescribed by the Division. The renewal*
37 *application must:*

38 (a) *Be accompanied by a renewal fee in the amount prescribed*
39 *by regulation of the State Board of Health pursuant to NRS*
40 *439.150, which must not exceed \$1,000; and*

41 (b) *Include any information required by the regulations*
42 *adopted by the Board pursuant to section 19 of this act.*

43 4. *To the extent that the implementation of such provisions*
44 *will leave the Division with sufficient money to carry out its duties*



1 *under this chapter, the State Board of Health may establish by*
2 *regulation a procedure through which:*

3 *(a) An applicant may petition the Division to reduce the fees*
4 *imposed pursuant to this section or section 26 of this act. An*
5 *applicant may qualify for such a reduction if the applicant*
6 *demonstrates, to the satisfaction of the Division, that the fees*
7 *imposed pursuant to this section or section 26 of this act are an*
8 *economic hardship on the applicant.*

9 *(b) The Division allocates a portion of the fees imposed and*
10 *collected pursuant to this section or section 26 of this act to*
11 *programs that promote applicants from marginalized identities*
12 *through increasing the numbers of such applicants and reducing*
13 *barriers that such applicants face.*

14 *5. As used in this section, "marginalized identity" means an*
15 *identity or expression that causes or has historically caused a*
16 *person of such identity or expression to be disproportionately*
17 *discriminated against, harassed or otherwise negatively treated or*
18 *affected as a result of the identity or expression.*

19 **Sec. 21. 1.** *A licensed certified professional midwife may*
20 *utilize a certified professional midwife birth assistant to perform*
21 *the tasks and procedures authorized by subsection 3. Except as*
22 *otherwise provided in subsection 2, a certified professional*
23 *midwife birth assistant, including, without limitation, a provider of*
24 *health care serving as a certified professional midwife birth*
25 *assistant, must:*

26 *(a) Be at least 18 years of age;*

27 *(b) Have completed training in cultural humility or the*
28 *elimination of racism or bias;*

29 *(c) Have completed training in the techniques of administering*
30 *neonatal resuscitation provided through the Neonatal*
31 *Resuscitation Program of the American Academy of Pediatrics, or*
32 *any successor to that program; and*

33 *(d) Hold current certification in the techniques of*
34 *administering cardiopulmonary resuscitation.*

35 *2. A certified professional midwife birth assistant who is a*
36 *licensed certified professional midwife or a certified nurse-*
37 *midwife is not required to possess the qualifications set forth in*
38 *subsection 1.*

39 *3. Except as otherwise provided in subsection 5, a certified*
40 *professional midwife birth assistant may perform routine clinical*
41 *tasks and procedures only under the direct supervision of a*
42 *licensed certified professional midwife who is present on the*
43 *premises and able to intervene if necessary. Such tasks include,*
44 *without limitation:*



1 (a) Administering medications, including, without limitation
2 and to the extent applicable, any medication described in
3 subsection 2 of section 25 of this act, intradermally,
4 subcutaneously and intramuscularly and performing skin tests;

5 (b) Providing medication, including, without limitation and to
6 the extent applicable, any medication described in subsection 2 of
7 section 25 of this act, to a patient to self-administer orally,
8 sublingually, topically or rectally;

9 (c) Administering oxygen;

10 (d) Assisting in the care of a newborn infant immediately after
11 birth;

12 (e) Placing a device used for auscultation of fetal heart tones;

13 (f) Assisting a client with activities of daily living and assisting
14 the client in moving between the bed and bathroom;

15 (g) Performing cardiopulmonary or neonatal resuscitation;
16 and

17 (h) Checking vital signs.

18 4. The supervising licensed certified professional midwife is
19 responsible for ensuring that the certified professional midwife
20 birth assistant has been properly trained to provide the services
21 delegated to him or her. The supervising licensed certified
22 professional midwife shall retain any documentation of the
23 training that the certified professional midwife birth assistant has
24 received for at least 5 years after the supervising licensed certified
25 professional midwife ceases to supervise the certified professional
26 midwife birth assistant.

27 5. A certified professional midwife birth assistant may
28 provide any necessary assistance in an emergency or when birth is
29 imminent if his or her supervising licensed certified professional
30 midwife is not present. If a certified professional midwife birth
31 assistant provides such assistance without supervision, the
32 certified professional midwife birth assistant must contact a
33 provider of emergency medical services to provide further
34 assistance.

35 6. A certified professional midwife birth assistant shall not
36 assess clinical information or make clinical decisions.

37 **Sec. 22. 1.** In addition to any other requirements set forth
38 in this chapter:

39 (a) An applicant for the issuance of a license as a licensed
40 certified professional midwife in this State shall include the social
41 security number of the applicant in the application submitted to
42 the Division.

43 (b) An applicant for the issuance of a license as a licensed
44 certified professional midwife in this State shall submit to the
45 Division of Public and Behavioral Health of the Department of



1 *Health and Human Services the statement prescribed by the*
2 *Division of Welfare and Supportive Services of the Department of*
3 *Health and Human Services pursuant to NRS 425.520. The*
4 *statement must be completed and signed by the applicant.*

5 *2. The Division of Public and Behavioral Health of the*
6 *Department of Health and Human Services shall include the*
7 *statement required pursuant to subsection 1 in:*

8 *(a) The application or any other forms that must be submitted*
9 *for the issuance or renewal of the license; or*

10 *(b) A separate form prescribed by the Division.*

11 *3. A license as a licensed certified professional midwife may*
12 *not be issued or renewed by the Division if the applicant:*

13 *(a) Fails to submit the statement required pursuant to*
14 *subsection 1; or*

15 *(b) Indicates on the statement submitted pursuant to*
16 *subsection 1 that the applicant is subject to a court order for the*
17 *support of a child and is not in compliance with the order or a*
18 *plan approved by the district attorney or other public agency*
19 *enforcing the order for the repayment of the amount owed*
20 *pursuant to the order.*

21 *4. If an applicant indicates on the statement submitted*
22 *pursuant to subsection 1 that the applicant is subject to a court*
23 *order for the support of a child and is not in compliance with the*
24 *order or a plan approved by the district attorney or other public*
25 *agency enforcing the order for the repayment of the amount owed*
26 *pursuant to the order, the Division shall advise the applicant to*
27 *contact the district attorney or other public agency enforcing the*
28 *order to determine the actions that the applicant may take to*
29 *satisfy the arrearage.*

30 **Sec. 23.** *1. Except as otherwise provided in subsection 5, a*
31 *certified professional midwife student midwife may engage in the*
32 *practice of certified professional midwifery, including, without*
33 *limitation, by using or administering any drug, vaccine, device,*
34 *chemical or solution described in subsection 1, 2 or 3 of section 25*
35 *of this act, only under the direct supervision of a preceptor who is*
36 *present on the premises and able to intervene if necessary. The*
37 *preceptor is responsible for each client to whom the certified*
38 *professional midwife student midwife provides midwifery services.*

39 *2. A certified professional midwife student midwife may*
40 *administer or implant a contraceptive device or possess and*
41 *administer a drug prescribed by the regulations adopted pursuant*
42 *to paragraph (b) of subsection 1 of section 26 of this act only*
43 *under the direct supervision of a preceptor who is a licensed*
44 *certified professional midwife, holds the appropriate special*
45 *endorsement issued pursuant to section 26 of this act authorizing*



1 *the preceptor to engage in such activity and is present on the*
2 *premises and able to intervene if necessary. The preceptor is*
3 *responsible for each client to whom the certified professional*
4 *midwife student midwife provides services pursuant to this*
5 *subsection.*

6 3. *A preceptor must be a person engaged in the practice of*
7 *certified professional midwifery who is approved by the North*
8 *American Registry of Midwives, or its successor organization, to*
9 *serve as a preceptor.*

10 4. *A preceptor shall:*

11 (a) *Notify each client that a certified professional midwife*
12 *student midwife may be involved in the care of the client;*

13 (b) *Explain the scope of the activities that the certified*
14 *professional midwife student midwife may perform under the*
15 *supervision of the preceptor; and*

16 (c) *Review and evaluate all care provided by a certified*
17 *professional midwife student midwife under his or her supervision*
18 *and attend every clinical encounter between the certified*
19 *professional midwife student midwife and a client.*

20 5. *If the preceptor of a certified professional midwife student*
21 *midwife ceases to serve as his or her preceptor and the certified*
22 *professional midwife student midwife has no additional preceptor,*
23 *the certified professional midwife student midwife must cease*
24 *engaging in the practice of certified professional midwifery.*

25 6. *A certified professional midwife student midwife may*
26 *provide any necessary assistance in an emergency or when birth is*
27 *imminent if his or her preceptor is not present. If a certified*
28 *professional midwife student midwife needs to provide such*
29 *assistance and his or her preceptor is not present, the certified*
30 *professional midwife student midwife must contact a provider of*
31 *emergency medical services to provide further assistance.*

32 **Sec. 24.** *Upon accepting a client:*

33 1. *Any midwife, including, without limitation, a licensed*
34 *certified professional midwife and a certified nurse-midwife, shall*
35 *provide the client with a Community Birth Disclosure. The*
36 *Community Birth Disclosure must inform the client regarding:*

37 (a) *The type of midwife that the midwife is;*

38 (b) *The type of education and training that the midwife has*
39 *received; and*

40 (c) *The care to be provided by the midwife.*

41 ➔ *The Board shall create the Community Birth Disclosure in*
42 *collaboration with all types of midwives practicing in this State.*

43 2. *A midwife must sign and date, and obtain the signature of*
44 *the client with a notation of the date of that signature, the*
45 *Community Birth Disclosure provided pursuant to subsection 1.*



1 *The midwife shall retain a copy of the Community Birth*
2 *Disclosure for 5 years.*

3 *3. In addition to complying with the requirements of*
4 *subsections 1 and 2, a licensed certified professional midwife shall*
5 *obtain from the client informed written consent regarding the care*
6 *to be provided by the licensed certified professional midwife.*
7 *Informed written consent requires that the licensed certified*
8 *professional midwife provide to the client:*

9 *(a) A description of the educational background and*
10 *credentials of the licensed certified professional midwife;*

11 *(b) A description of the practice of certified professional*
12 *midwifery as set forth in section 12 of this act and the limitations*
13 *on the practice of a licensed certified professional midwife;*

14 *(c) Instructions for obtaining a copy of the provisions of*
15 *sections 2 to 32, inclusive, of this act and the regulations adopted*
16 *pursuant to section 19 of this act;*

17 *(d) Instructions for filing a complaint with the Division in*
18 *accordance with the regulations adopted pursuant to section 19 of*
19 *this act;*

20 *(e) A description of the actions that the licensed certified*
21 *professional midwife will take in an emergency, including, without*
22 *limitation, the conditions under which the licensed certified*
23 *professional midwife will recommend the transfer of the client to a*
24 *medical facility and the procedure that the licensed certified*
25 *professional midwife will follow when making such a transfer;*

26 *(f) A description of the procedures that will be used during the*
27 *birth in the client's chosen setting, the risks and benefits of birth*
28 *in that setting and the conditions that may arise during delivery;*

29 *(g) A disclosure of whether the licensed certified professional*
30 *midwife holds liability insurance;*

31 *(h) A summary of the provisions of section 27 of this act and*
32 *the regulations adopted pursuant to section 19 of this act*
33 *governing consultation, co-management, referral and transfer and*
34 *a description of the procedures established by the licensed certified*
35 *professional midwife for consultation, co-management, referral*
36 *and transfer; and*

37 *(i) Any other information required by regulation of the Board.*

38 **Sec. 25. 1. A licensed certified professional midwife may**
39 **use the following devices:**

40 *(a) Dopplers, syringes, needles, phlebotomy equipment,*
41 *sutures, urinary catheters, intravenous equipment, amnihooks,*
42 *airway suction devices, electronic fetal monitors,*
43 *tocodynamometer monitors, equipment for administering oxygen,*
44 *glucose monitoring systems and testing strips, neonatal and adult*



1 *oximetry equipment, centrifuges and equipment for conducting*
2 *screenings of hearing ability;*

3 (b) *Equipment for administering nitrous oxide, including,*
4 *without limitation, scavenging systems, only in a freestanding*
5 *birthing center licensed pursuant to chapter 449 of NRS;*

6 (c) *Neonatal and adult resuscitation equipment, including,*
7 *without limitation, airway devices; and*

8 (d) *Any other device authorized by regulation of the Board.*

9 2. *A licensed certified professional midwife may possess and*
10 *administer:*

11 (a) *Oxytocin, misoprostol, methylergonovine, tranexamic acid,*
12 *lidocaine, penicillin, ampicillin, cefazolin, clindamycin,*
13 *epinephrine, diphenhydramine, ondansetron, phylloquinone,*
14 *erythromycin ointment, terbutaline and nitrous oxide;*

15 (b) *Influenza vaccine, hepatitis B vaccine, COVID-19 vaccine*
16 *and diphtheria, tetanus and pertussis vaccine;*

17 (c) *Rho (D) immune globulin and hepatitis B immune*
18 *globulin; and*

19 (d) *Any other drugs or vaccines authorized by regulation of the*
20 *Board.*

21 3. *A licensed certified professional midwife may possess and*
22 *administer:*

23 (a) *Oxygen, lactated Ringers solution, 5 percent dextrose in*
24 *lactated Ringers solution, 0.9 percent sodium chloride solution*
25 *and sterile water; and*

26 (b) *Any other chemicals or solutions authorized by regulation*
27 *of the Board.*

28 4. *A licensed certified professional midwife may order for a*
29 *client:*

30 (a) *Breast pumps, compression stockings and belts, maternity*
31 *belts, diaphragms, cervical caps, glucometers, glucose testing*
32 *strips, iron supplements and prenatal vitamins; and*

33 (b) *Any vaccine described in paragraph (b) of subsection 2.*

34 **Sec. 26. 1.** *The Division shall, upon application by a*
35 *licensed certified professional midwife who has such*
36 *qualifications as the Board specifies by regulation, issue:*

37 (a) *A special endorsement of the license authorizing the*
38 *licensed certified professional midwife to order, dispense,*
39 *administer and implant contraceptive devices for a client.*

40 (b) *A special endorsement of the license authorizing the*
41 *licensed certified professional midwife to possess, administer,*
42 *prescribe and dispense drugs prescribed by regulation of the*
43 *Board, in consultation with the State Board of Pharmacy, for a*
44 *client.*



1 2. *An application for the issuance or renewal of a special*
2 *endorsement pursuant to this section must be accompanied by a*
3 *fee in the amount prescribed by regulation of the State Board of*
4 *Health pursuant to NRS 439.150, which must not exceed \$500.*

5 3. *The Board, in consultation with the State Board of*
6 *Pharmacy, shall adopt regulations to carry out the provisions of*
7 *this section. Those regulations must prescribe:*

8 (a) *The training and experience necessary to obtain a special*
9 *endorsement, including, without limitation:*

10 (1) *The additional education and training necessary to*
11 *obtain a special endorsement described in paragraph (a) or (b) of*
12 *subsection 1, which must be similar to the education and training*
13 *required for other providers of health care who perform the*
14 *activities authorized by those endorsements;*

15 (2) *The number of completed implantations of a*
16 *contraceptive device under the supervision of a preceptor*
17 *necessary to obtain a special endorsement described in paragraph*
18 *(a) of subsection 1; and*

19 (3) *Requirements for the completion of training required by*
20 *the manufacturer of a contraceptive device or the equivalent of*
21 *such training to obtain a special endorsement described in*
22 *paragraph (a) of subsection 1.*

23 (b) *The period for which a special endorsement is valid, which*
24 *must not exceed the length of the period for which the license of*
25 *the holder of the endorsement is valid.*

26 (c) *The contraceptive devices that the holder of a special*
27 *endorsement issued pursuant to paragraph (a) of subsection 1 may*
28 *order, dispense, administer and implant.*

29 (d) *The drugs that the holder of a special endorsement issued*
30 *pursuant to paragraph (b) of subsection 1 may possess,*
31 *administer, prescribe or dispense, which must only include:*

32 (1) *Antibiotic, antiemetic, antiviral, antifungal and*
33 *antipruritic medications and low-potency topical steroids for the*
34 *prevention and treatment of conditions that do not constitute a*
35 *significant deviation from normal pregnancy or postpartum; and*

36 (2) *Hormonal and nonhormonal contraceptives.*

37 4. *A special endorsement issued pursuant to paragraph (b) of*
38 *subsection 1 does not authorize the holder to prescribe or dispense*
39 *drugs for a newborn infant.*

40 **Sec. 27. 1.** *Except as otherwise provided in subsections 5*
41 *and 6, a licensed certified professional midwife must recommend*
42 *and arrange for consultation or co-management with or referral*
43 *to a qualified provider of health care or transfer to an appropriate*
44 *medical facility if the licensed certified professional midwife*
45 *determines that any of the following conditions or symptoms exist:*



- 1 (a) *Complete placenta previa;*
2 (b) *Partial placenta previa after the 27th week of gestation;*
3 (c) *Infection with the human immunodeficiency virus;*
4 (d) *Cardiovascular disease;*
5 (e) *Severe mental illness that may cause the client to cause*
6 *harm to themselves or others;*
7 (f) *Pre-eclampsia or eclampsia;*
8 (g) *Fetal growth restriction, oligohydramnios or moderate or*
9 *severe polyhydramnios in the pregnancy;*
10 (h) *Potentially serious anatomic fetal abnormalities;*
11 (i) *Diabetes that requires insulin or other medication for*
12 *management;*
13 (j) *Gestational age of greater than 43 weeks; or*
14 (k) *Any other condition or symptom:*
15 (1) *Designated by the regulations adopted pursuant to*
16 *section 19 of this act; or*
17 (2) *Which, in the judgment of the licensed certified*
18 *professional midwife, could threaten the life of the client or the*
19 *fetus or newborn infant of the client.*
20 2. *Except as otherwise provided in subsections 5 and 6, a*
21 *licensed certified professional midwife must recommend and, with*
22 *the consent of the client, arrange for consultation or co-*
23 *management with or referral to a qualified provider of health care*
24 *if the licensed certified professional midwife determines that any*
25 *of the following conditions or symptoms exist:*
26 (a) *Prior cesarean section or other surgery resulting in a*
27 *uterine scar;*
28 (b) *Multifetal gestation;*
29 (c) *Noncephalic presentation after 36 weeks of gestation; or*
30 (d) *Any other condition or symptom designated by the*
31 *regulations adopted pursuant to section 19 of this act.*
32 3. *A licensed certified professional midwife who recommends*
33 *to a client consultation, co-management, referral or transfer shall*
34 *document in the record of the client:*
35 (a) *The contents of the recommendation;*
36 (b) *The condition or symptom for which the recommendation*
37 *was made;*
38 (c) *Whether the client consented to the consultation, co-*
39 *management, referral or transfer; and*
40 (d) *If the client provides consent, the name, profession and*
41 *specialty of the provider of health care with whom the licensed*
42 *certified professional midwife consulted or co-managed or to*
43 *whom the client was referred or the medical facility to which the*
44 *client was transferred.*



1 4. A client consents to a consultation, co-management,
2 referral or transfer for the purposes of this section if:

3 (a) The licensed certified professional midwife provides to his
4 or her client information concerning the risks and benefits of
5 alternative methods of treatment and management for a condition
6 listed in subsection 1 or 2; and

7 (b) After receiving such information, the client provides
8 informed consent in writing on a form prescribed by the Board
9 that provides information on the risks and benefits of alternative
10 methods of treatment and management.

11 5. A client may provide informed refusal to consent to
12 consultation, co-management, referral or transfer in writing on a
13 form prescribed by the Board. If a client provides informed refusal
14 to consent to:

15 (a) Consultation, co-management, referral or transfer after the
16 licensed certified professional midwife has determined that a
17 condition or symptom described in subsection 1 exists, the licensed
18 certified professional midwife must attempt to locate a qualified
19 provider of health care for which the client consents to
20 consultation, co-management or referral or an appropriate
21 medical facility for which the client consents to transfer. If the
22 licensed certified professional midwife is unable to locate such a
23 provider of health care who is willing to consult, co-manage or
24 accept the referral or such a medical facility which is willing to
25 accept the transfer, the licensed certified professional midwife is
26 not liable for any damages resulting from the failure to consult,
27 co-manage, refer or transfer. If the condition or symptom
28 threatens the life or health of the client or the fetus or the
29 newborn infant of the client during labor or delivery, the licensed
30 certified professional midwife must call 911 and provide care until
31 relieved by a qualified provider of health care.

32 (b) Consultation, co-management or referral after the licensed
33 certified professional midwife has determined that a condition or
34 symptom described in subsection 2 exists, the licensed certified
35 professional midwife:

36 (1) May continue to serve as the primary provider of health
37 care for the client until the client provides such consent; and

38 (2) Is not liable for any damages resulting from the failure
39 to consult, co-manage or refer.

