

## **Overview of the recently ended 2019 Nevada Legislative Session**

While it is difficult to encapsulate 120 intense days of the legislature into a few paragraphs or pages, here are some high points on the session, and notes on a variety of issues.

We have included information on specific bills passed this session, including bills relating to data requests. The Board of Osteopathic Medicine is now required to include questions for medical professionals upon licensure or renewal of license to determine specific areas of expertise relating to trauma and treatment of mental and emotional support rising from an emergency or disaster. This is in response to the Oct. 1 shootings in Las Vegas and various traumatic events around the country. The regulatory board is required to maintain a list of licensees who are willing to be called to action in time of emergency and/or disaster. As with all data collected by your licensing board, this information will be kept confidential.

In another measure, health care providers are now required to inquire of patients their veteran status and provide the patient contact information for Department of Veteran Services. More details below.

### **Nevada's New Governor**

For the first time since 1999, Nevada has a Democratic head of state. Governor Steve Sisolak was elected in November of 2018, after defeating conservative opponent Adam Laxalt. The former Clark County Commissioner ran his gubernatorial campaign on the promise being a pro-choice, pro-business democrat. He pledged to bring collective bargaining to State employees, provide a three percent increase to teachers' salaries, support clean and renewable energy, address gun issues, and protect patients from surprise emergency room bills. During the legislative session, Governor Sisolak was able to live up to many of his promises, including approving collective bargaining for state workers, providing raises for teachers, beginning the process to revamp the state's antiquated K-12 funding formula, banning bump stocks in the state and implementing red flag restrictions on gun possession, and raising the Renewable Portfolio Standard to 50% by 2030.

### **Historic Female Majority**

This session, Nevada became the first state in the country to have a majority female Legislature. In the Assembly, women made up 23 of the 42 seats and in the Senate, they had 10 out of 21, therefore giving Nevada 32 out of the 63 seats in the legislature, or 52%. Nationwide, women only hold about 25% of state legislative seats. With the help of a woman majority, lawmakers passed a historic number of women-related bills, with issues ranging from sexual assault and harassment, to women's health and family planning. Women also played key roles in the legislature, with Senator Nicole Cannizzaro stepping in as the Senate Majority Leader after Senator Kelvin Atkinson's resignation, and Assemblywoman Teresa Benitez-Thompson serving for her second session as the Assembly Majority Leader.

### **Democrat Majority**

The 2018 election cycle brought a massive blue wave in Nevada. A 13-8 Democratic majority in the Senate and 29-13 in the Assembly led Republicans to the conclusion that would have to pick their battles carefully this session. Democratic leadership was off to a rocky start in the first month with Senate Majority Leader Kelvin Atkinson's resignation in the face of a felony indictment for campaign finance violations. Shortly after, Assembly Ways and Means Chair Mike Sprinkle resigned over sexual

harassment allegations. Later in the session, Tyrone Thompson, the well-liked Assembly Education Chair passed away suddenly. Despite the setbacks, the Democrat leadership was able to accomplish most of their priorities and brought the session to an end on time. Democratic control in both houses and in the Governor's office allowed for a democratic agenda that mirrored many of Governor Sisolak's campaign promises.

### **The Governor's Budget**

While on the campaign trail, Governor Sisolak had one resounding promise – “No New Taxes”. When the legislature ended Monday at midnight, he was able to get his budget bills passed and live up to that statement. However, the effort did not come without a fight, and now a potential lawsuit. The Modified Business Tax (MBT, also known as the Payroll Tax) was on schedule to decrease this year, but the Governor announced his intention to cancel the decrease and maintain the existing tax rate. Keeping the MBT at the same rate generated an additional \$100 million in the Governor's budget giving him room to live up to other campaign promises, including increased education funding and teachers' salaries, state employee raises, etc. The Nevada Constitution requires a super-majority vote for any revenue increases, and the Democrats were unable to obtain a supermajority to cancel the rate decrease. Faced with that reality, the Democrats obtained a legal opinion stating that the cancellation of a scheduled tax rate decrease requires only a simple majority, and the cancellation of the decrease was thereafter passed without a super-majority in favor. Republicans have suggested they will file a lawsuit over the vote.