40 6. If, after determining that a condition or symptom described
41 in:

42 (a) Subsection 1 exists and making a reasonable effort to
43 arrange for consultation with, co-management of the condition or
44 symptom with or referral of the client to a qualified provider of
45 health care or the transfer of the client to an appropriate medical



1 *facility, a licensed certified professional midwife is unable to*
2 *locate a qualified provider of health care who is willing to consult,*
3 *co-manage or accept the referral or an appropriate medical*
4 *facility willing to accept the transfer, the licensed certified*
5 *professional midwife shall be deemed to be in compliance with the*
6 *requirements of that subsection and is not liable for any damages*
7 *resulting from the inability of the licensed certified professional*
8 *midwife to consult, co-manage, refer or transfer. If the condition*
9 *or symptom threatens the life or health of the client or the fetus or*
10 *newborn infant of the client during labor or delivery, the licensed*
11 *certified professional midwife must call 911 and provide care until*
12 *relieved by a qualified provider of health care.*

13 *(b) Subsection 2 exists and making a reasonable effort to*
14 *arrange for consultation with, co-management of the condition or*
15 *symptom with or referral of the client to a qualified provider of*
16 *health care, a licensed certified professional midwife is unable to*
17 *locate a qualified provider of health care who is willing to consult,*
18 *co-manage or accept the referral, the licensed certified*
19 *professional midwife shall be deemed to be in compliance with the*
20 *requirements of that subsection and is not liable for any damages*
21 *resulting from the inability of the licensed certified professional*
22 *midwife to arrange for consultation, co-manage or refer.*

23 *7. In an emergency or other urgent situation, a licensed*
24 *certified professional midwife shall inform the client of qualified*
25 *providers of health care in labor and delivery units of local*
26 *hospitals who are available to consult with the licensed certified*
27 *professional midwife.*

28 *8. A provider of health care who is not a licensed certified*
29 *professional midwife is not liable for any damages resulting from*
30 *any act or omission of a licensed certified professional midwife*
31 *and is not required to adhere to any standards of care governing*
32 *the practice of certified professional midwifery. Such a provider of*
33 *health care is only liable for the damages resulting from his or her*
34 *own acts or omissions in accordance with the standards of care*
35 *governing his or her profession.*

36 **Sec. 28. 1.** *With each application for the renewal of his or*
37 *her license, a licensed certified professional midwife shall submit*
38 *to the Division a report, in the form prescribed by the Division,*
39 *that includes, for the immediately preceding licensure period:*

40 *(a) The total number of clients who, when accepted by the*
41 *licensed certified professional midwife as clients, intended to*
42 *deliver their babies outside of a hospital;*

43 *(b) The number of live births attended by the licensed certified*
44 *professional midwife outside of a hospital;*



1 (c) *The number of cases of fetal demise, deaths of newborns*
2 *and maternal deaths attended by the licensed certified professional*
3 *midwife;*

4 (d) *The number of clients transferred to a medical facility*
5 *during the antepartum, intrapartum or immediate postpartum*
6 *periods and the reason for and outcome of each such transfer;*

7 (e) *A brief description of any complications resulting in*
8 *maternal or infant morbidity or mortality;*

9 (f) *The planned location and actual location of each delivery;*
10 *and*

11 (g) *Any other information required by regulation of the Board.*

12 2. *Not later than 30 days after attending a maternal or*
13 *newborn infant death, a licensed certified professional midwife*
14 *shall report the death to the Division and the Board.*

15 **Sec. 29.** 1. *If the Division receives a copy of a court order*
16 *issued pursuant to NRS 425.540 that provides for the suspension*
17 *of all professional, occupational and recreational licenses,*
18 *certificates and permits issued to a person who is the holder of a*
19 *license issued pursuant to this chapter, the Division shall deem the*
20 *license issued to that person to be suspended at the end of the 30th*
21 *day after the date on which the court order was issued unless the*
22 *Division receives a letter issued to the holder of the license by the*
23 *district attorney or other public agency pursuant to NRS 425.550*
24 *stating that the holder of the license has complied with the*
25 *subpoena or warrant or has satisfied the arrearage pursuant to*
26 *NRS 425.560.*

27 2. *The Division shall reinstate a license issued pursuant to*
28 *this chapter that has been suspended by a district court pursuant*
29 *to NRS 425.540 if:*

30 (a) *The Division receives a letter issued by the district attorney*
31 *or other public agency pursuant to NRS 425.550 to the person*
32 *whose license was suspended stating that the person whose license*
33 *was suspended has complied with the subpoena or warrant or has*
34 *satisfied the arrearage pursuant to NRS 425.560; and*

35 (b) *The person whose license was suspended pays the*
36 *appropriate fee required pursuant to this chapter.*

37 **Sec. 30.** 1. *The Division shall keep a record of its*
38 *proceedings relating to licensing, disciplinary actions and*
39 *investigations. Except as otherwise provided in this chapter, the*
40 *record is a public record for the purposes of chapter 239 of NRS.*

41 2. *Except as otherwise provided in this section and NRS*
42 *239.0115, a complaint filed with the Division, all documents and*
43 *other information filed with the complaint and all documents and*
44 *other information compiled as a result of an investigation*



1 *conducted to determine whether to initiate disciplinary action*
2 *against a person are confidential and privileged.*

3 3. *A complaint or other document filed by the Division to*
4 *initiate disciplinary action, any written opinion rendered by the*
5 *Division and all documents and information considered by the*
6 *Division when determining whether to impose discipline are public*
7 *records.*

8 4. *An order that imposes discipline and the findings of fact*
9 *and conclusions of law supporting that order are public records.*

10 5. *The provisions of this section do not prohibit the Division*
11 *from communicating or cooperating with or providing any*
12 *documents or other information to any other licensing board or*
13 *any other agency that is investigating a person, including, without*
14 *limitation, a law enforcement agency.*

15 **Sec. 31.** 1. *Except as otherwise provided in subsection 2, a*
16 *person who is not licensed as a licensed certified professional*
17 *midwife or a person whose license as a licensed certified*
18 *professional midwife has been suspended or revoked by the*
19 *Division shall not:*

20 (a) *Use in connection with his or her name the words*
21 *“licensed certified professional midwife,” “licensed midwife” or*
22 *any other letters, words or insignia indicating or implying that he*
23 *or she is licensed to engage in the practice of certified professional*
24 *midwifery, or in any other way, orally, or in writing or print, or by*
25 *sign, directly or by implication, represent himself or herself as*
26 *licensed to engage in the practice of certified professional*
27 *midwifery in this State; or*

28 (b) *List or cause to have listed in any directory, including,*
29 *without limitation, a telephone directory, his or her name or the*
30 *name of his or her company under the heading “licensed certified*
31 *professional midwife,” “licensed midwife” or any other term that*
32 *indicates or implies that he or she is licensed to engage in the*
33 *practice of certified professional midwifery in this State.*

34 2. *A person who is not licensed as a licensed certified*
35 *professional midwife or a person whose license as a licensed*
36 *certified professional midwife has been suspended or revoked by*
37 *the Division may use or list the words or headings described in*
38 *paragraph (a) or (b) of subsection 1 if the person is licensed in the*
39 *District of Columbia or any state or territory of the United States*
40 *and is not subject to an order issued pursuant to subsection 5. If*
41 *the person uses or lists the words or headings pursuant to this*
42 *section, the person shall disclose the district, state or territory, as*
43 *applicable, in which he or she is licensed.*

44 3. *A person who is licensed as a licensed certified*
45 *professional midwife and who is also licensed to perform*



1 *midwifery in any capacity in the District of Columbia or any state*
2 *or territory of the United States shall disclose each additional*
3 *district, state or territory, as applicable, in which he or she is*
4 *currently licensed or has ever been licensed in all circumstances*
5 *described in paragraphs (a) and (b) of subsection 1. If the license*
6 *of such a person to perform midwifery has been revoked or*
7 *suspended in the other district, state or territory, the person shall*
8 *not perform midwifery or hold himself or herself out as a midwife*
9 *until his or her license in the other district, state or territory is*
10 *reinstated to an active and valid status.*

11 4. *A certified professional midwife student midwife shall not:*

12 (a) *Engage in midwifery except in circumstances authorized by*
13 *this chapter; or*

14 (b) *Use in connection with his or her name the words*
15 *“licensed certified professional midwife,” “certified professional*
16 *midwife,” “licensed midwife” or any other letters, words or*
17 *insignia indicating or implying that he or she is licensed to engage*
18 *in the practice of certified professional midwifery without*
19 *supervision, or in any other way, orally, or in writing or print, or*
20 *by sign, directly or by implication, represent himself or herself as*
21 *licensed to engage in the practice of certified professional*
22 *midwifery without supervision in this State.*

23 5. *The Division may order a person to cease and desist from*
24 *performing midwifery and holding himself or herself out as a*
25 *midwife if:*

26 (a) *The person’s license as a licensed certified professional*
27 *midwife has been suspended or revoked;*

28 (b) *The person has disciplinary action pending against him or*
29 *her pursuant to this chapter; or*

30 (c) *The person has voluntarily relinquished his or her license*
31 *while a complaint is pending against the person which alleges a*
32 *violation which:*

33 (1) *Has caused serious injury, serious harm or serious*
34 *impairment of public health; or*

35 (2) *Indicates that the person would be likely to cause*
36 *serious injury, serious harm or serious impairment of public*
37 *health if the person continues to perform midwifery.*

38 6. *A person shall not perform midwifery or hold himself or*
39 *herself out as a midwife after receiving an order to cease and*
40 *desist from those activities pursuant to subsection 5 unless the*
41 *Division has reinstated his or her license to practice licensed*
42 *certified professional midwifery or his or her authority to perform*
43 *midwifery in accordance with the regulations adopted pursuant to*
44 *section 19 of this act.*



1 *7. If the Division has reason to believe that a person has*
2 *repeatedly violated any provision of this section or the Division*
3 *has received complaints that a person has repeatedly violated any*
4 *provision of this section, the Division may certify the facts to the*
5 *Attorney General, or other appropriate law enforcement officer,*
6 *who may, in his or her discretion, cause appropriate proceedings*
7 *to be brought.*

8 **Sec. 32. 1. The Division or the Attorney General may**
9 **maintain in any court of competent jurisdiction a suit to enjoin**
10 **any person from violating a provision of this chapter or any**
11 **regulations adopted pursuant thereto.**

12 **2. Such an injunction:**

13 **(a) May be issued without proof of actual damage sustained by**
14 **any person as a preventive or punitive measure.**

15 **(b) Does not relieve any person or business entity from any**
16 **other legal action.**

17 **Sec. 33.** NRS 622.238 is hereby amended to read as follows:

18 622.238 1. The Legislature hereby finds and declares that:

19 (a) It is in the best interests of this State to make full use of the
20 skills and talents of every resident of this State.

21 (b) It is the public policy of this State that each resident of this
22 State, regardless of his or her immigration or citizenship status, is
23 eligible to receive the benefit of applying for a license, certificate or
24 permit pursuant to 8 U.S.C. § 1621(d).

25 2. Notwithstanding any other provision of this title, a
26 regulatory body shall not deny the application of a person for the
27 issuance of a license pursuant to this title based solely on his or her
28 immigration or citizenship status.

29 3. Notwithstanding the provisions of NRS 623.225, 623A.185,
30 624.268, 625.387, 625A.105, 628.0345, 628B.320, 630.197,
31 630A.246, 631.225, 632.3446, 633.307, 634.095, 634A.115,
32 635.056, 636.159, 637.113, 637B.166, 638.103, 639.129, 640.095,
33 640A.145, 640B.340, 640C.430, 640D.120, 640E.200, 641.175,
34 641A.215, 641B.206, 641C.280, 641D.330, 642.0195, 643.095,
35 644A.485, 645.358, 645A.025, 645B.023, 645B.420, 645C.295,
36 645C.655, 645D.195, 645G.110, 645H.550, 648.085, 649.233,
37 652.075, 653.550, 654.145, 655.075 and 656.155, **and section 22 of**
38 **this act**, an applicant for a license who does not have a social
39 security number must provide an alternative personally identifying
40 number, including, without limitation, his or her individual taxpayer
41 identification number, when completing an application for a license.

42 4. A regulatory body shall not disclose to any person who is
43 not employed by the regulatory body the social security number or
44 alternative personally identifying number, including, without



1 limitation, an individual taxpayer identification number, of an
2 applicant for a license for any purpose except:

- 3 (a) Tax purposes;
- 4 (b) Licensing purposes; and
- 5 (c) Enforcement of an order for the payment of child support.

6 5. A social security number or alternative personally
7 identifying number, including, without limitation, an individual
8 taxpayer identification number, provided to a regulatory body is
9 confidential and is not a public record for the purposes of chapter
10 239 of NRS.

11 **Sec. 34.** NRS 622.520 is hereby amended to read as follows:

12 622.520 1. A regulatory body that regulates a profession
13 pursuant to chapters 630, 630A, 632 to 641D, inclusive, *and*
14 *sections 2 to 32, inclusive, of this act*, 644A or 653 of NRS in this
15 State may enter into a reciprocal agreement with the corresponding
16 regulatory authority of the District of Columbia or any other state or
17 territory of the United States for the purposes of:

18 (a) Authorizing a qualified person licensed in the profession in
19 that state or territory to practice concurrently in this State and one or
20 more other states or territories of the United States; and

21 (b) Regulating the practice of such a person.

22 2. A regulatory body may enter into a reciprocal agreement
23 pursuant to subsection 1 only if the regulatory body determines that:

24 (a) The corresponding regulatory authority is authorized by law
25 to enter into such an agreement with the regulatory body; and

26 (b) The applicable provisions of law governing the practice of
27 the respective profession in the state or territory on whose behalf the
28 corresponding regulatory authority would execute the reciprocal
29 agreement are substantially similar to the corresponding provisions
30 of law in this State.

31 3. A reciprocal agreement entered into pursuant to subsection 1
32 must not authorize a person to practice his or her profession
33 concurrently in this State unless the person:

34 (a) Has an active license to practice his or her profession in
35 another state or territory of the United States.

36 (b) ~~Has~~ *Except as otherwise provided in this paragraph, has*
37 *been in practice for at least the 5 years immediately preceding the*
38 *date on which the person submits an application for the issuance of*
39 *a license pursuant to a reciprocal agreement entered into pursuant to*
40 *subsection 1. **If the person seeks to practice as a licensed certified***
41 *professional midwife in this State pursuant to sections 2 to 32,*
42 *inclusive, of this act, the person must have been in practice for at*
43 *least 1 year immediately preceding the date on which the person*
44 *submits an application for the issuance of a license pursuant to a*
45 *reciprocal agreement entered into pursuant to subsection 1.*



1 (c) Has not had his or her license suspended or revoked in any
2 state or territory of the United States.

3 (d) Has not been refused a license to practice in any state or
4 territory of the United States for any reason.

5 (e) Is not involved in and does not have pending any
6 disciplinary action concerning his or her license or practice in any
7 state or territory of the United States.

8 (f) Pays any applicable fees for the issuance of a license that are
9 otherwise required for a person to obtain a license in this State.

10 (g) Submits to the applicable regulatory body the statement
11 required by NRS 425.520.

12 4. If the regulatory body enters into a reciprocal agreement
13 pursuant to subsection 1, the regulatory body must prepare an
14 annual report before January 31 of each year outlining the progress
15 of the regulatory body as it relates to the reciprocal agreement and
16 submit the report to the Director of the Legislative Counsel Bureau
17 for transmittal to the next session of the Legislature in odd-
18 numbered years or to the Joint Interim Standing Committee on
19 Health and Human Services in even-numbered years.

20 **Sec. 35.** NRS 629.031 is hereby amended to read as follows:

21 629.031 Except as otherwise provided by a specific statute:

22 1. "Provider of health care" means:

23 (a) A physician licensed pursuant to chapter 630, 630A or 633
24 of NRS;

25 (b) A physician assistant;

26 (c) A dentist;

27 (d) A licensed nurse;

28 (e) A person who holds a license as an attendant or who is
29 certified as an emergency medical technician, advanced emergency
30 medical technician or paramedic pursuant to chapter 450B of NRS;

31 (f) A dispensing optician;

32 (g) An optometrist;

33 (h) A speech-language pathologist;

34 (i) An audiologist;

35 (j) A practitioner of respiratory care;

36 (k) A licensed physical therapist;

37 (l) An occupational therapist;

38 (m) A podiatric physician;

39 (n) A licensed psychologist;

40 (o) A licensed marriage and family therapist;

41 (p) A licensed clinical professional counselor;

42 (q) A music therapist;

43 (r) A chiropractic physician;

44 (s) An athletic trainer;

45 (t) A perfusionist;



- 1 (u) A doctor of Oriental medicine in any form;
- 2 (v) A medical laboratory director or technician;
- 3 (w) A pharmacist;
- 4 (x) A licensed dietitian;
- 5 (y) An associate in social work, a social worker, a master social
- 6 worker, an independent social worker or a clinical social worker
- 7 licensed pursuant to chapter 641B of NRS;
- 8 (z) An alcohol and drug counselor or a problem gambling
- 9 counselor who is certified pursuant to chapter 641C of NRS;
- 10 (aa) An alcohol and drug counselor or a clinical alcohol and
- 11 drug counselor who is licensed pursuant to chapter 641C of NRS;
- 12 (bb) A behavior analyst, assistant behavior analyst or registered
- 13 behavior technician; ~~for~~
- 14 (cc) *A licensed certified professional midwife; or*
- 15 *(dd) A medical facility as the employer of any person specified*
- 16 *in this subsection.*

17 2. For the purposes of NRS 629.400 to 629.490, inclusive, the

18 term includes:

19 (a) A person who holds a license or certificate issued pursuant to

20 chapter 631 of NRS; and

21 (b) A person who holds a current license or certificate to

22 practice his or her respective discipline pursuant to the applicable

23 provisions of law of another state or territory of the United States.

24 **Sec. 36.** NRS 630A.090 is hereby amended to read as follows:

25 630A.090 1. This chapter does not apply to:

26 (a) The practice of dentistry, chiropractic, Oriental medicine,

27 podiatry, optometry, perfusion, respiratory care, faith or Christian

28 Science healing, nursing, *certified professional midwifery,*

29 veterinary medicine or fitting hearing aids.

30 (b) A medical officer of the Armed Forces or a medical officer

31 of any division or department of the United States in the discharge

32 of his or her official duties, including, without limitation, providing

33 medical care in a hospital in accordance with an agreement entered

34 into pursuant to NRS 449.2455.

35 (c) Licensed or certified nurses in the discharge of their duties as

36 nurses.

37 (d) Homeopathic physicians who are called into this State, other

38 than on a regular basis, for consultation or assistance to any

39 physician licensed in this State, and who are legally qualified to

40 practice in the state or country where they reside.

41 2. This chapter does not repeal or affect any statute of Nevada

42 regulating or affecting any other healing art.

43 3. This chapter does not prohibit:

44 (a) Gratuitous services of a person in case of emergency.

45 (b) The domestic administration of family remedies.



1 4. This chapter does not authorize a homeopathic physician to
2 practice medicine, including allopathic medicine, except as
3 otherwise provided in NRS 630A.040.

4 **Sec. 37.** NRS 632.472 is hereby amended to read as follows:

5 632.472 1. The following persons shall report in writing to
6 the Executive Director of the Board any conduct of a licensee or
7 holder of a certificate which constitutes a violation of the provisions
8 of this chapter:

9 (a) Any physician, dentist, dental hygienist, *licensed certified*
10 *professional midwife*, chiropractic physician, optometrist, podiatric
11 physician, medical examiner, resident, intern, professional or
12 practical nurse, nursing assistant, medication aide - certified,
13 perfusionist, physician assistant licensed pursuant to chapter 630 or
14 633 of NRS, psychiatrist, psychologist, marriage and family
15 therapist, clinical professional counselor, alcohol or drug counselor,
16 peer recovery support specialist, peer recovery support specialist
17 supervisor, music therapist, holder of a license or limited license
18 issued pursuant to chapter 653 of NRS, driver of an ambulance,
19 paramedic or other person providing medical services licensed or
20 certified to practice in this State.

21 (b) Any personnel of a medical facility or facility for the
22 dependent engaged in the admission, examination, care or treatment
23 of persons or an administrator, manager or other person in charge of
24 a medical facility or facility for the dependent upon notification by a
25 member of the staff of the facility.

26 (c) A coroner.

27 (d) Any person who maintains or is employed by an agency to
28 provide personal care services in the home.

29 (e) Any person who operates, who is employed by or who
30 contracts to provide services for an intermediary service
31 organization as defined in NRS 449.4304.

32 (f) Any person who maintains or is employed by an agency to
33 provide nursing in the home.

34 (g) Any employee of the Department of Health and Human
35 Services.

36 (h) Any employee of a law enforcement agency or a county's
37 office for protective services or an adult or juvenile probation
38 officer.

39 (i) Any person who maintains or is employed by a facility or
40 establishment that provides care for older persons.

41 (j) Any person who maintains, is employed by or serves as a
42 volunteer for an agency or service which advises persons regarding
43 the abuse, neglect or exploitation of an older person and refers them
44 to persons and agencies where their requests and needs can be met.

45 (k) Any social worker.



1 (l) Any person who operates or is employed by a community
2 health worker pool or with whom a community health worker pool
3 contracts to provide the services of a community health worker, as
4 defined in NRS 449.0027.

5 2. Every physician who, as a member of the staff of a medical
6 facility or facility for the dependent, has reason to believe that a
7 nursing assistant or medication aide - certified has engaged in
8 conduct which constitutes grounds for the denial, suspension or
9 revocation of a certificate shall notify the superintendent, manager
10 or other person in charge of the facility. The superintendent,
11 manager or other person in charge shall make a report as required in
12 subsection 1.

13 3. A report may be filed by any other person.

14 4. Any person who in good faith reports any violation of the
15 provisions of this chapter to the Executive Director of the Board
16 pursuant to this section is immune from civil liability for reporting
17 the violation.

18 5. As used in this section:

19 (a) "Agency to provide personal care services in the home" has
20 the meaning ascribed to it in NRS 449.0021.

21 (b) "Community health worker pool" has the meaning ascribed
22 to it in NRS 449.0028.

23 (c) "Peer recovery support specialist" has the meaning ascribed
24 to it in NRS 433.627.

25 (d) "Peer recovery support specialist supervisor" has the
26 meaning ascribed to it in NRS 433.629.

27 **Sec. 38.** NRS 633.171 is hereby amended to read as follows:

28 633.171 1. This chapter does not apply to:

29 (a) The practice of medicine or perfusion pursuant to chapter
30 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory
31 care, faith or Christian Science healing, nursing, *certified*
32 *professional midwifery*, veterinary medicine or fitting hearing aids.

33 (b) A medical officer of the Armed Forces or a medical officer
34 of any division or department of the United States in the discharge
35 of his or her official duties, including, without limitation, providing
36 medical care in a hospital in accordance with an agreement entered
37 into pursuant to NRS 449.2455.

38 (c) Osteopathic physicians who are called into this State, other
39 than on a regular basis, for consultation or assistance to a physician
40 licensed in this State, and who are legally qualified to practice in the
41 state where they reside.

42 (d) Osteopathic physicians who are temporarily exempt from
43 licensure pursuant to NRS 633.420 and are practicing osteopathic
44 medicine within the scope of the exemption.



1 (e) The performance of medical services by a student enrolled in
2 an educational program for a physician assistant which is accredited
3 by the Accreditation Review Commission on Education for the
4 Physician Assistant, Inc., or its successor organization, as part of
5 such a program.

6 (f) A physician assistant of any division or department of the
7 United States in the discharge of his or her official duties unless
8 licensure by a state is required by the division or department of the
9 United States.

10 2. This chapter does not repeal or affect any law of this State
11 regulating or affecting any other healing art.

12 3. This chapter does not prohibit:

13 (a) Gratuitous services of a person in cases of emergency.

14 (b) The domestic administration of family remedies.

15 **Sec. 39.** NRS 637B.080 is hereby amended to read as follows:

16 637B.080 The provisions of this chapter do not apply to any
17 person who:

18 1. Holds a current credential issued by the Department of
19 Education pursuant to chapter 391 of NRS and any regulations
20 adopted pursuant thereto and engages in the practice of audiology or
21 speech-language pathology within the scope of that credential;

22 2. Is employed by the Federal Government and engages in the
23 practice of audiology or speech-language pathology within the
24 scope of that employment;

25 3. Is a student enrolled in a program or school approved by the
26 Board, is pursuing a degree in audiology or speech-language
27 pathology and is clearly designated to the public as a student; or

28 4. Holds a current license issued pursuant to chapters 630 to
29 637, inclusive, 640 to 641D, inclusive, or 653 of NRS **or sections**
30 **2 to 32, inclusive, of this act,**

31 **↳** and who does not engage in the private practice of audiology or
32 speech-language pathology in this State.

33 **Sec. 40.** NRS 639.0125 is hereby amended to read as follows:

34 639.0125 "Practitioner" means:

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

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

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

44 4. A physician assistant who:



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

3 (b) Is authorized by the Board to possess, administer, prescribe
4 or dispense controlled substances, poisons, dangerous drugs or
5 devices under the supervision of a physician as required by chapter
6 630 of NRS;

7 5. A physician assistant who:

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

10 (b) Is authorized by the Board to possess, administer, prescribe
11 or dispense controlled substances, poisons, dangerous drugs or
12 devices under the supervision of an osteopathic physician as
13 required by chapter 633 of NRS; ~~(c)~~

14 6. An optometrist who is certified by the Nevada State Board
15 of Optometry to prescribe and administer pharmaceutical agents
16 pursuant to NRS 636.288, when the optometrist prescribes or
17 administers pharmaceutical agents within the scope of his or her
18 certification ~~(c)~~; or

19 7. *A licensed certified professional midwife, for the purpose*
20 *of:*

21 (a) *Ordering any device or drug described in subsection 1 or 2*
22 *of section 25 of this act for use in his or her practice in*
23 *accordance with the provisions of that section and any regulations*
24 *adopted pursuant to section 19 of this act;*

25 (b) *Ordering any device or vaccine described in subsection 4 of*
26 *section 25 of this act for a client;*

27 (c) *If the licensed certified professional midwife holds a*
28 *special endorsement pursuant to paragraph (a) of subsection 1 of*
29 *section 26 of this act, ordering and dispensing any medical device*
30 *for contraception authorized by the regulations adopted by the*
31 *Board of Licensed Certified Professional Midwives pursuant to*
32 *section 26 of this act; and*

33 (d) *If the licensed certified professional midwife holds a*
34 *special endorsement pursuant to paragraph (b) of subsection 1 of*
35 *section 26 of this act, prescribing and dispensing any drug*
36 *authorized by the regulations adopted by the Board of Licensed*
37 *Certified Professional Midwives pursuant to section 26 of this act.*

38 **Sec. 41.** NRS 639.23505 is hereby amended to read as
39 follows:

40 639.23505 ~~(A)~~

41 1. *Except as otherwise provided in subsection 2, a* practitioner
42 shall not dispense for human consumption any controlled substance
43 or dangerous drug if the practitioner charges a patient for that
44 substance or drug, either separately or together with charges for
45 other professional services:



1 ~~(1)~~ (a) Unless the practitioner first applies for and obtains a
2 certificate from the Board and pays the required fee; and

3 ~~(2)~~ (b) Issues a written prescription.

4 2. *A licensed certified professional midwife may administer*
5 *drugs and devices ordered pursuant to section 25 of this act in*
6 *accordance with the provisions of that section and any regulations*
7 *adopted pursuant to section 19 of this act without obtaining a*
8 *certificate from the Board.*

9 **Sec. 42.** NRS 640A.070 is hereby amended to read as follows:
10 640A.070 This chapter does not apply to a person:

11 1. Holding a current license or certificate issued pursuant to
12 chapter 391, 630 to 637B, inclusive, 640, 640B to 641B, inclusive,
13 or 641D of NRS, *or sections 2 to 32, inclusive, of this act* who
14 practices within the scope of that license or certificate.

15 2. Employed by the Federal Government who practices
16 occupational therapy within the scope of that employment.

17 3. Enrolled in an educational program approved by the Board
18 which is designed to lead to a certificate or degree in occupational
19 therapy, if the person is designated by a title which clearly indicates
20 that he or she is a student.

21 4. Obtaining the supervised fieldwork experience necessary to
22 satisfy the requirements of subsection 3 of NRS 640A.120.

23 **Sec. 43.** NRS 640B.145 is hereby amended to read as follows:
24 640B.145 The provisions of this chapter do not apply to:

25 1. A person who is licensed pursuant to chapters 630 to 637,
26 inclusive, or chapter 640, 640A or 641D of NRS, *or sections 2 to*
27 *32, inclusive, of this act* when acting within the scope of that
28 license.

29 2. A person who is employed by the Federal Government and
30 engages in the practice of athletic training within the scope of that
31 employment.

32 3. A person who is temporarily exempt from licensure pursuant
33 to NRS 640B.335 and is practicing athletic training within the scope
34 of the exemption.

35 **Sec. 44.** NRS 640C.100 is hereby amended to read as follows:
36 640C.100 1. The provisions of this chapter do not apply to:

37 (a) A person licensed pursuant to chapter 630, 630A, 631, 632,
38 633, 634, 634A, 635, 640, 640A or 640B of NRS *or sections 2 to*
39 *32, inclusive, of this act* if the massage therapy, reflexology or
40 structural integration is performed in the course of the practice for
41 which the person is licensed.

42 (b) A person licensed as a barber or apprentice pursuant to
43 chapter 643 of NRS if the person is massaging, cleansing or
44 stimulating the scalp, face, neck or skin within the permissible scope
45 of practice for a barber or apprentice pursuant to that chapter.



1 (c) A person licensed or registered as an advanced esthetician,
2 esthetician, esthetician's apprentice, hair designer, hair designer's
3 apprentice, hair braider, shampoo technologist, cosmetologist or
4 cosmetologist's apprentice pursuant to chapter 644A of NRS if the
5 person is massaging, cleansing or stimulating the scalp, face, neck
6 or skin within the permissible scope of practice for an advanced
7 esthetician, esthetician, esthetician's apprentice, hair designer, hair
8 designer's apprentice, hair braider, shampoo technologist,
9 cosmetologist or cosmetologist's apprentice pursuant to that chapter.

10 (d) A person licensed or registered as a nail technologist or nail
11 technologist's apprentice pursuant to chapter 644A of NRS if the
12 person is massaging, cleansing or stimulating the hands, forearms,
13 feet or lower legs within the permissible scope of practice for a nail
14 technologist or nail technologist's apprentice.

15 (e) A person who is an employee of an athletic department of
16 any high school, college or university in this State and who, within
17 the scope of that employment, practices massage therapy,
18 reflexology or structural integration on athletes.

19 (f) Students enrolled in a school of massage therapy, reflexology
20 or structural integration recognized by the Board.

21 (g) A person who practices massage therapy, reflexology or
22 structural integration solely on members of his or her immediate
23 family.

24 (h) A person who performs any activity in a licensed brothel.

25 2. Except as otherwise provided in subsection 3 and NRS
26 640C.330, the provisions of this chapter preempt the licensure and
27 regulation of a massage therapist, reflexologist or structural
28 integration practitioner by a county, city or town, including, without
29 limitation, conducting a criminal background investigation and
30 examination of a massage therapist, reflexologist or structural
31 integration practitioner or applicant for a license to practice massage
32 therapy, reflexology or structural integration.

33 3. The provisions of this chapter do not prohibit a county, city
34 or town from requiring a massage therapist, reflexologist or
35 structural integration practitioner to obtain a license or permit to
36 transact business within the jurisdiction of the county, city or town,
37 if the license or permit is required of other persons, regardless of
38 occupation or profession, who transact business within the
39 jurisdiction of the county, city or town.

40 4. As used in this section, "immediate family" means persons
41 who are related by blood, adoption or marriage, within the second
42 degree of consanguinity or affinity.

43 **Sec. 45.** The preliminary chapter of NRS is hereby amended
44 by adding thereto a new section to read as follows:



1 *Except as otherwise expressly provided in a particular statute*
2 *or required by the context, "licensed certified professional*
3 *midwife" means a person licensed as a licensed certified*
4 *professional midwife pursuant to section 20 of this act.*

5 **Sec. 46.** NRS 7.095 is hereby amended to read as follows:

6 7.095 1. An attorney shall not contract for or collect a fee
7 contingent on the amount of recovery for representing a person
8 seeking damages in connection with an action for injury or death
9 against a provider of health care based upon professional negligence
10 in excess of:

11 (a) Forty percent of the first \$50,000 recovered;

12 (b) Thirty-three and one-third percent of the next \$50,000
13 recovered;

14 (c) Twenty-five percent of the next \$500,000 recovered; and

15 (d) Fifteen percent of the amount of recovery that exceeds
16 \$600,000.

17 2. The limitations set forth in subsection 1 apply to all forms of
18 recovery, including, without limitation, settlement, arbitration and
19 judgment.

20 3. For the purposes of this section, "recovered" means the net
21 sum recovered by the plaintiff after deducting any disbursements or
22 costs incurred in connection with the prosecution or settlement of
23 the claim. Costs of medical care incurred by the plaintiff and general
24 and administrative expenses incurred by the office of the attorney
25 are not deductible disbursements or costs.

26 4. As used in this section:

27 (a) "Professional negligence" means a negligent act or omission
28 to act by a provider of health care in the rendering of professional
29 services, which act or omission is the proximate cause of a personal
30 injury or wrongful death. The term does not include services that are
31 outside the scope of services for which the provider of health care is
32 licensed or services for which any restriction has been imposed by
33 the applicable regulatory board or health care facility.

34 (b) "Provider of health care" means a physician licensed under
35 chapter 630 or 633 of NRS, dentist, registered nurse, *licensed*
36 *certified professional midwife*, dispensing optician, optometrist,
37 registered physical therapist, podiatric physician, licensed
38 psychologist, chiropractic physician, doctor of Oriental medicine,
39 holder of a license or a limited license issued under the provisions of
40 chapter 653 of NRS, medical laboratory director or technician,
41 licensed dietitian or a licensed hospital and its employees.

42 **Sec. 47.** NRS 41.138 is hereby amended to read as follows:

43 41.138 1. In any civil action concerning any unwelcome or
44 nonconsensual sexual conduct, including, without limitation, sexual
45 harassment, there is a rebuttable presumption that the sexual



1 conduct was unwelcome or nonconsensual if the alleged perpetrator
2 was a person in a position of authority over the alleged victim.

3 2. As used in this section:

4 (a) "Person in a position of authority" means a parent, relative,
5 household member, employer, supervisor, youth leader, scout
6 leader, coach, mentor in a mentoring program, teacher, professor,
7 counselor, school administrator, religious leader, doctor, nurse,
8 *licensed certified professional midwife, certified professional*
9 *midwife student midwife, certified professional midwife birth*
10 *assistant*, psychologist, other health care provider, guardian ad
11 litem, guardian, babysitter, police officer or other law enforcement
12 officer or any other person who, by reason of his or her position, is
13 able to exercise significant or undue influence over the victim.

14 (b) "Sexual harassment" has the meaning ascribed to it in
15 NRS 176A.280.

16 **Sec. 48.** NRS 41.505 is hereby amended to read as follows:

17 41.505 1. Any person licensed under the provisions of
18 chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of*
19 *this act* and any person who holds an equivalent license issued by
20 another state, who renders emergency care or assistance, including,
21 without limitation, emergency obstetrical care or assistance, in an
22 emergency, gratuitously and in good faith, is not liable for any civil
23 damages as a result of any act or omission, not amounting to gross
24 negligence, by that person in rendering the emergency care or
25 assistance or as a result of any failure to act, not amounting to gross
26 negligence, to provide or arrange for further medical treatment for
27 the injured or ill person. This section does not excuse a physician,
28 physician assistant, ~~nurse~~ *or licensed certified professional*
29 *midwife* from liability for damages resulting from that person's acts
30 or omissions which occur in a licensed medical facility relative to
31 any person with whom there is a preexisting relationship as a
32 patient.

33 2. Any person licensed under the provisions of chapter 630,
34 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* and any
35 person who holds an equivalent license issued by another state who:

36 (a) Is retired or otherwise does not practice on a full-time basis;
37 and

38 (b) Gratuitously and in good faith, renders medical care within
39 the scope of that person's license to an indigent person,
40 ➤ is not liable for any civil damages as a result of any act or
41 omission by that person, not amounting to gross negligence or
42 reckless, willful or wanton conduct, in rendering that care.

43 3. Any person licensed to practice medicine under the
44 provisions of chapter 630 or 633 of NRS or licensed to practice
45 dentistry under the provisions of chapter 631 of NRS who renders



1 care or assistance to a patient for a governmental entity or a
2 nonprofit organization is not liable for any civil damages as a result
3 of any act or omission by that person in rendering that care or
4 assistance if the care or assistance is rendered gratuitously, in good
5 faith and in a manner not amounting to gross negligence or reckless,
6 willful or wanton conduct.

7 4. As used in this section, "gratuitously" has the meaning
8 ascribed to it in NRS 41.500.

9 **Sec. 49.** NRS 41.506 is hereby amended to read as follows:

10 41.506 1. Any person licensed under the provisions of
11 chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of*
12 *this act* and any person who holds an equivalent license issued by
13 another state who renders emergency obstetrical care or assistance
14 to a pregnant woman during labor or the delivery of the child is not
15 liable for any civil damages as a result of any act or omission by that
16 person in rendering that care or assistance if:

17 (a) The care or assistance is rendered in good faith and in a
18 manner not amounting to gross negligence or reckless, willful or
19 wanton conduct;

20 (b) The person has not previously provided prenatal or
21 obstetrical care to the woman; and

22 (c) The damages are reasonably related to or primarily caused
23 by a lack of prenatal care received by the woman.

24 2. A licensed medical facility in which such care or assistance
25 is rendered is not liable for any civil damages as a result of any act
26 or omission by the person in rendering that care or assistance if that
27 person is not liable for any civil damages pursuant to subsection 1
28 and the actions of the medical facility relating to the rendering of
29 that care or assistance do not amount to gross negligence or
30 reckless, willful or wanton conduct.

31 **Sec. 50.** NRS 41A.017 is hereby amended to read as follows:

32 41A.017 "Provider of health care" means a physician licensed
33 pursuant to chapter 630 or 633 of NRS, physician assistant, dentist,
34 licensed nurse, *licensed certified professional midwife*, dispensing
35 optician, optometrist, registered physical therapist, podiatric
36 physician, licensed psychologist, chiropractic physician, doctor of
37 Oriental medicine, holder of a license or a limited license issued
38 under the provisions of chapter 653 of NRS, medical laboratory
39 director or technician, licensed dietitian or a licensed hospital,
40 clinic, surgery center, physicians' professional corporation or group
41 practice that employs any such person and its employees.

42 **Sec. 51.** NRS 42.021 is hereby amended to read as follows:

43 42.021 1. In an action for injury or death against a provider
44 of health care based upon professional negligence, if the defendant
45 so elects, the defendant may introduce evidence of any amount



1 payable as a benefit to the plaintiff as a result of the injury or death
2 pursuant to the United States Social Security Act, any state or
3 federal income disability or worker's compensation act, any health,
4 sickness or income-disability insurance, accident insurance that
5 provides health benefits or income-disability coverage, and any
6 contract or agreement of any group, organization, partnership or
7 corporation to provide, pay for or reimburse the cost of medical,
8 hospital, dental or other health care services. If the defendant elects
9 to introduce such evidence, the plaintiff may introduce evidence of
10 any amount that the plaintiff has paid or contributed to secure the
11 plaintiff's right to any insurance benefits concerning which the
12 defendant has introduced evidence.

13 2. A source of collateral benefits introduced pursuant to
14 subsection 1 may not:

15 (a) Recover any amount against the plaintiff; or

16 (b) Be subrogated to the rights of the plaintiff against a
17 defendant.

18 3. In an action for injury or death against a provider of health
19 care based upon professional negligence, a district court shall, at the
20 request of either party, enter a judgment ordering that money
21 damages or its equivalent for future damages of the judgment
22 creditor be paid in whole or in part by periodic payments rather than
23 by a lump-sum payment if the award equals or exceeds \$50,000 in
24 future damages.

25 4. In entering a judgment ordering the payment of future
26 damages by periodic payments pursuant to subsection 3, the court
27 shall make a specific finding as to the dollar amount of periodic
28 payments that will compensate the judgment creditor for such future
29 damages. As a condition to authorizing periodic payments of future
30 damages, the court shall require a judgment debtor who is not
31 adequately insured to post security adequate to assure full payment
32 of such damages awarded by the judgment. Upon termination of
33 periodic payments of future damages, the court shall order the return
34 of this security, or so much as remains, to the judgment debtor.

35 5. A judgment ordering the payment of future damages by
36 periodic payments entered pursuant to subsection 3 must specify the
37 recipient or recipients of the payments, the dollar amount of the
38 payments, the interval between payments, and the number of
39 payments or the period of time over which payments will be made.
40 Such payments must only be subject to modification in the event of
41 the death of the judgment creditor. Money damages awarded for loss
42 of future earnings must not be reduced or payments terminated by
43 reason of the death of the judgment creditor, but must be paid to
44 persons to whom the judgment creditor owed a duty of support, as
45 provided by law, immediately before the judgment creditor's death.



1 In such cases, the court that rendered the original judgment may,
2 upon petition of any party in interest, modify the judgment to award
3 and apportion the unpaid future damages in accordance with this
4 subsection.

5 6. If the court finds that the judgment debtor has exhibited a
6 continuing pattern of failing to make the periodic payments as
7 specified pursuant to subsection 5, the court shall find the judgment
8 debtor in contempt of court and, in addition to the required periodic
9 payments, shall order the judgment debtor to pay the judgment
10 creditor all damages caused by the failure to make such periodic
11 payments, including, but not limited to, court costs and attorney's
12 fees.

13 7. Following the occurrence or expiration of all obligations
14 specified in the periodic payment judgment, any obligation of the
15 judgment debtor to make further payments ceases and any security
16 given pursuant to subsection 4 reverts to the judgment debtor.

17 8. As used in this section:

18 (a) "Future damages" includes damages for future medical
19 treatment, care or custody, loss of future earnings, loss of bodily
20 function, or future pain and suffering of the judgment creditor.

21 (b) "Periodic payments" means the payment of money or
22 delivery of other property to the judgment creditor at regular
23 intervals.

24 (c) "Professional negligence" means a negligent act or omission
25 to act by a provider of health care in the rendering of professional
26 services, which act or omission is the proximate cause of a personal
27 injury or wrongful death. The term does not include services that are
28 outside the scope of services for which the provider of health care is
29 licensed or services for which any restriction has been imposed by
30 the applicable regulatory board or health care facility.

31 (d) "Provider of health care" means a physician licensed under
32 chapter 630 or 633 of NRS, dentist, licensed nurse, *licensed*
33 *certified professional midwife*, dispensing optician, optometrist,
34 registered physical therapist, podiatric physician, licensed
35 psychologist, chiropractic physician, doctor of Oriental medicine,
36 holder of a license or a limited license issued under the provisions of
37 chapter 653 of NRS, medical laboratory director or technician,
38 licensed dietitian or a licensed hospital and its employees.

39 **Sec. 52.** NRS 52.320 is hereby amended to read as follows:

40 52.320 As used in NRS 52.320 to 52.375, inclusive, unless the
41 context otherwise requires:

42 1. "Custodian of medical records" means a chiropractic
43 physician, physician, registered physical therapist, ~~for~~ licensed
44 nurse *or licensed certified professional midwife* who prepares and
45 maintains medical records, or any employee or agent of such a



1 person or a facility for convalescent care, medical laboratory or
2 hospital who has care, custody and control of medical records for
3 such a person or institution.

4 2. "Medical records" includes bills, ledgers, statements and
5 other accounts which show the cost of medical services or care
6 provided to a patient.

7 **Sec. 53.** NRS 200.5093 is hereby amended to read as follows:

8 200.5093 1. Any person who is described in subsection 4 and
9 who, in a professional or occupational capacity, knows or has
10 reasonable cause to believe that an older person or vulnerable
11 person has been abused, neglected, exploited, isolated or abandoned
12 shall:

13 (a) Except as otherwise provided in subsection 2, report the
14 abuse, neglect, exploitation, isolation or abandonment of the older
15 person or vulnerable person to:

16 (1) The local office of the Aging and Disability Services
17 Division of the Department of Health and Human Services;

18 (2) A police department or sheriff's office; or

19 (3) A toll-free telephone service designated by the Aging and
20 Disability Services Division of the Department of Health and
21 Human Services; and

22 (b) Make such a report as soon as reasonably practicable but not
23 later than 24 hours after the person knows or has reasonable cause to
24 believe that the older person or vulnerable person has been abused,
25 neglected, exploited, isolated or abandoned.

26 2. If a person who is required to make a report pursuant to
27 subsection 1 knows or has reasonable cause to believe that the
28 abuse, neglect, exploitation, isolation or abandonment of the older
29 person or vulnerable person involves an act or omission of the
30 Aging and Disability Services Division, another division of the
31 Department of Health and Human Services or a law enforcement
32 agency, the person shall make the report to an agency other than the
33 one alleged to have committed the act or omission.

34 3. Each agency, after reducing a report to writing, shall forward
35 a copy of the report to the Aging and Disability Services Division of
36 the Department of Health and Human Services and the Unit for the
37 Investigation and Prosecution of Crimes.

38 4. A report must be made pursuant to subsection 1 by the
39 following persons:

40 (a) Every physician, dentist, dental hygienist, chiropractic
41 physician, optometrist, podiatric physician, medical examiner,
42 resident, intern, professional or practical nurse, physician assistant
43 licensed pursuant to chapter 630 or 633 of NRS, *licensed certified*
44 *professional midwife*, perfusionist, psychiatrist, psychologist,
45 marriage and family therapist, clinical professional counselor,



1 clinical alcohol and drug counselor, alcohol and drug counselor,
2 music therapist, athletic trainer, driver of an ambulance, paramedic,
3 licensed dietitian, holder of a license or a limited license issued
4 under the provisions of chapter 653 of NRS, behavior analyst,
5 assistant behavior analyst, registered behavior technician, peer
6 recovery support specialist, as defined in NRS 433.627, peer
7 recovery support specialist supervisor, as defined in NRS 433.629,
8 or other person providing medical services licensed or certified to
9 practice in this State, who examines, attends or treats an older
10 person or vulnerable person who appears to have been abused,
11 neglected, exploited, isolated or abandoned.

12 (b) Any personnel of a hospital or similar institution engaged in
13 the admission, examination, care or treatment of persons or an
14 administrator, manager or other person in charge of a hospital or
15 similar institution upon notification of the suspected abuse, neglect,
16 exploitation, isolation or abandonment of an older person or
17 vulnerable person by a member of the staff of the hospital.

18 (c) A coroner.

19 (d) Every person who maintains or is employed by an agency to
20 provide personal care services in the home.

21 (e) Every person who maintains or is employed by an agency to
22 provide nursing in the home.

23 (f) Every person who operates, who is employed by or who
24 contracts to provide services for an intermediary service
25 organization as defined in NRS 449.4304.

26 (g) Any employee of the Department of Health and Human
27 Services, except the State Long-Term Care Ombudsman appointed
28 pursuant to NRS 427A.125 and any of his or her advocates or
29 volunteers where prohibited from making such a report pursuant to
30 45 C.F.R. § 1321.11.

31 (h) Any employee of a law enforcement agency or a county's
32 office for protective services or an adult or juvenile probation
33 officer.

34 (i) Any person who maintains or is employed by a facility or
35 establishment that provides care for older persons or vulnerable
36 persons.

37 (j) Any person who maintains, is employed by or serves as a
38 volunteer for an agency or service which advises persons regarding
39 the abuse, neglect, exploitation, isolation or abandonment of an
40 older person or vulnerable person and refers them to persons and
41 agencies where their requests and needs can be met.

42 (k) Every social worker.

43 (l) Any person who owns or is employed by a funeral home or
44 mortuary.



1 (m) Every person who operates or is employed by a community
2 health worker pool, as defined in NRS 449.0028, or with whom a
3 community health worker pool contracts to provide the services of a
4 community health worker, as defined in NRS 449.0027.

5 (n) Every person who is enrolled with the Division of Health
6 Care Financing and Policy of the Department of Health and Human
7 Services to provide doula services to recipients of Medicaid
8 pursuant to NRS 422.27177.

9 5. A report may be made by any other person.

10 6. If a person who is required to make a report pursuant to
11 subsection 1 knows or has reasonable cause to believe that an older
12 person or vulnerable person has died as a result of abuse, neglect,
13 isolation or abandonment, the person shall, as soon as reasonably
14 practicable, report this belief to the appropriate medical examiner or
15 coroner, who shall investigate the cause of death of the older person
16 or vulnerable person and submit to the appropriate local law
17 enforcement agencies, the appropriate prosecuting attorney, the
18 Aging and Disability Services Division of the Department of Health
19 and Human Services and the Unit for the Investigation and
20 Prosecution of Crimes his or her written findings. The written
21 findings must include the information required pursuant to the
22 provisions of NRS 200.5094, when possible.

23 7. A division, office or department which receives a report
24 pursuant to this section shall cause the investigation of the report to
25 commence within 3 working days. A copy of the final report of the
26 investigation conducted by a division, office or department, other
27 than the Aging and Disability Services Division of the Department
28 of Health and Human Services, must be forwarded within 30 days
29 after the completion of the report to the:

30 (a) Aging and Disability Services Division;

31 (b) Repository for Information Concerning Crimes Against
32 Older Persons or Vulnerable Persons created by NRS 179A.450;
33 and

34 (c) Unit for the Investigation and Prosecution of Crimes.

35 8. If the investigation of a report results in the belief that an
36 older person or vulnerable person is abused, neglected, exploited,
37 isolated or abandoned, the Aging and Disability Services Division
38 of the Department of Health and Human Services or the county's
39 office for protective services may provide protective services to the
40 older person or vulnerable person if the older person or vulnerable
41 person is able and willing to accept them.

42 9. A person who knowingly and willfully violates any of the
43 provisions of this section is guilty of a misdemeanor.

44 10. As used in this section, "Unit for the Investigation and
45 Prosecution of Crimes" means the Unit for the Investigation and



1 Prosecution of Crimes Against Older Persons or Vulnerable Persons
2 in the Office of the Attorney General created pursuant to
3 NRS 228.265.

4 **Sec. 54.** NRS 200.5095 is hereby amended to read as follows:

5 200.5095 1. Reports made pursuant to NRS 200.5093 and
6 200.5094, and records and investigations relating to those reports,
7 are confidential.

8 2. A person, law enforcement agency or public or private
9 agency, institution or facility who willfully releases data or
10 information concerning the reports and investigation of the abuse,
11 neglect, exploitation, isolation or abandonment of older persons or
12 vulnerable persons, except:

13 (a) Pursuant to a criminal prosecution;

14 (b) Pursuant to NRS 200.50982; or

15 (c) To persons or agencies enumerated in subsection 3,

16 ↪ is guilty of a misdemeanor.

17 3. Except as otherwise provided in subsection 2 and NRS
18 200.50982, data or information concerning the reports and
19 investigations of the abuse, neglect, exploitation, isolation or
20 abandonment of an older person or a vulnerable person is available
21 only to:

22 (a) A physician who is providing care to an older person or a
23 vulnerable person who may have been abused, neglected, exploited,
24 isolated or abandoned;

25 (b) An agency responsible for or authorized to undertake the
26 care, treatment and supervision of the older person or vulnerable
27 person;

28 (c) A district attorney or other law enforcement official who
29 requires the information in connection with an investigation of the
30 abuse, neglect, exploitation, isolation or abandonment of the older
31 person or vulnerable person;

32 (d) A court which has determined, in camera, that public
33 disclosure of such information is necessary for the determination of
34 an issue before it;

35 (e) A person engaged in bona fide research, but the identity of
36 the subjects of the report must remain confidential;

37 (f) A grand jury upon its determination that access to such
38 records is necessary in the conduct of its official business;

39 (g) Any comparable authorized person or agency in another
40 jurisdiction;

41 (h) A legal guardian of the older person or vulnerable person, if
42 the identity of the person who was responsible for reporting the
43 alleged abuse, neglect, exploitation, isolation or abandonment of the
44 older person or vulnerable person to the public agency is protected,
45 and the legal guardian of the older person or vulnerable person is



1 not the person suspected of such abuse, neglect, exploitation,
2 isolation or abandonment;

3 (i) If the older person or vulnerable person is deceased, the
4 executor or administrator of his or her estate, if the identity of the
5 person who was responsible for reporting the alleged abuse, neglect,
6 exploitation, isolation or abandonment of the older person or
7 vulnerable person to the public agency is protected, and the executor
8 or administrator is not the person suspected of such abuse, neglect,
9 exploitation, isolation or abandonment;

10 (j) The older person or vulnerable person named in the report as
11 allegedly being abused, neglected, exploited, isolated or abandoned,
12 if that person is not legally incapacitated;


13 (k) An attorney appointed by a court to represent a protected
14 person in a guardianship proceeding pursuant to NRS 159.0485, if:

15 (1) The protected person is an older person or vulnerable
16 person;

17 (2) The identity of the person who was responsible for
18 reporting the alleged abuse, neglect, exploitation, isolation or
19 abandonment of the older person or vulnerable person to the public
20 agency is protected; and

21 (3) The attorney of the protected person is not the person
22 suspected of such abuse, neglect, exploitation, isolation or
23 abandonment; or

24 (l) The State Guardianship Compliance Office created by
25 NRS 159.341.

26 4. If the person who is reported to have abused, neglected,
27 exploited, isolated or abandoned an older person or a vulnerable
28 person is the holder of a license or certificate issued pursuant to
29 chapters 449, 630 to 641B, inclusive, 641D, 653 or 654 of NRS 
30 *or sections 2 to 32, inclusive, of this act*, the information contained
31 in the report must be submitted to the board that issued the license.

32 5. If data or information concerning the reports and
33 investigations of the abuse, neglect, exploitation, isolation or
34 abandonment of an older person or a vulnerable person is made
35 available pursuant to paragraph (b) or (j) of subsection 3 or
36 subsection 4, the name and any other identifying information of the
37 person who made the report must be redacted before the data or
38 information is made available.

39 **Sec. 55.** NRS 218G.400 is hereby amended to read as follows:
40 218G.400 1. Except as otherwise provided in subsection 2,
41 each board created by the provisions of NRS 590.485 and chapters
42 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2*
43 *to 32, inclusive, of this act*, 648, 654 and 656 of NRS shall:

44 (a) If the revenue of the board from all sources is less than
45 \$200,000 for any fiscal year and, if the board is a regulatory body



1 pursuant to NRS 622.060, the board has submitted to the Director of
2 the Legislative Counsel Bureau for each quarter of that fiscal year
3 the information required by NRS 622.100, prepare a balance sheet
4 for that fiscal year on the form provided by the Legislative Auditor
5 and file the balance sheet with the Legislative Auditor and the Chief
6 of the Budget Division of the Office of Finance on or before
7 December 1 following the end of that fiscal year. The Legislative
8 Auditor shall prepare and make available a form that must be used
9 by a board to prepare such a balance sheet.

10 (b) If the revenue of the board from all sources is \$200,000 or
11 more for any fiscal year, or if the board is a regulatory body
12 pursuant to NRS 622.060 and has failed to submit to the Director of
13 the Legislative Counsel Bureau for each quarter of that fiscal year
14 the information required by NRS 622.100, engage the services of a
15 certified public accountant or public accountant, or firm of either of
16 such accountants, to audit all its fiscal records for that fiscal year
17 and file a report of the audit with the Legislative Auditor and the
18 Chief of the Budget Division of the Office of Finance on or before
19 December 1 following the end of that fiscal year.

20 2. In lieu of preparing a balance sheet or having an audit
21 conducted for a single fiscal year, a board may engage the services
22 of a certified public accountant or public accountant, or firm of
23 either of such accountants, to audit all its fiscal records for a period
24 covering two successive fiscal years. If such an audit is conducted,
25 the board shall file the report of the audit with the Legislative
26 Auditor and the Chief of the Budget Division of the Office of
27 Finance on or before December 1 following the end of the second
28 fiscal year.

29 3. The cost of each audit conducted pursuant to subsection 1 or
30 2 must be paid by the board that is audited. Each such audit must be
31 conducted in accordance with generally accepted auditing standards,
32 and all financial statements must be prepared in accordance with
33 generally accepted principles of accounting for special revenue
34 funds.

35 4. Whether or not a board is required to have its fiscal records
36 audited pursuant to subsection 1 or 2, the Legislative Auditor shall
37 audit the fiscal records of any such board whenever directed to do so
38 by the Legislative Commission. When the Legislative Commission
39 directs such an audit, the Legislative Commission shall also
40 determine who is to pay the cost of the audit.

41 5. A person who is a state officer or employee of a board is
42 guilty of nonfeasance if the person:

43 (a) Is responsible for preparing a balance sheet or having an
44 audit conducted pursuant to this section or is responsible for
45 preparing or maintaining the fiscal records that are necessary to



1 prepare a balance sheet or have an audit conducted pursuant to this
2 section; and

3 (b) Knowingly fails to prepare the balance sheet or have the
4 audit conducted pursuant to this section or knowingly fails to
5 prepare or maintain the fiscal records that are necessary to prepare a
6 balance sheet or have an audit conducted pursuant to this section.

7 6. In addition to any other remedy or penalty, a person who is
8 guilty of nonfeasance pursuant to this section forfeits the person's
9 state office or employment and may not be appointed to a state
10 office or position of state employment for a period of 2 years
11 following the forfeiture. The provisions of this subsection do not
12 apply to a state officer who may be removed from office only by
13 impeachment pursuant to Article 7 of the Nevada Constitution.

14 **Sec. 56.** NRS 232.320 is hereby amended to read as follows:

15 232.320 1. The Director:

16 (a) Shall appoint, with the consent of the Governor,
17 administrators of the divisions of the Department, who are
18 respectively designated as follows:

19 (1) The Administrator of the Aging and Disability Services
20 Division;

21 (2) The Administrator of the Division of Welfare and
22 Supportive Services;

23 (3) The Administrator of the Division of Child and Family
24 Services;

25 (4) The Administrator of the Division of Health Care
26 Financing and Policy; and

27 (5) The Administrator of the Division of Public and
28 Behavioral Health.

29 (b) Shall administer, through the divisions of the Department,
30 the provisions of chapters 63, 424, 425, 427A, 432A to 442,
31 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS
32 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and*
33 *section 65 of this act*, 422.580, 432.010 to 432.133, inclusive,
34 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive,
35 and 445A.010 to 445A.055, inclusive, and all other provisions of
36 law relating to the functions of the divisions of the Department, but
37 is not responsible for the clinical activities of the Division of Public
38 and Behavioral Health or the professional line activities of the other
39 divisions.

40 (c) Shall administer any state program for persons with
41 developmental disabilities established pursuant to the
42 Developmental Disabilities Assistance and Bill of Rights Act of
43 2000, 42 U.S.C. §§ 15001 et seq.

44 (d) Shall, after considering advice from agencies of local
45 governments and nonprofit organizations which provide social



1 services, adopt a master plan for the provision of human services in
2 this State. The Director shall revise the plan biennially and deliver a
3 copy of the plan to the Governor and the Legislature at the
4 beginning of each regular session. The plan must:

5 (1) Identify and assess the plans and programs of the
6 Department for the provision of human services, and any
7 duplication of those services by federal, state and local agencies;

8 (2) Set forth priorities for the provision of those services;

9 (3) Provide for communication and the coordination of those
10 services among nonprofit organizations, agencies of local
11 government, the State and the Federal Government;

12 (4) Identify the sources of funding for services provided by
13 the Department and the allocation of that funding;

14 (5) Set forth sufficient information to assist the Department
15 in providing those services and in the planning and budgeting for the
16 future provision of those services; and

17 (6) Contain any other information necessary for the
18 Department to communicate effectively with the Federal
19 Government concerning demographic trends, formulas for the
20 distribution of federal money and any need for the modification of
21 programs administered by the Department.

22 (e) May, by regulation, require nonprofit organizations and state
23 and local governmental agencies to provide information regarding
24 the programs of those organizations and agencies, excluding
25 detailed information relating to their budgets and payrolls, which the
26 Director deems necessary for the performance of the duties imposed
27 upon him or her pursuant to this section.

28 (f) Has such other powers and duties as are provided by law.

29 2. Notwithstanding any other provision of law, the Director, or
30 the Director's designee, is responsible for appointing and removing
31 subordinate officers and employees of the Department.

32 **Sec. 57.** NRS 239.010 is hereby amended to read as follows:

33 239.010 1. Except as otherwise provided in this section and
34 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
35 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,
36 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,
37 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
38 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
39 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
40 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
41 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
42 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
43 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
44 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,
45 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,



1 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
2 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
3 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
4 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
5 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
6 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570,
7 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105,
8 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,
9 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420,
10 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
11 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150,
12 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195,
13 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
14 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438,
15 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
16 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910,
17 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
18 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
19 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
20 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242,
21 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080,
22 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
23 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
24 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,
25 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,
26 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045,
27 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
28 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,
29 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,
30 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,
31 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,
32 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
33 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534,
34 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116,
35 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
36 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
37 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209,
38 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,
39 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555,
40 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
41 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940,
42 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
43 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,
44 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,
45 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,



1 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,
2 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
3 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,
4 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
5 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672,
6 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332,
7 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,
8 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055,
9 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158,
10 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087,
11 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,
12 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,
13 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,
14 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,
15 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,
16 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,
17 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
18 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
19 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
20 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130,
21 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480,
22 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
23 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
24 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
25 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
26 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
27 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
28 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
29 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
30 711.600, *and section 30 of this act*, sections 35, 38 and 41 of
31 chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391,
32 Statutes of Nevada 2013 and unless otherwise declared by law to be
33 confidential, all public books and public records of a governmental
34 entity must be open at all times during office hours to inspection by
35 any person, and may be fully copied or an abstract or memorandum
36 may be prepared from those public books and public records. Any
37 such copies, abstracts or memoranda may be used to supply the
38 general public with copies, abstracts or memoranda of the records or
39 may be used in any other way to the advantage of the governmental
40 entity or of the general public. This section does not supersede or in
41 any manner affect the federal laws governing copyrights or enlarge,
42 diminish or affect in any other manner the rights of a person in any
43 written book or record which is copyrighted pursuant to federal law.
44 2. A governmental entity may not reject a book or record
45 which is copyrighted solely because it is copyrighted.



1 3. A governmental entity that has legal custody or control of a
2 public book or record shall not deny a request made pursuant to
3 subsection 1 to inspect or copy or receive a copy of a public book or
4 record on the basis that the requested public book or record contains
5 information that is confidential if the governmental entity can
6 redact, delete, conceal or separate, including, without limitation,
7 electronically, the confidential information from the information
8 included in the public book or record that is not otherwise
9 confidential.

10 4. If requested, a governmental entity shall provide a copy of a
11 public record in an electronic format by means of an electronic
12 medium. Nothing in this subsection requires a governmental entity
13 to provide a copy of a public record in an electronic format or by
14 means of an electronic medium if:

15 (a) The public record:

16 (1) Was not created or prepared in an electronic format; and

17 (2) Is not available in an electronic format; or

18 (b) Providing the public record in an electronic format or by
19 means of an electronic medium would:

20 (1) Give access to proprietary software; or

21 (2) Require the production of information that is confidential
22 and that cannot be redacted, deleted, concealed or separated from
23 information that is not otherwise confidential.

24 5. An officer, employee or agent of a governmental entity who
25 has legal custody or control of a public record:

26 (a) Shall not refuse to provide a copy of that public record in the
27 medium that is requested because the officer, employee or agent has
28 already prepared or would prefer to provide the copy in a different
29 medium.

30 (b) Except as otherwise provided in NRS 239.030, shall, upon
31 request, prepare the copy of the public record and shall not require
32 the person who has requested the copy to prepare the copy himself
33 or herself.

34 **Sec. 58.** NRS 284.013 is hereby amended to read as follows:

35 284.013 1. Except as otherwise provided in subsection 4, this
36 chapter does not apply to:

37 (a) Agencies, bureaus, commissions, officers or personnel in the
38 Legislative Department or the Judicial Department of State
39 Government, including the Commission on Judicial Discipline;

40 (b) Any person who is employed by a board, commission,
41 committee or council created in chapters 445C, 590, 623 to 625A,
42 inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32,*
43 *inclusive, of this act,* 648, 652, 654 and 656 of NRS; or



1 (c) Officers or employees of any agency of the Executive
2 Department of the State Government who are exempted by specific
3 statute.

4 2. Except as otherwise provided in subsection 3, the terms and
5 conditions of employment of all persons referred to in subsection 1,
6 including salaries not prescribed by law and leaves of absence,
7 including, without limitation, annual leave and sick and disability
8 leave, must be fixed by the appointing or employing authority
9 within the limits of legislative appropriations or authorizations.

10 3. Except as otherwise provided in this subsection, leaves of
11 absence prescribed pursuant to subsection 2 must not be of lesser
12 duration than those provided for other state officers and employees
13 pursuant to the provisions of this chapter. The provisions of this
14 subsection do not govern the Legislative Commission with respect
15 to the personnel of the Legislative Counsel Bureau.

16 4. Any board, commission, committee or council created in
17 chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A,
18 inclusive, 648, 652, 654 and 656 of NRS which contracts for the
19 services of a person, shall require the contract for those services to
20 be in writing. The contract must be approved by the State Board of
21 Examiners before those services may be provided.

22 5. Except as otherwise provided in NRS 284.4086, to the
23 extent that they are inconsistent or otherwise in conflict, the
24 provisions of this chapter do not apply to any terms and conditions
25 of employment that are properly within the scope of and subject to
26 the provisions of a collective bargaining agreement or a
27 supplemental bargaining agreement that is enforceable pursuant to
28 the provisions of NRS 288.400 to 288.630, inclusive.

29 **Sec. 59.** NRS 353.005 is hereby amended to read as follows:

30 353.005 Except as otherwise provided in NRS 353.007, the
31 provisions of this chapter do not apply to boards created by the
32 provisions of NRS 590.485 and chapters 623 to 625A, inclusive,
33 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of this*
34 *act*, 648, 654 and 656 of NRS and the officers and employees of
35 those boards.

36 **Sec. 60.** NRS 353A.020 is hereby amended to read as follows:

37 353A.020 1. The Director, in consultation with the
38 Committee and Legislative Auditor, shall adopt a uniform system of
39 internal accounting and administrative control for agencies. The
40 elements of the system must include, without limitation:

41 (a) A plan of organization which provides for a segregation of
42 duties appropriate to safeguard the assets of the agency;

43 (b) A plan which limits access to assets of the agency to persons
44 who need the assets to perform their assigned duties;



1 (c) Procedures for authorizations and recordkeeping which
2 effectively control accounting of assets, liabilities, revenues and
3 expenses;

4 (d) A system of practices to be followed in the performance of
5 the duties and functions of each agency; and

6 (e) An effective system of internal review.

7 2. The Director, in consultation with the Committee and
8 Legislative Auditor, may modify the system whenever the Director
9 considers it necessary.

10 3. Each agency shall develop written procedures to carry out
11 the system of internal accounting and administrative control adopted
12 pursuant to this section.

13 4. For the purposes of this section, "agency" does not include:

14 (a) A board created by the provisions of NRS 590.485 and
15 chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and*
16 *sections 2 to 32, inclusive, of this act*, 648, 654 and 656 of NRS.

17 (b) The Nevada System of Higher Education.

18 (c) The Public Employees' Retirement System.

19 (d) The Housing Division of the Department of Business and
20 Industry.

21 (e) The Colorado River Commission of Nevada.

22 **Sec. 61.** NRS 353A.025 is hereby amended to read as follows:

23 353A.025 1. The head of each agency shall periodically
24 review the agency's system of internal accounting and
25 administrative control to determine whether it is in compliance with
26 the uniform system of internal accounting and administrative control
27 for agencies adopted pursuant to subsection 1 of NRS 353A.020.

28 2. On or before July 1 of each even-numbered year, the head of
29 each agency shall report to the Director whether the agency's
30 system of internal accounting and administrative control is in
31 compliance with the uniform system adopted pursuant to subsection
32 1 of NRS 353A.020. The reports must be made available for
33 inspection by the members of the Legislature.

34 3. For the purposes of this section, "agency" does not include:

35 (a) A board created by the provisions of NRS 590.485 and
36 chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and*
37 *sections 2 to 32, inclusive, of this act*, 648, 654 and 656 of NRS.

38 (b) The Nevada System of Higher Education.

39 (c) The Public Employees' Retirement System.

40 (d) The Housing Division of the Department of Business and
41 Industry.

42 (e) The Colorado River Commission of Nevada.

43 4. The Director shall, on or before the first Monday in
44 February of each odd-numbered year, submit a report on the status
45 of internal accounting and administrative controls in agencies to the:



1 (a) Director of the Legislative Counsel Bureau for transmittal to
2 the:

- 3 (1) Senate Standing Committee on Finance; and
4 (2) Assembly Standing Committee on Ways and Means;

- 5 (b) Governor; and
6 (c) Legislative Auditor.

7 5. The report submitted by the Director pursuant to subsection
8 4 must include, without limitation:

9 (a) The identification of each agency that has not complied with
10 the requirements of subsections 1 and 2;

11 (b) The identification of each agency that does not have an
12 effective method for reviewing its system of internal accounting and
13 administrative control; and

14 (c) The identification of each agency that has weaknesses in its
15 system of internal accounting and administrative control, and the
16 extent and types of such weaknesses.

17 **Sec. 62.** NRS 353A.045 is hereby amended to read as follows:
18 353A.045 The Administrator shall:

19 1. Report to the Director.

20 2. Develop long-term and annual work plans to be based on the
21 results of periodic documented risk assessments. The annual work
22 plan must list the agencies to which the Division will provide
23 training and assistance and be submitted to the Director for
24 approval. Such agencies must not include:

25 (a) A board created by the provisions of NRS 590.485 and
26 chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and*
27 *sections 2 to 32, inclusive, of this act*, 648, 654 and 656 of NRS.

28 (b) The Nevada System of Higher Education.

29 (c) The Public Employees' Retirement System.

30 (d) The Housing Division of the Department of Business and
31 Industry.

32 (e) The Colorado River Commission of Nevada.

33 3. Provide a copy of the approved annual work plan to the
34 Legislative Auditor.

35 4. In consultation with the Director, prepare a plan for auditing
36 executive branch agencies for each fiscal year and present the plan
37 to the Committee for its review and approval. Each plan for auditing
38 must:

39 (a) State the agencies which will be audited, the proposed scope
40 and assignment of those audits and the related resources which will
41 be used for those audits; and

42 (b) Ensure that the internal accounting, administrative controls
43 and financial management of each agency are reviewed periodically.

44 5. Perform the audits of the programs and activities of the
45 agencies in accordance with the plan approved pursuant to



1 subsection 5 of NRS 353A.038 and prepare audit reports of his or
2 her findings.

3 6. Review each agency that is audited pursuant to subsection 5
4 and advise those agencies concerning internal accounting,
5 administrative controls and financial management.

6 7. Submit to each agency that is audited pursuant to subsection
7 5 analyses, appraisals and recommendations concerning:

8 (a) The adequacy of the internal accounting and administrative
9 controls of the agency; and

10 (b) The efficiency and effectiveness of the management of the
11 agency.

12 8. Report any possible abuses, illegal actions, errors, omissions
13 and conflicts of interest of which the Division becomes aware
14 during the performance of an audit.

15 9. Adopt the standards of The Institute of Internal Auditors for
16 conducting and reporting on internal audits.

17 10. Consult with the Legislative Auditor concerning the plan
18 for auditing and the scope of audits to avoid duplication of effort
19 and undue disruption of the functions of agencies that are audited
20 pursuant to subsection 5.

21 **Sec. 63.** NRS 372.7285 is hereby amended to read as follows:

22 372.7285 1. In administering the provisions of NRS 372.325,
23 the Department shall apply the exemption to the sale of a medical
24 device to a governmental entity that is exempt pursuant to that
25 section without regard to whether the person using the medical
26 device or the governmental entity that purchased the device is
27 deemed to be the holder of title to the device if:

28 (a) The medical device was ordered or prescribed by a provider
29 of health care, within his or her scope of practice, for use by the
30 person to whom it is provided;

31 (b) The medical device is covered by Medicaid or Medicare; and

32 (c) The purchase of the medical device is made pursuant to a
33 contract between the governmental entity that purchases the medical
34 device and the person who sells the medical device to the
35 governmental entity.

36 2. As used in this section:

37 (a) "Medicaid" means the program established pursuant to Title
38 XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to
39 provide assistance for part or all of the cost of medical care rendered
40 on behalf of indigent persons.

41 (b) "Medicare" means the program of health insurance for aged
42 persons and persons with disabilities established pursuant to Title
43 XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

44 (c) "Provider of health care" means a physician or physician
45 assistant licensed pursuant to chapter 630, 630A or 633 of NRS,



1 perfusionist, dentist, licensed nurse, *licensed certified professional*
2 *midwife*, dispensing optician, optometrist, practitioner of respiratory
3 care, registered physical therapist, podiatric physician, licensed
4 psychologist, licensed audiologist, licensed speech-language
5 pathologist, licensed hearing aid specialist, licensed marriage and
6 family therapist, licensed clinical professional counselor,
7 chiropractic physician, licensed dietitian or doctor of Oriental
8 medicine in any form.

9 **Sec. 64.** NRS 374.731 is hereby amended to read as follows:

10 374.731 1. In administering the provisions of NRS 374.330,
11 the Department shall apply the exemption to the sale of a medical
12 device to a governmental entity that is exempt pursuant to that
13 section without regard to whether the person using the medical
14 device or the governmental entity that purchased the device is
15 deemed to be the holder of title to the device if:

16 (a) The medical device was ordered or prescribed by a provider
17 of health care, within his or her scope of practice, for use by the
18 person to whom it is provided;

19 (b) The medical device is covered by Medicaid or Medicare; and

20 (c) The purchase of the medical device is made pursuant to a
21 contract between the governmental entity that purchases the medical
22 device and the person who sells the medical device to the
23 governmental entity.

24 2. As used in this section:

25 (a) "Medicaid" means the program established pursuant to Title
26 XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to
27 provide assistance for part or all of the cost of medical care rendered
28 on behalf of indigent persons.

29 (b) "Medicare" means the program of health insurance for aged
30 persons and persons with disabilities established pursuant to Title
31 XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

32 (c) "Provider of health care" means a physician or physician
33 assistant licensed pursuant to chapter 630, 630A or 633 of NRS,
34 perfusionist, dentist, licensed nurse, *licensed certified professional*
35 *midwife*, dispensing optician, optometrist, practitioner of respiratory
36 care, registered physical therapist, podiatric physician, licensed
37 psychologist, licensed audiologist, licensed speech-language
38 pathologist, licensed hearing aid specialist, licensed marriage and
39 family therapist, licensed clinical professional counselor,
40 chiropractic physician, licensed dietitian or doctor of Oriental
41 medicine in any form.

42 **Sec. 65.** Chapter 422 of NRS is hereby amended by adding
43 thereto a new section to read as follows:

44 **1. To the extent authorized by federal law, the Director shall**
45 **include in the State Plan for Medicaid a requirement that, except**



1 *as otherwise provided in subsection 2, the State shall pay the*
2 *nonfederal share of expenditures incurred for services rendered by*
3 *a licensed certified professional midwife. Such services must be*
4 *reimbursed at a rate comparable to similar services provided by*
5 *other providers of health care, including, without limitation,*
6 *physicians, physician assistants and advanced practice registered*
7 *nurses, regardless of the location at which the services are*
8 *provided.*

9 *2. The Department or a managed care organization,*
10 *including, without limitation, a health maintenance organization,*
11 *that provides health care services to recipients of Medicaid under*
12 *the State Plan for Medicaid may charge a copayment or*
13 *coinsurance or apply a deductible for the services described in*
14 *subsection 1. The amount of such a copayment, coinsurance or*
15 *deductible must not exceed the amount of the copayment,*
16 *coinsurance or deductible charged for the same services provided*
17 *by another provider of health care.*

18 *3. As used in this section, "provider of health care" has the*
19 *meaning ascribed to it in NRS 629.031.*

20 **Sec. 66.** NRS 432B.220 is hereby amended to read as follows:

21 432B.220 1. Any person who is described in subsection 4
22 and who, in his or her professional or occupational capacity, knows
23 or has reasonable cause to believe that a child has been abused or
24 neglected shall:

25 (a) Except as otherwise provided in subsection 2, report the
26 abuse or neglect of the child to an agency which provides child
27 welfare services or to a law enforcement agency; and

28 (b) Make such a report as soon as reasonably practicable but not
29 later than 24 hours after the person knows or has reasonable cause to
30 believe that the child has been abused or neglected.

31 2. If a person who is required to make a report pursuant to
32 subsection 1 knows or has reasonable cause to believe that the abuse
33 or neglect of the child involves an act or omission of:

34 (a) A person directly responsible or serving as a volunteer for or
35 an employee of a public or private home, institution or facility
36 where the child is receiving child care outside of the home for a
37 portion of the day, the person shall make the report to a law
38 enforcement agency.

39 (b) An agency which provides child welfare services or a law
40 enforcement agency, the person shall make the report to an agency
41 other than the one alleged to have committed the act or omission,
42 and the investigation of the abuse or neglect of the child must be
43 made by an agency other than the one alleged to have committed the
44 act or omission.



1 3. Any person who is described in paragraph (a) of subsection
2 4 who delivers or provides medical services to a newborn infant and
3 who, in his or her professional or occupational capacity, knows or
4 has reasonable cause to believe that the newborn infant has been
5 affected by a fetal alcohol spectrum disorder or prenatal substance
6 use disorder or has withdrawal symptoms resulting from prenatal
7 substance exposure shall, as soon as reasonably practicable but not
8 later than 24 hours after the person knows or has reasonable cause to
9 believe that the newborn infant is so affected or has such symptoms,
10 notify an agency which provides child welfare services of the
11 condition of the infant and refer each person who is responsible for
12 the welfare of the infant to an agency which provides child welfare
13 services for appropriate counseling, training or other services. A
14 notification and referral to an agency which provides child welfare
15 services pursuant to this subsection shall not be construed to require
16 prosecution for any illegal action.

17 4. A report must be made pursuant to subsection 1 by the
18 following persons:

19 (a) A person providing services licensed or certified in this State
20 pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632,
21 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C,
22 640D, 640E, 641, 641A, 641B, 641C, 641D or 653 of NRS **or**
23 ***sections 2 to 32, inclusive, of this act.***

24 (b) Any personnel of a medical facility licensed pursuant to
25 chapter 449 of NRS who are engaged in the admission, examination,
26 care or treatment of persons or an administrator, manager or other
27 person in charge of such a medical facility upon notification of
28 suspected abuse or neglect of a child by a member of the staff of the
29 medical facility.

30 (c) A coroner.

31 (d) A member of the clergy, practitioner of Christian Science or
32 religious healer, unless the person has acquired the knowledge of the
33 abuse or neglect from the offender during a confession.

34 (e) A person employed by a public school or private school and
35 any person who serves as a volunteer at such a school.

36 (f) Any person who maintains or is employed by a facility or
37 establishment that provides care for children, children's camp or
38 other public or private facility, institution or agency furnishing care
39 to a child.

40 (g) Any person licensed pursuant to chapter 424 of NRS to
41 conduct a foster home.

42 (h) Any officer or employee of a law enforcement agency or an
43 adult or juvenile probation officer.

44 (i) Except as otherwise provided in NRS 432B.225, an attorney.



1 (j) Any person who maintains, is employed by or serves as a
2 volunteer for an agency or service which advises persons regarding
3 abuse or neglect of a child and refers them to persons and agencies
4 where their requests and needs can be met.

5 (k) Any person who is employed by or serves as a volunteer for
6 a youth shelter. As used in this paragraph, "youth shelter" has the
7 meaning ascribed to it in NRS 244.427.

8 (l) Any adult person who is employed by an entity that provides
9 organized activities for children, including, without limitation, a
10 person who is employed by a school district or public school.

11 (m) Any person who is enrolled with the Division of Health
12 Care Financing and Policy of the Department of Health and Human
13 Services to provide doula services to recipients of Medicaid
14 pursuant to NRS 422.27177.

15 (n) A peer recovery support specialist, as defined in NRS
16 433.627, or peer recovery support specialist supervisor, as defined
17 in NRS 433.629.

18 5. A report may be made by any other person.

19 6. If a person who is required to make a report pursuant to
20 subsection 1 knows or has reasonable cause to believe that a child
21 has died as a result of abuse or neglect, the person shall, as soon as
22 reasonably practicable, report this belief to an agency which
23 provides child welfare services or a law enforcement agency. If such
24 a report is made to a law enforcement agency, the law enforcement
25 agency shall notify an agency which provides child welfare services
26 and the appropriate medical examiner or coroner of the report. If
27 such a report is made to an agency which provides child welfare
28 services, the agency which provides child welfare services shall
29 notify the appropriate medical examiner or coroner of the report.
30 The medical examiner or coroner who is notified of a report
31 pursuant to this subsection shall investigate the report and submit
32 his or her written findings to the appropriate agency which provides
33 child welfare services, the appropriate district attorney and a law
34 enforcement agency. The written findings must include, if
35 obtainable, the information required pursuant to the provisions of
36 subsection 2 of NRS 432B.230.

37 7. The agency, board, bureau, commission, department,
38 division or political subdivision of the State responsible for the
39 licensure, certification or endorsement of a person who is described
40 in subsection 4 and who is required in his or her professional or
41 occupational capacity to be licensed, certified or endorsed in this
42 State shall, at the time of initial licensure, certification or
43 endorsement:



1 (a) Inform the person, in writing or by electronic
2 communication, of his or her duty as a mandatory reporter pursuant
3 to this section;

4 (b) Obtain a written acknowledgment or electronic record from
5 the person that he or she has been informed of his or her duty
6 pursuant to this section; and

7 (c) Maintain a copy of the written acknowledgment or electronic
8 record for as long as the person is licensed, certified or endorsed in
9 this State.

10 8. The employer of a person who is described in subsection 4
11 and who is not required in his or her professional or occupational
12 capacity to be licensed, certified or endorsed in this State must, upon
13 initial employment of the person:

14 (a) Inform the person, in writing or by electronic
15 communication, of his or her duty as a mandatory reporter pursuant
16 to this section;

17 (b) Obtain a written acknowledgment or electronic record from
18 the person that he or she has been informed of his or her duty
19 pursuant to this section; and

20 (c) Maintain a copy of the written acknowledgment or electronic
21 record for as long as the person is employed by the employer.

22 9. Before a person may serve as a volunteer at a public school
23 or private school, the school must:

24 (a) Inform the person, in writing or by electronic
25 communication, of his or her duty as a mandatory reporter pursuant
26 to this section and NRS 392.303;

27 (b) Obtain a written acknowledgment or electronic record from
28 the person that he or she has been informed of his or her duty
29 pursuant to this section and NRS 392.303; and

30 (c) Maintain a copy of the written acknowledgment or electronic
31 record for as long as the person serves as a volunteer at the school.

32 10. As used in this section:

33 (a) "Private school" has the meaning ascribed to it in
34 NRS 394.103.

35 (b) "Public school" has the meaning ascribed to it in
36 NRS 385.007.

37 **Sec. 67.** NRS 439A.0195 is hereby amended to read as
38 follows:

39 439A.0195 "Practitioner" means a physician licensed under
40 chapter 630, 630A or 633 of NRS, dentist, licensed nurse, *licensed*
41 *certified professional midwife*, dispensing optician, optometrist,
42 registered physical therapist, podiatric physician, licensed
43 psychologist, chiropractic physician, doctor of Oriental medicine in
44 any form, medical laboratory director or technician, pharmacist or



1 other person whose principal occupation is the provision of services
2 for health.

3 **Sec. 68.** NRS 439B.225 is hereby amended to read as follows:

4 439B.225 1. As used in this section, "licensing board" means
5 any division or board empowered to adopt standards for the issuance
6 or renewal of licenses, permits or certificates of registration
7 pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A,
8 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639,
9 640, 640A, 640D, 641, 641A, 641B, 641C, 641D, 652, 653 or 654
10 of NRS ~~H~~ *and sections 2 to 32, inclusive, of this act.*

11 2. The Committee shall review each regulation that a licensing
12 board proposes or adopts that relates to standards for the issuance or
13 renewal of licenses, permits or certificates of registration issued to a
14 person or facility regulated by the board, giving consideration to:

15 (a) Any oral or written comment made or submitted to it by
16 members of the public or by persons or facilities affected by the
17 regulation;

18 (b) The effect of the regulation on the cost of health care in this
19 State;

20 (c) The effect of the regulation on the number of licensed,
21 permitted or registered persons and facilities available to provide
22 services in this State; and

23 (d) Any other related factor the Committee deems appropriate.

24 3. After reviewing a proposed regulation, the Committee shall
25 notify the agency of the opinion of the Committee regarding the
26 advisability of adopting or revising the proposed regulation.

27 4. The Committee shall recommend to the Legislature as a
28 result of its review of regulations pursuant to this section any
29 appropriate legislation.

30 **Sec. 69.** Chapter 440 of NRS is hereby amended by adding
31 thereto a new section to read as follows:

32 *As used in this chapter, "midwife" means any type of midwife,*
33 *including, without limitation, a licensed certified professional*
34 *midwife, a certified nurse-midwife or any person who engages in*
35 *the practice of certified professional midwifery.*

36 **Sec. 70.** NRS 440.280 is hereby amended to read as follows:

37 440.280 1. If a birth occurs in a hospital or the person giving
38 birth and child are immediately transported to a hospital, the person
39 in charge of the hospital or his or her designated representative shall
40 obtain the necessary information, prepare a birth certificate, secure
41 the signatures required by the certificate and file it within 10 days
42 with the health officer of the registration district where the birth
43 occurred. The physician in attendance shall provide the medical
44 information required by the certificate and certify to the fact of birth
45 within 72 hours after the birth. If the physician does not certify



1 to the fact of birth within the required 72 hours, the person in charge
2 of the hospital or the designated representative shall complete and
3 sign the certification.

4 2. If a birth occurs outside a hospital and the person giving
5 birth and child are not immediately transported to a hospital, the
6 birth certificate must be prepared and filed by one of the following
7 persons in the following order of priority:

8 (a) The physician *or advanced practice registered nurse* in
9 attendance at or immediately after the birth.

10 (b) *The licensed certified professional midwife in attendance at*
11 *or immediately after the birth.*

12 (c) Any other person in attendance at or immediately after the
13 birth.

14 ~~(e)~~ (d) The person giving birth or other parent or, if the other
15 parent is absent and the person giving birth is incapacitated, the
16 person in charge of the premises where the birth occurred.

17 3. If a birth occurs in a moving conveyance, the place of birth
18 is the place where the child is removed from the conveyance.

19 4. In cities, the certificate of birth must be filed sooner than 10
20 days after the birth if so required by municipal ordinance or
21 regulation.

22 5. If the person giving birth was:

23 (a) Married at the time of birth, the name of the spouse of that
24 person must be entered on the certificate as the other parent of the
25 child unless:

26 (1) A court has issued an order establishing that a person
27 other than the spouse of the person giving birth is the other parent of
28 the child; or

29 (2) The person giving birth and a person other than the
30 spouse of the person giving birth have signed a declaration for the
31 voluntary acknowledgment of paternity developed by the Board
32 pursuant to NRS 440.283 or a declaration for the voluntary
33 acknowledgment of parentage developed by the Board pursuant to
34 NRS 440.285.

35 (b) Widowed at the time of birth but married at the time of
36 conception, the name of the spouse of the person giving birth at the
37 time of conception must be entered on the certificate as the other
38 parent of the child unless:

39 (1) A court has issued an order establishing that a person
40 other than the spouse of the person giving birth at the time of
41 conception is the other parent of the child; or

42 (2) The person giving birth and a person other than the
43 spouse of the person giving birth at the time of conception have
44 signed a declaration for the voluntary acknowledgment of paternity
45 developed by the Board pursuant to NRS 440.283 or a declaration



1 for the voluntary acknowledgment of parentage developed by the
2 Board pursuant to NRS 440.285.

3 6. If the person giving birth was unmarried at the time of birth,
4 the name of the other parent may be entered on the original
5 certificate of birth only if:

6 (a) The provisions of paragraph (b) of subsection 5 are
7 applicable;

8 (b) A court has issued an order establishing that the person is the
9 other parent of the child; or

10 (c) The parents of the child have signed a declaration for the
11 voluntary acknowledgment of paternity developed by the Board
12 pursuant to NRS 440.283 or a declaration for the voluntary
13 acknowledgment of parentage developed by the Board pursuant to
14 NRS 440.285. If both parents execute a declaration consenting to
15 the use of the surname of one parent as the surname of the child, the
16 name of that parent must be entered on the original certificate of
17 birth and the surname of that parent must be entered thereon as the
18 surname of the child.

19 7. An order entered or a declaration executed pursuant to
20 subsection 6 must be submitted to the local health officer, the local
21 health officer's authorized representative, or the attending physician
22 or midwife before a proper certificate of birth is forwarded to the
23 State Registrar. The order or declaration must then be delivered to
24 the State Registrar for filing. The State Registrar's file of orders and
25 declarations must be sealed and the contents of the file may be
26 examined only upon order of a court of competent jurisdiction or at
27 the request of either parent or the Division of Welfare and
28 Supportive Services of the Department of Health and Human
29 Services as necessary to carry out the provisions of 42 U.S.C. §
30 654a. The local health officer shall complete the original certificate
31 of birth in accordance with subsection 6 and other provisions of this
32 chapter.

33 8. As used in this section, "court" has the meaning ascribed to
34 it in NRS 125B.004.

35 **Sec. 71.** NRS 440.770 is hereby amended to read as follows:

36 440.770 Any person who furnishes false information to a
37 physician, advanced practice registered nurse, *licensed certified*
38 *professional midwife*, funeral director, midwife or informant for the
39 purpose of making incorrect certification of births or deaths shall be
40 punished by a fine of not more than \$250.

41 **Sec. 72.** NRS 441A.110 is hereby amended to read as follows:

42 441A.110 "Provider of health care" means a physician, nurse,
43 *licensed certified professional midwife* or veterinarian licensed in
44 accordance with state law, a physician assistant licensed pursuant to



1 chapter 630 or 633 of NRS or a pharmacist registered pursuant to
2 chapter 639 of NRS.

3 **Sec. 73.** NRS 441A.315 is hereby amended to read as follows:
4 441A.315 1. Except as otherwise provided in subsection 3, a
5 physician, physician assistant, advanced practice registered nurse or
6 midwife who provides or supervises the provision of emergency
7 medical services in a hospital or primary care to a patient who is 15
8 years of age or older shall, in accordance with the regulations
9 adopted pursuant to subsection 4:

10 (a) Consult with the patient to ascertain whether he or she
11 wishes to be tested for sexually transmitted diseases, including,
12 without limitation, the human immunodeficiency virus, and to
13 determine which tests, if any, are medically indicated for the patient;
14 and

15 (b) If the patient wishes to be tested, conduct any test which is
16 medically indicated for the patient or assist the patient with
17 obtaining any such test, to the extent practicable for the physician,
18 physician assistant, advanced practice registered nurse or midwife.

19 2. Except as otherwise provided in subsection 3, a hospital that
20 provides emergency medical services or primary care to a patient
21 who is 15 years of age or older shall, in accordance with the
22 regulations adopted pursuant to subsection 4:

23 (a) Ensure that the patient is consulted to ascertain whether he or
24 she wishes to be tested for sexually transmitted diseases, including,
25 without limitation, the human immunodeficiency virus, and to
26 determine which tests, if any, are medically indicated for the patient;
27 and

28 (b) If the patient wishes to be tested, ensure that any test which
29 is medically indicated for the patient is conducted or that the patient
30 is assisted with obtaining any such test, to the extent practicable for
31 the hospital.

32 3. A physician, physician assistant, advanced practice
33 registered nurse, midwife or hospital is not required to comply with
34 the requirements of subsection 1 or 2 if the physician, physician
35 assistant, advanced practice registered nurse or midwife or a
36 provider of health care who provides emergency medical services or
37 primary care to the patient at the hospital, as applicable, reasonably
38 believes that the patient:

39 (a) Is being treated for a life-threatening emergency;

40 (b) Has recently been offered or has been the subject of a test for
41 the human immunodeficiency virus or other sexually transmitted
42 diseases; or

43 (c) Lacks capacity to consent to such testing.

44 4. The Board shall adopt regulations to ensure that:



1 (a) Any test which is administered to a patient or for which a
2 patient is assisted in obtaining pursuant to this section is medically
3 indicated for that patient; and

4 (b) Communications concerning testing pursuant to this section
5 are made in a culturally competent manner and, to the extent
6 practicable, in a language that is easily understood by the patient.

7 5. A physician, physician assistant, advanced practice
8 registered nurse, midwife or hospital that fails to comply with the
9 provisions of this section:

10 (a) Is not subject to a criminal penalty or an administrative fine
11 pursuant to this chapter; and

12 (b) Is subject to disciplinary action, where applicable.

13 6. As used in this section:

14 (a) *“Midwife” has the meaning ascribed to it in NRS 442.003.*

15 (b) “Primary care” means the practice of family medicine,
16 pediatrics, internal medicine, obstetrics and gynecology and
17 midwifery.

18 ~~[(b)]~~ (c) “Provider of health care” has the meaning ascribed to it
19 in NRS 629.031.

20 **Sec. 74.** NRS 442.003 is hereby amended to read as follows:

21 442.003 As used in this chapter, unless the context requires
22 otherwise:

23 1. “Advisory Board” means the Advisory Board on Maternal
24 and Child Health.

25 2. “Department” means the Department of Health and Human
26 Services.

27 3. “Director” means the Director of the Department.

28 4. “Division” means the Division of Public and Behavioral
29 Health of the Department.

30 5. “Fetal alcohol syndrome” includes fetal alcohol effects.

31 6. “Freestanding birthing center” has the meaning ascribed to it
32 in NRS 449.0065.

33 7. “Laboratory” has the meaning ascribed to it in
34 NRS 652.040.

35 8. “Midwife” means ~~[(~~

36 ~~—(a) A person certified as:~~

37 ~~—(1) A Certified Professional Midwife by the North American~~
38 ~~Registry of Midwives, or its successor organization; or~~

39 ~~—(2) A Certified Nurse-Midwife by the American Midwifery~~
40 ~~Certification Board, or its successor organization; or~~

41 ~~—(b) Any other] any~~ type of midwife ~~[(~~, *including, without*
42 *limitation, a licensed certified professional midwife, a certified*
43 *nurse-midwife or any person who engages in the practice of*
44 *certified professional midwifery.*

45 9. “Provider of health care or other services” means:



1 (a) A clinical alcohol and drug counselor who is licensed, or an
2 alcohol and drug counselor who is licensed or certified, pursuant to
3 chapter 641C of NRS;

4 (b) A physician or a physician assistant who is licensed pursuant
5 to chapter 630 or 633 of NRS and who practices in the area of
6 obstetrics and gynecology, family practice, internal medicine,
7 pediatrics or psychiatry;

8 (c) A licensed nurse;

9 (d) A licensed psychologist;

10 (e) A licensed marriage and family therapist;

11 (f) A licensed clinical professional counselor;

12 (g) A licensed social worker;

13 (h) A licensed dietitian; ~~for~~

14 (i) *A licensed certified professional midwife; or*

15 (j) The holder of a certificate of registration as a pharmacist.

16 **Sec. 75.** NRS 442.119 is hereby amended to read as follows:

17 442.119 As used in NRS 442.119 to 442.1198, inclusive,
18 unless the context otherwise requires:

19 1. "Health officer" includes a local health officer, a city health
20 officer, a county health officer and a district health officer.

21 2. "Medicaid" has the meaning ascribed to it in
22 NRS 439B.120.

23 3. "Medicare" has the meaning ascribed to it in
24 NRS 439B.130.

25 4. "Provider of prenatal care" means:

26 (a) A physician who is licensed in this State and certified in
27 obstetrics and gynecology, family practice, general practice or
28 general surgery.

29 (b) A certified nurse-midwife who is licensed by the State Board
30 of Nursing.

31 (c) An advanced practice registered nurse who is licensed by the
32 State Board of Nursing pursuant to NRS 632.237 and who has
33 specialized skills and training in obstetrics or family nursing.

34 (d) A physician assistant licensed pursuant to chapter 630 or 633
35 of NRS who has specialized skills and training in obstetrics or
36 family practice.

37 (e) *A licensed certified professional midwife.*

38 **Sec. 76.** NRS 442.610 is hereby amended to read as follows:

39 442.610 "Provider of health care" means:

40 1. A provider of health care as defined in NRS 629.031 ~~and~~,
41 *including, without limitation, a licensed certified professional*
42 *midwife; and*

43 2. ~~A midwife; and~~

44 ~~—3.—~~ A freestanding birthing center licensed pursuant to chapter
45 449 of NRS.



1 **Sec. 76.5.** NRS 449.103 is hereby amended to read as follows:
2 449.103 1. To enable an agent or employee of a medical
3 facility, facility for the dependent or facility which is otherwise
4 required by regulations adopted by the Board pursuant to NRS
5 449.0303 to be licensed who provides care to a patient or resident of
6 the facility to more effectively treat patients or care for residents, as
7 applicable, the Board shall, by regulation, require such a facility to
8 conduct training relating specifically to cultural competency for any
9 agent or employee of the facility who provides care to a patient or
10 resident of the facility so that such an agent or employee may better
11 understand patients or residents who have different cultural
12 backgrounds, including, without limitation, patients or residents
13 who are:

- 14 (a) From various racial and ethnic backgrounds;
- 15 (b) From various religious backgrounds;
- 16 (c) Persons with various sexual orientations and gender
17 identities or expressions;
- 18 (d) Children and senior citizens;
- 19 (e) Persons with a mental or physical disability; and
- 20 (f) Part of any other population that such an agent or employee
21 may need to better understand, as determined by the Board.

22 2. The training relating specifically to cultural competency
23 conducted by a medical facility, facility for the dependent or facility
24 which is otherwise required by regulations adopted by the Board
25 pursuant to NRS 449.0303 to be licensed pursuant to subsection 1
26 must be provided through a course or program that is approved by
27 the Department of Health and Human Services.

28 3. *The regulations adopted pursuant to this section must*
29 *authorize a licensed certified professional midwife who is subject*
30 *to the requirements of subsection 1 to use the training required by*
31 *the regulations adopted pursuant to paragraph (b) of subsection 1*
32 *of section 19 of this act to satisfy the requirements of subsection 1.*

33 **Sec. 77.** NRS 449.198 is hereby amended to read as follows:

34 449.198 1. A freestanding birthing center must:

- 35 (a) Provide sufficient space for members of the family of the
36 pregnant person and other persons chosen by the pregnant person to
37 assist with the birth;
- 38 (b) Have obstetrical services available to meet the needs of an
39 acute patient; and
- 40 (c) Be located within 30 miles of a hospital that offers obstetric,
41 neonatal and emergency services relating to pregnancy.

42 2. Surgery, including, without limitation, the use of forceps,
43 vacuum extractions, cesarean sections and tubal ligations, must not
44 be performed at a freestanding birthing center.



1 3. A freestanding birthing center must have a director who is
2 responsible for the operation of the freestanding birthing center. The
3 director of a freestanding birthing center must be:

4 (a) A physician;

5 (b) *A licensed certified professional midwife;*

6 (c) A person who:

7 (1) Is certified as a Certified Professional Midwife by the
8 North American Registry of Midwives, or its successor
9 organization; and

10 (2) Has successfully completed a program of education and
11 training in midwifery that:

12 (I) Is accredited by the Midwifery Education
13 Accreditation Council, or its successor organization; and

14 (II) Provides instruction and training in the Essential
15 Competencies for Midwifery Practice prescribed by the
16 International Confederation of Midwives, or its successor
17 organization; or

18 ~~(c)~~ (d) A certified nurse-midwife.

19 4. As used in this section, "certified nurse-midwife" means a
20 person who is:

21 (a) Certified as a Certified Nurse-Midwife by the American
22 Midwifery Certification Board, or its successor organization; and

23 (b) Licensed as an advanced practice registered nurse pursuant
24 to NRS 632.237.

25 **Sec. 78.** NRS 454.00958 is hereby amended to read as
26 follows:

27 454.00958 "Practitioner" means:

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

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

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

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

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

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



1 5. *A licensed certified professional midwife, for the purpose*
2 *of:*

3 (a) *Ordering any device or drug described in subsection 1 or 2*
4 *of section 25 of this act for use in his or her practice;*

5 (b) *Ordering any device or vaccine described in subsection 4 of*
6 *section 25 of this act for a client;*

7 (c) *If the licensed certified professional midwife holds an*
8 *endorsement issued pursuant to paragraph (a) of subsection 1 of*
9 *section 26 of this act, ordering and dispensing any contraceptive*
10 *device authorized by the regulations adopted by the Board of*
11 *Licensed Certified Professional Midwives pursuant to section 26*
12 *of this act; and*

13 (d) *If the licensed certified professional midwife holds an*
14 *endorsement issued pursuant to paragraph (b) of subsection 1 of*
15 *section 26 of this act, prescribing and dispensing any drug*
16 *authorized by the regulations adopted by the Board of Licensed*
17 *Certified Professional Midwives pursuant to section 26 of this act.*

18 **Sec. 79.** NRS 454.213 is hereby amended to read as follows:

19 454.213 1. Except as otherwise provided in NRS 454.217, a
20 drug or medicine referred to in NRS 454.181 to 454.371, inclusive,
21 may be possessed and administered by:

22 (a) A practitioner.

23 (b) A physician assistant licensed pursuant to chapter 630 or 633
24 of NRS, at the direction of his or her supervising physician or a
25 licensed dental hygienist acting in the office of and under the
26 supervision of a dentist.

27 (c) Except as otherwise provided in paragraph (d), a registered
28 nurse licensed to practice professional nursing or licensed practical
29 nurse, at the direction of a prescribing physician, physician assistant
30 licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric
31 physician or advanced practice registered nurse, or pursuant to a
32 chart order, for administration to a patient at another location.

33 (d) In accordance with applicable regulations of the Board, a
34 registered nurse licensed to practice professional nursing or licensed
35 practical nurse who is:

36 (1) Employed by a health care agency or health care facility
37 that is authorized to provide emergency care, or to respond to the
38 immediate needs of a patient, in the residence of the patient; and

39 (2) Acting under the direction of the medical director of that
40 agency or facility who works in this State.

41 (e) A medication aide - certified at a designated facility under
42 the supervision of an advanced practice registered nurse or
43 registered nurse and in accordance with standard protocols
44 developed by the State Board of Nursing. As used in this paragraph,



1 “designated facility” has the meaning ascribed to it in
2 NRS 632.0145.

3 (f) Except as otherwise provided in paragraph (g), an advanced
4 emergency medical technician or a paramedic, as authorized by
5 regulation of the State Board of Pharmacy and in accordance with
6 any applicable regulations of:

7 (1) The State Board of Health in a county whose population
8 is less than 100,000;

9 (2) A county board of health in a county whose population is
10 100,000 or more; or

11 (3) A district board of health created pursuant to NRS
12 439.362 or 439.370 in any county.

13 (g) An advanced emergency medical technician or a paramedic
14 who holds an endorsement issued pursuant to NRS 450B.1975,
15 under the direct supervision of a local health officer or a designee of
16 the local health officer pursuant to that section.

17 (h) A respiratory therapist employed in a health care facility.
18 The therapist may possess and administer respiratory products only
19 at the direction of a physician.

20 (i) A dialysis technician, under the direction or supervision of a
21 physician or registered nurse only if the drug or medicine is used for
22 the process of renal dialysis.

23 (j) A medical student or student nurse in the course of his or her
24 studies at an accredited college of medicine or approved school of
25 professional or practical nursing, at the direction of a physician and:

26 (1) In the presence of a physician or a registered nurse; or

27 (2) Under the supervision of a physician or a registered nurse
28 if the student is authorized by the college or school to administer the
29 drug or medicine outside the presence of a physician or nurse.

30 ↪ A medical student or student nurse may administer a dangerous
31 drug in the presence or under the supervision of a registered nurse
32 alone only if the circumstances are such that the registered nurse
33 would be authorized to administer it personally.

34 (k) Any person designated by the head of a correctional
35 institution.

36 (l) An ultimate user or any person designated by the ultimate
37 user pursuant to a written agreement.

38 (m) A holder of a license to engage in radiation therapy and
39 radiologic imaging issued pursuant to chapter 653 of NRS, at the
40 direction of a physician and in accordance with any conditions
41 established by regulation of the Board.

42 (n) A chiropractic physician, but only if the drug or medicine is
43 a topical drug used for cooling and stretching external tissue during
44 therapeutic treatments.



1 (o) A physical therapist, but only if the drug or medicine is a
2 topical drug which is:

3 (1) Used for cooling and stretching external tissue during
4 therapeutic treatments; and

5 (2) Prescribed by a licensed physician for:

6 (I) Iontophoresis; or

7 (II) The transmission of drugs through the skin using
8 ultrasound.

9 (p) In accordance with applicable regulations of the State Board
10 of Health, an employee of a residential facility for groups, as
11 defined in NRS 449.017, pursuant to a written agreement entered
12 into by the ultimate user.

13 (q) A veterinary technician or a veterinary assistant at the
14 direction of his or her supervising veterinarian.

15 (r) In accordance with applicable regulations of the Board, a
16 registered pharmacist who:

17 (1) Is trained in and certified to carry out standards and
18 practices for immunization programs;

19 (2) Is authorized to administer immunizations pursuant to
20 written protocols from a physician; and

21 (3) Administers immunizations in compliance with the
22 "Standards for Immunization Practices" recommended and
23 approved by the Advisory Committee on Immunization Practices of
24 the Centers for Disease Control and Prevention.

25 (s) A registered pharmacist pursuant to written guidelines and
26 protocols developed pursuant to NRS 639.2629 or a collaborative
27 practice agreement, as defined in NRS 639.0052.

28 (t) A person who is enrolled in a training program to become a
29 physician assistant licensed pursuant to chapter 630 or 633 of NRS,
30 dental hygienist, advanced emergency medical technician,
31 paramedic, respiratory therapist, dialysis technician, physical
32 therapist or veterinary technician or to obtain a license to engage in
33 radiation therapy and radiologic imaging pursuant to chapter 653 of
34 NRS if the person possesses and administers the drug or medicine in
35 the same manner and under the same conditions that apply,
36 respectively, to a physician assistant licensed pursuant to chapter
37 630 or 633 of NRS, dental hygienist, advanced emergency medical
38 technician, paramedic, respiratory therapist, dialysis technician,
39 physical therapist, veterinary technician or person licensed to
40 engage in radiation therapy and radiologic imaging who may
41 possess and administer the drug or medicine, and under the direct
42 supervision of a person licensed or registered to perform the
43 respective medical art or a supervisor of such a person.

44 (u) A medical assistant, in accordance with applicable
45 regulations of the:



1 (1) Board of Medical Examiners, at the direction of the
2 prescribing physician and under the supervision of a physician or
3 physician assistant.

4 (2) State Board of Osteopathic Medicine, at the direction of
5 the prescribing physician and under the supervision of a physician
6 or physician assistant.

7 *(v) A certified professional midwife, certified professional*
8 *midwife student midwife or certified professional midwife birth*
9 *assistant who is administering the medicine or drug under the*
10 *direct supervision of a licensed certified professional midwife, as*
11 *authorized by sections 2 to 32, inclusive, of this act and any*
12 *regulations adopted pursuant thereto.*

13 2. As used in this section, “accredited college of medicine” has
14 the meaning ascribed to it in NRS 453.375.

15 **Sec. 80.** NRS 454.361 is hereby amended to read as follows:

16 454.361 A conviction of the violation of any of the provisions
17 of NRS 454.181 to 454.371, inclusive, constitutes grounds for the
18 suspension or revocation of any license issued to such person
19 pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638,
20 639 or 653 of NRS ~~H~~ *or sections 2 to 32, inclusive, of this act.*

21 **Sec. 81.** NRS 457.301 is hereby amended to read as follows:

22 457.301 1. A primary care provider shall:

23 (a) Attempt to determine whether each adult woman to whom he
24 or she provides care has a personal or family history of breast,
25 ovarian, tubal or peritoneal cancer or an ancestry associated with a
26 harmful mutation in the BRCA gene or meets any other criteria
27 under which the United States Preventive Services Task Force has
28 recommended screening for a risk of such a mutation; and

29 (b) If the primary care provider determines that an adult woman
30 to whom he or she provides care meets the criteria described in
31 paragraph (a) and has not previously undergone genetic testing for a
32 harmful mutation in the BRCA gene, use an appropriate brief
33 familial risk assessment tool to screen for a risk of such a mutation.

34 2. If such a screening indicates that a woman is at risk of a
35 harmful mutation in the BRCA gene, the primary care provider
36 must:

37 (a) Provide the woman with written notice of the need to discuss
38 genetic counseling and testing with the provider;

39 (b) Provide genetic counseling to the woman or ensure that the
40 woman is referred for genetic counseling; and

41 (c) If a genetic test for harmful mutations in the BRCA gene is
42 clinically indicated as a result of the genetic counseling, administer
43 such a test to the woman or ensure that the woman is referred for
44 such testing.



1 3. A primary care provider who fails to comply with this
2 section is not subject to criminal penalties or professional discipline
3 for such failure to comply.

4 4. As used in this section, "primary care provider" means:

5 (a) A physician, physician assistant licensed pursuant to chapter
6 630 or 633 of NRS or advanced practice registered nurse who
7 specializes in primary care, family medicine, internal medicine or
8 obstetrics and gynecology; or

9 (b) A *licensed certified professional* midwife.

10 **Sec. 82.** NRS 608.0116 is hereby amended to read as follows:

11 608.0116 "Professional" means pertaining to:

12 1. An employee who is licensed or certified by the State of
13 Nevada for and engaged in the practice of law or any of the
14 professions regulated by chapters 623 to 645, inclusive, 645G and
15 656A of NRS ~~§~~ *and sections 2 to 32, inclusive, of this act.*

16 2. A creative professional as described in 29 C.F.R. § 541.302
17 who is not an employee of a contractor as that term is defined in
18 NRS 624.020.

19 **Sec. 83.** NRS 679B.440 is hereby amended to read as follows:

20 679B.440 1. The Commissioner may require that reports
21 submitted pursuant to NRS 679B.430 include, without limitation,
22 information regarding:

23 (a) Liability insurance provided to:

24 (1) Governmental agencies and political subdivisions of this
25 State, reported separately for:

26 (I) Cities and towns;

27 (II) School districts; and

28 (III) Other political subdivisions;

29 (2) Public officers;

30 (3) Establishments where alcoholic beverages are sold;

31 (4) Facilities for the care of children;

32 (5) Labor, fraternal or religious organizations; and

33 (6) Officers or directors of organizations formed pursuant to
34 title 7 of NRS, reported separately for nonprofit entities and entities
35 organized for profit;

36 (b) Liability insurance for:

37 (1) Defective products;

38 (2) Medical or dental malpractice of:

39 (I) A practitioner licensed pursuant to chapter 630, 630A,
40 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS
41 *or sections 2 to 32, inclusive, of this act* or who holds a license or
42 limited license issued pursuant to chapter 653 of NRS;

43 (II) A hospital or other health care facility; or

44 (III) Any related corporate entity;

45 (3) Malpractice of attorneys;



1 (4) Malpractice of architects and engineers; and
2 (5) Errors and omissions by other professionally qualified
3 persons;

4 (c) Vehicle insurance, reported separately for:

- 5 (1) Private vehicles;
- 6 (2) Commercial vehicles;
- 7 (3) Liability insurance; and
- 8 (4) Insurance for property damage; and

9 (d) Workers' compensation insurance.

10 2. The Commissioner may require that the report include,
11 without limitation, information specifically pertaining to this State
12 or to an insurer in its entirety, in the aggregate or by type of
13 insurance, and for a previous or current year, regarding:

- 14 (a) Premiums directly written;
- 15 (b) Premiums directly earned;
- 16 (c) Number of policies issued;
- 17 (d) Net investment income, using appropriate estimates when
18 necessary;

19 (e) Losses paid;

20 (f) Losses incurred;

21 (g) Loss reserves, including:

22 (1) Losses unpaid on reported claims; and

23 (2) Losses unpaid on incurred but not reported claims;

24 (h) Number of claims, including:

25 (1) Claims paid; and

26 (2) Claims that have arisen but are unpaid;

27 (i) Expenses for adjustment of losses, including allocated and
28 unallocated losses;

29 (j) Net underwriting gain or loss;

30 (k) Net operation gain or loss, including net investment income;
31 and

32 (l) Any other information requested by the Commissioner.

33 3. The Commissioner may also obtain, based upon an insurer
34 in its entirety, information regarding:

35 (a) Recoverable federal income tax;

36 (b) Net unrealized capital gain or loss; and

37 (c) All other expenses not included in subsection 2.

38 **Sec. 84.** NRS 686A.2825 is hereby amended to read as
39 follows:

40 686A.2825 "Practitioner" means:

41 1. A physician, dentist, nurse, *licensed certified professional*
42 *midwife*, dispensing optician, optometrist, physical therapist,
43 podiatric physician, psychologist, chiropractic physician, doctor of
44 Oriental medicine in any form, director or technician of a medical
45 laboratory, pharmacist, person who holds a license to engage in



1 radiation therapy and radiologic imaging or a limited license to
2 engage in radiologic imaging pursuant to chapter 653 of NRS or
3 other provider of health services who is authorized to engage in his
4 or her occupation by the laws of this state or another state; and

5 2. An attorney admitted to practice law in this state or any
6 other state.

7 **Sec. 85.** NRS 686B.030 is hereby amended to read as follows:
8 686B.030 1. Except as otherwise provided in subsection 2
9 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799,
10 inclusive, apply to all kinds and lines of direct insurance written on
11 risks or operations in this State by any insurer authorized to do
12 business in this State, except:

- 13 (a) Ocean marine insurance;
- 14 (b) Contracts issued by fraternal benefit societies;
- 15 (c) Life insurance and credit life insurance;
- 16 (d) Variable and fixed annuities;
- 17 (e) Credit accident and health insurance;
- 18 (f) Property insurance for business and commercial risks;
- 19 (g) Casualty insurance for business and commercial risks other
20 than insurance covering the liability of a practitioner licensed
21 pursuant to chapters 630 to 640, inclusive, of NRS *and sections 2 to*
22 *32, inclusive, of this act* or who holds a license or limited license
23 issued pursuant to chapter 653 of NRS;
- 24 (h) Surety insurance;
- 25 (i) Health insurance offered through a group health plan
26 maintained by a large employer; and
- 27 (j) Credit involuntary unemployment insurance.

28 2. The exclusions set forth in paragraphs (f) and (g) of
29 subsection 1 extend only to issues related to the determination or
30 approval of premium rates.

31 **Sec. 86.** NRS 686B.040 is hereby amended to read as follows:
32 686B.040 1. Except as otherwise provided in subsection 2,
33 the Commissioner may by rule exempt any person or class of
34 persons or any market segment from any or all of the provisions of
35 NRS 686B.010 to 686B.1799, inclusive, if and to the extent that the
36 Commissioner finds their application unnecessary to achieve the
37 purposes of those sections.

38 2. The Commissioner may not, by rule or otherwise, exempt an
39 insurer from the provisions of NRS 686B.010 to 686B.1799,
40 inclusive, with regard to insurance covering the liability of a
41 practitioner licensed pursuant to chapter 630, 631, 632 or 633 of
42 NRS *or sections 2 to 32, inclusive, of this act* for a breach of the
43 practitioner's professional duty toward a patient.



1 **Sec. 87.** NRS 686B.115 is hereby amended to read as follows:
2 686B.115 1. Any hearing held by the Commissioner to
3 determine whether rates comply with the provisions of NRS
4 686B.010 to 686B.1799, inclusive, must be open to members of the
5 public.

6 2. All costs for transcripts prepared pursuant to such a hearing
7 must be paid by the insurer requesting the hearing.

8 3. At any hearing which is held by the Commissioner to
9 determine whether rates comply with the provisions of NRS
10 686B.010 to 686B.1799, inclusive, and which involves rates for
11 insurance covering the liability of a practitioner licensed pursuant to
12 chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive,*
13 *of this act* for a breach of the practitioner's professional duty toward
14 a patient, if a person is not otherwise authorized pursuant to this title
15 to become a party to the hearing by intervention, the person is
16 entitled to provide testimony at the hearing if, not later than 2 days
17 before the date set for the hearing, the person files with the
18 Commissioner a written statement which states:

- 19 (a) The name and title of the person;
20 (b) The interest of the person in the hearing; and
21 (c) A brief summary describing the purpose of the testimony the
22 person will offer at the hearing.

23 4. If a person provides testimony at a hearing in accordance
24 with subsection 3:

25 (a) The Commissioner may, if the Commissioner finds it
26 necessary to preserve order, prevent inordinate delay or protect the
27 rights of the parties at the hearing, place reasonable limitations on
28 the duration of the testimony and prohibit the person from providing
29 testimony that is not relevant to the issues raised at the hearing.

30 (b) The Commissioner shall consider all relevant testimony
31 provided by the person at the hearing in determining whether the
32 rates comply with the provisions of NRS 686B.010 to 686B.1799,
33 inclusive.

34 **Sec. 88.** NRS 689A.035 is hereby amended to read as follows:
35 689A.035 1. An insurer shall not charge a provider of health
36 care a fee to include the name of the provider on a list of providers
37 of health care given by the insurer to its insureds.

38 2. An insurer shall not contract with a provider of health care
39 to provide health care to an insured unless the insurer uses the form
40 prescribed by the Commissioner pursuant to NRS 629.095 to obtain
41 any information related to the credentials of the provider of health
42 care.

43 3. A contract between an insurer and a provider of health care
44 may be modified:



1 (a) At any time pursuant to a written agreement executed by
2 both parties.

3 (b) Except as otherwise provided in this paragraph, by the
4 insurer upon giving to the provider 45 days' written notice of the
5 modification of the insurer's schedule of payments, including any
6 changes to the fee schedule applicable to the provider's practice. If
7 the provider fails to object in writing to the modification within the
8 45-day period, the modification becomes effective at the end of that
9 period. If the provider objects in writing to the modification within
10 the 45-day period, the modification must not become effective
11 unless agreed to by both parties as described in paragraph (a).

12 4. If an insurer contracts with a provider of health care to
13 provide health care to an insured, the insurer shall:

14 (a) If requested by the provider of health care at the time the
15 contract is made, submit to the provider of health care the schedule
16 of payments applicable to the provider of health care; or

17 (b) If requested by the provider of health care at any other time,
18 submit to the provider of health care the schedule of payments,
19 including any changes to the fee schedule applicable to the
20 provider's practice, specified in paragraph (a) within 7 days after
21 receiving the request.

22 5. As used in this section, "provider of health care" means a
23 provider of health care who is licensed pursuant to chapter 630, 631,
24 632 or 633 of NRS ~~§~~ *or sections 2 to 32, inclusive, of this act.*

25 **Sec. 89.** NRS 689B.015 is hereby amended to read as follows:

26 689B.015 1. An insurer that issues a policy of group health
27 insurance shall not charge a provider of health care a fee to include
28 the name of the provider on a list of providers of health care given
29 by the insurer to its insureds.

30 2. An insurer specified in subsection 1 shall not contract with a
31 provider of health care to provide health care to an insured unless
32 the insurer uses the form prescribed by the Commissioner pursuant
33 to NRS 629.095 to obtain any information related to the credentials
34 of the provider of health care.

35 3. A contract between an insurer specified in subsection 1 and
36 a provider of health care may be modified:

37 (a) At any time pursuant to a written agreement executed by
38 both parties.

39 (b) Except as otherwise provided in this paragraph, by the
40 insurer upon giving to the provider 45 days' written notice of the
41 modification of the insurer's schedule of payments, including any
42 changes to the fee schedule applicable to the provider's practice. If
43 the provider fails to object in writing to the modification within the
44 45-day period, the modification becomes effective at the end of that
45 period. If the provider objects in writing to the modification within



1 the 45-day period, the modification must not become effective
2 unless agreed to by both parties as described in paragraph (a).

3 4. If an insurer specified in subsection 1 contracts with a
4 provider of health care to provide health care to an insured, the
5 insurer shall:

6 (a) If requested by the provider of health care at the time the
7 contract is made, submit to the provider of health care the schedule
8 of payments applicable to the provider of health care; or

9 (b) If requested by the provider of health care at any other time,
10 submit to the provider of health care the schedule of payments,
11 including any changes to the fee schedule applicable to the
12 provider's practice, specified in paragraph (a) within 7 days after
13 receiving the request.

14 5. As used in this section, "provider of health care" means a
15 provider of health care who is licensed pursuant to chapter 630, 631,
16 632 or 633 of NRS ~~H~~ *or sections 2 to 32, inclusive, of this act.*

17 **Sec. 90.** NRS 689C.131 is hereby amended to read as follows:

18 689C.131 1. A carrier serving small employers and a carrier
19 that offers a contract to a voluntary purchasing group shall not
20 charge a provider of health care a fee to include the name of the
21 provider on a list of providers of health care given by the carrier to
22 its insureds.

23 2. A carrier specified in subsection 1 shall not contract with a
24 provider of health care to provide health care to an insured unless
25 the carrier uses the form prescribed by the Commissioner pursuant
26 to NRS 629.095 to obtain any information related to the credentials
27 of the provider of health care.

28 3. A contract between a carrier specified in subsection 1 and a
29 provider of health care may be modified:

30 (a) At any time pursuant to a written agreement executed by
31 both parties.

32 (b) Except as otherwise provided in this paragraph, by the
33 carrier upon giving to the provider 45 days' written notice of the
34 modification of the carrier's schedule of payments, including any
35 changes to the fee schedule applicable to the provider's practice. If
36 the provider fails to object in writing to the modification within the
37 45 day period, the modification becomes effective at the end of that
38 period. If the provider objects in writing to the modification within
39 the 45 day period, the modification must not become effective
40 unless agreed to by both parties as described in paragraph (a).

41 4. If a carrier specified in subsection 1 contracts with a
42 provider of health care to provide health care to an insured, the
43 carrier shall:



1 (a) If requested by the provider of health care at the time the
2 contract is made, submit to the provider of health care the schedule
3 of payments applicable to the provider of health care; or

4 (b) If requested by the provider of health care at any other time,
5 submit to the provider of health care the schedule of payments,
6 including any changes to the fee schedule applicable to the
7 provider's practice, specified in paragraph (a) within 7 days after
8 receiving the request.

9 5. As used in this section, "provider of health care" means a
10 provider of health care who is licensed pursuant to chapter 630, 631,
11 632 or 633 of NRS ~~or~~ *or sections 2 to 32, inclusive, of this act.*

12 **Sec. 91.** NRS 690B.250 is hereby amended to read as follows:

13 690B.250 Except as more is required in NRS 630.3067 and
14 633.526:

15 1. Each insurer which issues a policy of insurance covering the
16 liability of a practitioner licensed pursuant to chapters 630 to 640,
17 inclusive, of NRS *or sections 2 to 32, inclusive, of this act* or who
18 holds a license or limited license issued pursuant to chapter 653 of
19 NRS for a breach of his or her professional duty toward a patient
20 shall report to the board which licensed the practitioner within 45
21 days each settlement or award made or judgment rendered by reason
22 of a claim, if the settlement, award or judgment is for more than
23 \$5,000, giving the name of the claimant and the practitioner and the
24 circumstances of the case.

25 2. A practitioner licensed pursuant to chapters 630 to 640,
26 inclusive, of NRS *or sections 2 to 32, inclusive, of this act* or who
27 holds a license or limited license issued pursuant to chapter 653 of
28 NRS who does not have insurance covering liability for a breach of
29 his or her professional duty toward a patient shall report to the board
30 which issued the practitioner's license within 45 days of each
31 settlement or award made or judgment rendered by reason of a
32 claim, if the settlement, award or judgment is for more than \$5,000,
33 giving the practitioner's name, the name of the claimant and the
34 circumstances of the case.

35 3. These reports are public records and must be made available
36 for public inspection within a reasonable time after they are received
37 by the licensing board.

38 **Sec. 92.** NRS 690B.270 is hereby amended to read as follows:

39 690B.270 If an insurer declines to issue to a practitioner
40 licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or*
41 *sections 2 to 32, inclusive, of this act* a policy of professional
42 liability insurance, the insurer shall, upon the request of the
43 practitioner, disclose to the practitioner the reasons the insurer
44 declined to issue the policy.



1 **Sec. 93.** NRS 690B.280 is hereby amended to read as follows:
2 690B.280 If an insurer, for a policy of professional liability
3 insurance for a practitioner licensed pursuant to chapter 630, 631,
4 632 or 633 of NRS **§ or sections 2 to 32, inclusive, of this act**, sets
5 the premium for the policy for the practitioner at a rate that is higher
6 than the standard rate of the insurer for the applicable type of policy
7 and specialty of the practitioner, the insurer shall, upon the request
8 of the practitioner, disclose the reasons the insurer set the premium
9 for the policy at the higher rate.

10 **Sec. 94.** NRS 690B.290 is hereby amended to read as follows:
11 690B.290 If an insurer offers to issue a claims-made policy to a
12 practitioner licensed pursuant to chapter 630, 631, 632 or 633 of
13 NRS **§ or sections 2 to 32, inclusive, of this act**, the insurer shall:

- 14 1. Offer to issue an extended reporting endorsement to the
15 practitioner; and
- 16 2. Disclose to the practitioner the cost formula that the insurer
17 uses to determine the premium for the extended reporting
18 endorsement. The cost formula must be based on:
 - 19 (a) An amount that is not more than twice the amount of the
20 premium for the claims-made policy at the time of the termination
21 of that policy; and
 - 22 (b) The rates filed by the insurer and approved by the
23 Commissioner.

24 **Sec. 95.** NRS 690B.300 is hereby amended to read as follows:
25 690B.300 1. Except as otherwise provided in this section, if
26 an insurer issues a policy of professional liability insurance to a
27 practitioner licensed pursuant to chapter 630, 632 or 633 of NRS **or**
28 **sections 2 to 32, inclusive, of this act** who delivers one or more
29 babies per year, the insurer shall not set the premium for the policy
30 at a rate that is different from the rate set for such a policy issued by
31 the insurer to any other practitioner licensed pursuant to chapter
32 630, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act**
33 who delivers one or more babies per year if the difference in rates is
34 based in whole or in part upon the number of babies delivered per
35 year by the practitioner.

36 2. If an insurer issues a policy of professional liability
37 insurance to a practitioner licensed pursuant to chapter 630, 632 or
38 633 of NRS **or sections 2 to 32, inclusive, of this act** who delivers
39 one or more babies per year, the insurer may set the premium for
40 the policy at a rate that is different, based in whole or in part upon
41 the number of babies delivered per year by the practitioner, from the
42 rate set for such a policy issued by the insurer to any other
43 practitioner licensed pursuant to chapter 630, 632 or 633 of NRS **or**
44 **sections 2 to 32, inclusive, of this act** who delivers one or more
45 babies per year if the insurer:



1 (a) Bases the difference upon actuarial and loss experience data
2 available to the insurer; and

3 (b) Obtains the approval of the Commissioner for the difference
4 in rates.

5 3. The provisions of this section do not prohibit an insurer from
6 setting the premium for a policy of professional liability insurance
7 issued to a practitioner licensed pursuant to chapter 630, 632 or 633
8 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one
9 or more babies per year at a rate that is different from the rate set for
10 such a policy issued by the insurer to any other practitioner licensed
11 pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32,*
12 *inclusive, of this act* who delivers one or more babies per year if the
13 difference in rates is based solely upon factors other than the
14 number of babies delivered per year by the practitioner.

15 **Sec. 96.** NRS 690B.310 is hereby amended to read as follows:

16 690B.310 1. If an agreement settles a claim or action against
17 a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of
18 NRS *or sections 2 to 32, inclusive, of this act* for a breach of his or
19 her professional duty toward a patient, the following terms of the
20 agreement must not be made confidential:

21 (a) The names of the parties;

22 (b) The date of the incidents or events giving rise to the claim or
23 action;

24 (c) The nature of the claim or action as set forth in the complaint
25 and the answer that is filed with the district court; and

26 (d) The effective date of the agreement.

27 2. Any provision of an agreement to settle a claim or action
28 that conflicts with this section is void.

29 **Sec. 97.** NRS 690B.320 is hereby amended to read as follows:

30 690B.320 1. If an insurer offers to issue a claims-made
31 policy to a practitioner licensed pursuant to chapters 630 to 640,
32 inclusive, of NRS *or sections 2 to 32, inclusive, of this act* or who
33 holds a license or limited license issued pursuant to chapter 653 of
34 NRS, the insurer shall:

35 (a) Offer to issue to the practitioner an extended reporting
36 endorsement without a time limitation for reporting a claim.

37 (b) Disclose to the practitioner the premium for the extended
38 reporting endorsement and the cost formula that the insurer uses to
39 determine the premium for the extended reporting endorsement.

40 (c) Disclose to the practitioner the portion of the premium
41 attributable to funding the extended reporting endorsement offered
42 at no additional cost to the practitioner in the event of the
43 practitioner's death, disability or retirement, if such a benefit is
44 offered.



1 (d) Disclose to the practitioner the vesting requirements for the
2 extended reporting endorsement offered at no additional cost to the
3 practitioner in the event of the practitioner's death or retirement, if
4 such a benefit is offered. If such a benefit is not offered, the absence
5 of such a benefit must be disclosed.

6 (e) Include, as part of the insurance contract, language which
7 must be approved by the Commissioner and which must be
8 substantially similar to the following:
9

10 If we adopt any revision that would broaden the coverage
11 under this policy without any additional premium either
12 within the policy period or within 60 days before the policy
13 period, the broadened coverage will immediately apply to this
14 policy.
15

16 2. The disclosures required by subsection 1 must be made as
17 part of the offer and acceptance at the inception of the policy and
18 again at each renewal in the form of an endorsement attached to the
19 insurance contract and approved by the Commissioner.

20 3. The requirements set forth in this section are in addition to
21 the requirements set forth in NRS 690B.290.

22 **Sec. 98.** NRS 690B.360 is hereby amended to read as follows:

23 690B.360 1. The Commissioner may collect all information
24 which is pertinent to monitoring whether an insurer that issues
25 professional liability insurance for a practitioner licensed pursuant
26 to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32,*
27 *inclusive, of this act* is complying with the applicable standards for
28 rates established in NRS 686B.010 to 686B.1799, inclusive. Such
29 information may include, without limitation:

30 (a) The amount of gross premiums collected with regard to each
31 medical specialty;

32 (b) Information relating to loss ratios; and

33 (c) Information reported pursuant to NRS 679B.430 and
34 679B.440.

35 2. In addition to the information collected pursuant to
36 subsection 1, the Commissioner may request any additional
37 information from an insurer:

38 (a) Whose rates and credit utilization are materially different
39 from other insurers in the market for professional liability insurance
40 for a practitioner licensed pursuant to chapter 630, 631, 632 or 633
41 of NRS *or sections 2 to 32, inclusive, of this act* in this State;

42 (b) Whose credit utilization shows a substantial change from the
43 previous year; or

44 (c) Whose information collected pursuant to subsection 1
45 indicates a potentially adverse trend.



1 3. If the Commissioner requests additional information from an
2 insurer pursuant to subsection 2, the Commissioner may:

3 (a) Determine whether the additional information offers a
4 reasonable explanation for the results described in paragraph (a), (b)
5 or (c) of subsection 2; and

6 (b) Take any steps permitted by law that are necessary and
7 appropriate to assure the ongoing stability of the market for
8 professional liability insurance for a practitioner licensed pursuant
9 to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32,*
10 *inclusive, of this act* in this State.

11 4. On an ongoing basis, the Commissioner may analyze and
12 evaluate the information collected pursuant to this section to
13 determine trends in and measure the health of the market for
14 professional liability insurance for a practitioner licensed pursuant
15 to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32,*
16 *inclusive, of this act* in this State.

17 5. If the Commissioner convenes a hearing pursuant to
18 subsection 1 of NRS 690B.350 and determines that the market for
19 professional liability insurance issued to any class, type or specialty
20 of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS
21 *or sections 2 to 32, inclusive, of this act* is not competitive and that
22 such insurance is unavailable or unaffordable for a substantial
23 number of such practitioners, the Commissioner shall prepare and
24 submit a report of the Commissioner's findings and
25 recommendations to the Director of the Legislative Counsel Bureau
26 for transmittal to members of the Legislature.

27 **Sec. 99.** NRS 695A.095 is hereby amended to read as follows:

28 695A.095 1. A society shall not charge a provider of health
29 care a fee to include the name of the provider on a list of providers
30 of health care given by the society to its insureds.

31 2. A society shall not contract with a provider of health care to
32 provide health care to an insured unless the society uses the form
33 prescribed by the Commissioner pursuant to NRS 629.095 to obtain
34 any information related to the credentials of the provider of health
35 care.

36 3. A contract between a society and a provider of health care
37 may be modified:

38 (a) At any time pursuant to a written agreement executed by
39 both parties.

40 (b) Except as otherwise provided in this paragraph, by the
41 society upon giving to the provider 45 days' written notice of the
42 modification of the society's schedule of payments, including any
43 changes to the fee schedule applicable to the provider's practice. If
44 the provider fails to object in writing to the modification within the
45 45-day period, the modification becomes effective at the end of that



1 period. If the provider objects in writing to the modification within
2 the 45-day period, the modification must not become effective
3 unless agreed to by both parties as described in paragraph (a).

4 4. If a society contracts with a provider of health care to
5 provide health care to an insured, the society shall:

6 (a) If requested by the provider of health care at the time the
7 contract is made, submit to the provider of health care the schedule
8 of payments applicable to the provider of health care; or

9 (b) If requested by the provider of health care at any other time,
10 submit to the provider of health care the schedule of payments,
11 including any changes to the fee schedule applicable to the
12 provider's practice, specified in paragraph (a) within 7 days after
13 receiving the request.

14 5. As used in this section, "provider of health care" means a
15 provider of health care who is licensed pursuant to chapter 630, 631,
16 632 or 633 of NRS ~~H~~ *or sections 2 to 32, inclusive, of this act.*

17 **Sec. 100.** NRS 695B.035 is hereby amended to read as
18 follows:

19 695B.035 1. A corporation subject to the provisions of this
20 chapter shall not charge a provider of health care a fee to include the
21 name of the provider on a list of providers of health care given by
22 the corporation to its insureds.

23 2. A corporation specified in subsection 1 shall not contract
24 with a provider of health care to provide health care to an insured
25 unless the corporation uses the form prescribed by the
26 Commissioner pursuant to NRS 629.095 to obtain any information
27 related to the credentials of the provider of health care.

28 3. A contract between a corporation specified in subsection 1
29 and a provider of health care may be modified:

30 (a) At any time pursuant to a written agreement executed by
31 both parties.

32 (b) Except as otherwise provided in this paragraph, by the
33 corporation upon giving to the provider 45 days' written notice of
34 the modification of the corporation's schedule of payments,
35 including any changes to the fee schedule applicable to the
36 provider's practice. If the provider fails to object in writing to the
37 modification within the 45-day period, the modification becomes
38 effective at the end of that period. If the provider objects in writing
39 to the modification within the 45-day period, the modification must
40 not become effective unless agreed to by both parties as described in
41 paragraph (a).

42 4. If a corporation specified in subsection 1 contracts with a
43 provider of health care to provide health care to an insured, the
44 corporation shall:



1 (a) If requested by the provider of health care at the time the
2 contract is made, submit to the provider of health care the schedule
3 of payments applicable to the provider of health care; or

4 (b) If requested by the provider of health care at any other time,
5 submit to the provider of health care the schedule of payments,
6 including any changes to the fee schedule applicable to the
7 provider's practice, specified in paragraph (a) within 7 days after
8 receiving the request.

9 5. As used in this section, "provider of health care" means a
10 provider of health care who is licensed pursuant to chapter 630, 631,
11 632 or 633 of NRS ~~§~~ *or sections 2 to 32, inclusive, of this act.*

12 **Sec. 101.** NRS 695C.125 is hereby amended to read as
13 follows:

14 695C.125 1. A health maintenance organization shall not
15 contract with a provider of health care to provide health care to an
16 insured unless the health maintenance organization uses the form
17 prescribed by the Commissioner pursuant to NRS 629.095 to obtain
18 any information related to the credentials of the provider of health
19 care.

20 2. A contract between a health maintenance organization and a
21 provider of health care may be modified:

22 (a) At any time pursuant to a written agreement executed by
23 both parties.

24 (b) Except as otherwise provided in this paragraph, by the health
25 maintenance organization upon giving to the provider 45 days'
26 written notice of the modification of the health maintenance
27 organization's schedule of payments, including any changes to the
28 fee schedule applicable to the provider's practice. If the provider
29 fails to object in writing to the modification within the 45-day
30 period, the modification becomes effective at the end of that period.
31 If the provider objects in writing to the modification within the 45-
32 day period, the modification must not become effective unless
33 agreed to by both parties as described in paragraph (a).

34 3. If a health maintenance organization contracts with a
35 provider of health care to provide health care to an enrollee, the
36 health maintenance organization shall:

37 (a) If requested by the provider of health care at the time the
38 contract is made, submit to the provider of health care the schedule
39 of payments applicable to the provider of health care; or

40 (b) If requested by the provider of health care at any other time,
41 submit to the provider of health care the schedule of payments,
42 including any changes to the fee schedule applicable to the
43 provider's practice, specified in paragraph (a) within 7 days after
44 receiving the request.



1 4. As used in this section, “provider of health care” means a
2 provider of health care who is licensed pursuant to chapter 630, 631,
3 632 or 633 of NRS **H** *or sections 2 to 32, inclusive, of this act.*

4 **Sec. 102.** NRS 695G.127 is hereby amended to read as
5 follows:

6 695G.127 1. A managed care organization shall not contract
7 with a provider of health care to provide health care to an insured
8 unless the managed care organization uses the form prescribed by
9 the Commissioner pursuant to NRS 629.095 to obtain any
10 information related to the credentials of the provider of health care.

11 2. A contract between a managed care organization and a
12 provider of health care may be modified:

13 (a) At any time pursuant to a written agreement executed by
14 both parties.

15 (b) Except as otherwise provided in this paragraph, by the
16 managed care organization upon giving to the provider 45 days’
17 written notice of the modification of the managed care
18 organization’s schedule of payments, including any changes to the
19 fee schedule applicable to the provider’s practice. If the provider
20 fails to object in writing to the modification within the 45-day
21 period, the modification becomes effective at the end of that period.
22 If the provider objects in writing to the modification within the 45-
23 day period, the modification must not become effective unless
24 agreed to by both parties as described in paragraph (a).

25 3. If a managed care organization contracts with a provider of
26 health care to provide health care services pursuant to chapter 689A,
27 689B, 689C, 695A, 695B or 695C of NRS, the managed care
28 organization shall:

29 (a) If requested by the provider of health care at the time the
30 contract is made, submit to the provider of health care the schedule
31 of payments applicable to the provider of health care; or

32 (b) If requested by the provider of health care at any other time,
33 submit to the provider of health care the schedule of payments,
34 including any changes to the fee schedule applicable to the
35 provider’s practice, specified in paragraph (a) within 7 days after
36 receiving the request.

37 4. As used in this section, “provider of health care” means a
38 provider of health care who is licensed pursuant to chapter 630, 631,
39 632 or 633 of NRS **H** *or sections 2 to 32, inclusive, of this act.*

40 **Sec. 103.** Section 20 of this act is hereby amended to read as
41 follows:

42 **Sec. 20.** 1. An applicant for a license as a licensed
43 certified professional midwife must submit to the Division an
44 application pursuant to this section in the form prescribed by
45 the Division. The application must be accompanied by a fee



1 in the amount prescribed by regulation of the State Board of
2 Health pursuant to NRS 439.150, which must not exceed
3 \$1,000, and:

4 (a) A complete set of his or her fingerprints and written
5 permission authorizing the Division to forward the
6 fingerprints to the Central Repository for Nevada Records of
7 Criminal History for submission to the Federal Bureau of
8 Investigation for its report; or

9 (b) Written verification, on a form prescribed by the
10 Division, stating that the fingerprints of the applicant were
11 taken in this State and directly forwarded electronically or by
12 another means to the Central Repository and that the
13 applicant has given written permission to the law enforcement
14 agency or other authorized entity taking the fingerprints to
15 submit the fingerprints to the Central Repository for
16 submission to the Federal Bureau of Investigation for its
17 report.

18 2. The application must include, without limitation,
19 proof that the applicant ~~is~~:

20 (a) ~~Is~~ certified as a midwife by the North American
21 Registry of Midwives, or its successor organization; ~~and~~ ~~and~~
22 ~~—(a)~~ (b) Has completed an educational program that is
23 consistent with the most recent statement on licensure of
24 Certified Professional Midwives by the United States
25 Midwifery Education, Regulation and Association, or its
26 successor organization. ~~or~~

27 ~~—(b) Holds a Midwifery Bridge Certificate issued by the~~
28 ~~North American Registry of Midwives, or its successor~~
29 ~~organization, and has completed the Portfolio Evaluation~~
30 ~~Process prescribed by that organization.]~~

31 3. *If the Division determines it to be necessary to*
32 *address shortages in the number of licensed certified*
33 *professional midwives practicing in rural or underserved*
34 *areas in this State or barriers for applicants from*
35 *marginalized identities, the Division may, on a case-by-case*
36 *basis, exempt an applicant from the requirements of*
37 *paragraph (b) of subsection 2 if the applicant:*

38 (a) *Holds a Midwifery Bridge Certificate issued by the*
39 *North American Registry of Midwives, or its successor*
40 *organization; and*

41 (b) *Has completed the Portfolio Evaluation Process*
42 *prescribed by that organization.*

43 4. A license as a licensed certified professional midwife
44 may be renewed upon submission to the Division of a



renewal application in the form prescribed by the Division. The renewal application must:

(a) Be accompanied by a renewal fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed \$1,000; and

(b) Include any information required by the regulations adopted by the Board pursuant to section 19 of this act.

~~[4.]~~ 5. To the extent that the implementation of such provisions will leave the Division with sufficient money to carry out its duties under this chapter, the State Board of Health may establish by regulation a procedure through which:

(a) An applicant may petition the Division to reduce the fees imposed pursuant to this section or section 26 of this act. An applicant may qualify for such a reduction if the applicant demonstrates, to the satisfaction of the Division, that the fees imposed pursuant to this section or section 26 of this act are an economic hardship on the applicant.

(b) The Division allocates a portion of the fees imposed and collected pursuant to this section or section 26 of this act to programs that promote applicants from marginalized identities through increasing the numbers of such applicants and reducing barriers that such applicants face.

~~[5.]~~ 6. As used in this section, "marginalized identity" means an identity or expression that causes or has historically caused a person of such identity or expression to be disproportionately discriminated against, harassed or otherwise negatively treated or affected as a result of the identity or expression.

Sec. 104. Section 22 of this act is hereby amended to read as follows:

Sec. 22. 1. In addition to any other requirements set forth in this chapter ~~f~~:

~~—(a) An applicant for the issuance of a license as a licensed certified professional midwife in this State shall include the social security number of the applicant in the application submitted to the Division.~~

~~—(b) An~~, *an* applicant for the issuance of a license as a licensed certified professional midwife in this State shall submit to the Division of Public and Behavioral Health of the Department of Health and Human Services the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.



1 2. The Division of Public and Behavioral Health of the
2 Department of Health and Human Services shall include the
3 statement required pursuant to subsection 1 in:

- 4 (a) The application or any other forms that must be
5 submitted for the issuance or renewal of the license; or
6 (b) A separate form prescribed by the Division.

7 3. A license as a licensed certified professional midwife
8 may not be issued or renewed by the Division if the applicant:

9 (a) Fails to submit the statement required pursuant to
10 subsection 1; or

11 (b) Indicates on the statement submitted pursuant to
12 subsection 1 that the applicant is subject to a court order for
13 the support of a child and is not in compliance with the order
14 or a plan approved by the district attorney or other public
15 agency enforcing the order for the repayment of the amount
16 owed pursuant to the order.

17 4. If an applicant indicates on the statement submitted
18 pursuant to subsection 1 that the applicant is subject to a court
19 order for the support of a child and is not in compliance with
20 the order or a plan approved by the district attorney or other
21 public agency enforcing the order for the repayment of the
22 amount owed pursuant to the order, the Division shall advise
23 the applicant to contact the district attorney or other public
24 agency enforcing the order to determine the actions that the
25 applicant may take to satisfy the arrearage.

26 **Sec. 105.** (Deleted by amendment.)

27 **Sec. 106.** (Deleted by amendment.)

28 **Sec. 107.** (Deleted by amendment.)

29 **Sec. 108.** Notwithstanding the provisions of section 17 of this
30 act, on or before July 1, 2024, the Administrator of the Division of
31 Public and Behavioral Health of the Department of Health and
32 Human Services may appoint to the Board of Licensed Certified
33 Professional Midwives created by that section:

34 1. Four members pursuant to paragraph (a) of subsection 2 of
35 that section who are not licensed pursuant to section 20 of this act
36 and are certified as midwives by the North American Registry of
37 Midwives, or its successor organization. If such a member is not
38 licensed as a licensed certified professional midwife pursuant to
39 section 20 of this act on July 1, 2024:

40 (a) His or her term ends on that date; and

41 (b) The Administrator shall appoint a person who is so licensed
42 to fill the vacancy.

43 2. One member pursuant to paragraph (b) of subsection 2 of
44 section 17 of this act who has not received care from a licensed
45 certified professional midwife licensed pursuant to section 20 of this



1 act but who has received care from a midwife certified by the North
2 American Registry of Midwives, or its successor organization. That
3 member may serve until the expiration of the term prescribed
4 pursuant to subsection 6 of section 17 of this act.

5 **Sec. 109.** NRS 440.035 is hereby repealed.

6 **Sec. 110.** 1. This section and sections 106 and 107 of this act
7 become effective upon passage and approval.

8 2. Sections 1 to 102, inclusive, 108 and 109 of this act become
9 effective:

10 (a) Upon passage and approval for the purpose of appointing the
11 members of the Board of Licensed Certified Professional Midwives
12 created by section 17 of this act, adopting any regulations and
13 performing any other preparatory administrative tasks that are
14 necessary to carry out the provisions of this act; and

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

16 3. Section 103 of this act becomes effective on January 1,
17 2026.

18 4. Section 104 of this act becomes effective on the date on
19 which the provisions of 42 U.S.C. § 666 requiring each state to
20 establish procedures under which the state has authority to withhold
21 or suspend, or to restrict the use of professional, occupational and
22 recreational licenses of persons who:

23 (a) Have failed to comply with a subpoena or warrant relating to
24 a proceeding to determine the paternity of a child or to establish or
25 enforce an obligation for the support of a child; or

26 (b) Are in arrears in the payment for the support of one or more
27 children,

28 ➔ are repealed by the Congress of the United States.

29 5. Section 105 of this act becomes effective on the date on
30 which the regulations described in section 106 of this act become
31 effective.

32 6. Section 33 of this act expires by limitation on the date on
33 which the provisions of 42 U.S.C. § 666 requiring each state to
34 establish procedures under which the state has authority to withhold
35 or suspend, or to restrict the use of professional, occupational and
36 recreational licenses of persons who:

37 (a) Have failed to comply with a subpoena or warrant relating to
38 a proceeding to determine the paternity of a child or to establish or
39 enforce an obligation for the support of a child; or

40 (b) Are in arrears in the payment for the support of one or more
41 children,

42 ➔ are repealed by the Congress of the United States.

43 7. Sections 22, 29 and 104 of this act expire by limitation on
44 the date 2 years after the date on which the provisions of 42 U.S.C.
45 § 666 requiring each state to establish procedures under which the



- 1 state has authority to withhold or suspend, or to restrict the use of
2 professional, occupational and recreational licenses of persons who:
3 (a) Have failed to comply with a subpoena or warrant relating to
4 a proceeding to determine the paternity of a child or to establish or
5 enforce an obligation for the support of a child; or
6 (b) Are in arrears in the payment for the support of one or more
7 children,
8 ↪ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

440.035 “Midwife” defined. As used in this chapter,
“midwife” means:

1. A person certified as:
 - (a) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or
 - (b) A Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; or
2. Any other type of midwife.