### **Appointments**

Nevada set a record this last election cycle by having five vacancies in the Legislature before the start of this session and several vacancies during session. These initial openings were generated by:

- Senate Majority Leader Aaron Ford, who was elected *mid-term* to Attorney General.  
*Replaced by appointed Senator Dallas Harris*
- Senator Tick Segerblom, who was elected *mid-term* to the Clark County Commission.  
*Replaced by Senator Chris Brooks whose Senate appointment pulled him out of the Assembly*
- Assemblyman Chris Brooks, who was appointed to replace Segerblom in the Senate.  
*Replaced by appointed Assemblywoman Rochelle Nguyen*
- Assemblywoman Olivia Diaz, who resigned to run for Las Vegas City Council.  
*Replaced by appointed Assemblywoman Bea Duran*
- Assemblyman-elect Dennis Hof, who died three weeks before winning the election.  
*Replaced by appointed Assemblyman Gregory Hafen II*

In addition to these appointments, there were a few other resignations, absences and a death:

- Senate Majority Leader Kelvin Atkinson resigned early in the session after admitting to misappropriation of campaign funds for personal use.  
*Replaced by appointee Marcia Washington.*
- Assemblyman Mike Sprinkle resigned shortly after amid sexual harassment allegations.  
*Assemblyman Greg Smith, the husband of late Senator Debbie Smith, was appointed to replace Sprinkle.*

- Assemblyman John Hambrick was absent for nearly the entire 120-day session due to medical and family issues. He attended the first week of session and did not return until day 117, essentially making his seat vacant for most of the session.
- Assemblyman Tyrone Thompson unexpectedly passed on May 4 due to complications of diabetes, approximately a month before sine die. He served as Chair of the Education committee and was a long-time advocate for Nevada's schools and homeless youth. His tenure in the legislature began in 2013 when he was appointed to represent District 17 in Clark County. In his honor, his fellow legislators signed on as co-sponsors to many of his remaining bills. His seat remained vacant through the end of session.

### **Taxation**

The 2019 session was relatively quiet in terms of broad-based changes to tax policy. Due to a strong economy, projected revenues were largely in place to meet the proposed budget. Nonetheless, several policies put in place by the Nevada Legislature in 2019 are likely to require increased revenues in future sessions, such as increased funding commitments to education and collective bargaining for state employees. Assembly Bill 309, which enables a county commission to raise the sales tax by ¼% to fund various programs, is a harbinger of those increased revenue expectations. The tax on tobacco was extended to vaping products. A scheduled reduction in the modified business tax was cancelled. Other potentially significant revenue generating bills, such as a restructuring of the property tax system and a sales tax on digital goods, did not pass in 2019 but will likely be considered in future sessions.

### **Energy**

Energy was again a large theme this session, with several monumental bills being signed into law. In a highly publicized bill signing ceremony that coincided with Earth Day, Governor Sisolak signed SB 358, a bill that will increase Nevada's Renewable Portfolio Standard (RPS) to 50% by 2030, aiming to reduce carbon emissions and smog-forming pollution that come from fossil fuels. He also announced this session that Nevada will sign onto the U.S. Climate Alliance, which consists of a group of governors committing to uphold the greenhouse gas-reducing objectives of the Paris Climate Agreement. Another high-profile bill came from SB 547 which aimed to revise NRS 704B, the chapter of law used by large companies to leave NV Energy's electric service provider and purchase power from a third party. Although the bill was watered down, it still contains provisions overhauling the current departure process, including limiting when companies can leave, licensing, and higher requirements for businesses depart the utility. That bill is still waiting for the Governor's signature.

### **Election Law**

The Legislature made several significant changes to election laws during the session. The pertinent changes included allowing for voters to register up to and including the day of an election, allowing convicted persons to vote upon release from prison, establishing additional rules with respect to recall petitions, setting municipal elections during even years, and restricting the use of campaign funds for personal use by a candidate. The Governor's first veto was issued for a bill that would have pledged Nevada's electoral votes to the winner of the popular vote for president. Had the bill been approved, it would have tied Nevada to a compact of states agreeing to commit their votes to the winner of the national popular vote but would only take effect if enough states joined the compact to eclipse the 270 electoral vote threshold. For further information on these bills, additional detail is provided later in this report.

## **Redistricting**

Upon completion of the 2020 census, Nevada will draft and enact new district boundaries to determine how many U.S. Representatives and how many state legislators the state will have. Currently we have four members in the U.S. House of Representatives and 63 legislators. District boundaries are redrawn every 10 years and, according to federal law, districts must have nearly equal populations and cannot discriminate on the basis of race or ethnicity. While it is unlikely that Nevada will gain an additional seat in the House, the newly drawn lines may lay out a new look in the legislature. With Nevada leaning more and more to a Democratic state, key districts, especially in Southern Nevada, may turn blue, out numbering Republicans districts. A saving grace for Republicans, however, may come from the Commerce Department's decision to include a question regarding individuals "citizenship" as part of the 2020 census. This may keep many Latinos from participating, therefore impacting the census population numbers. The last time Nevada's district lines were modified was in 2010 when the legislature was controlled by Democrats and the Governor was Republican. The legislature approved the redistricting plans only for the Governor to veto them twice. The issue finally had to go to court, where a three-member panel was appointed to draw the plans, which the court ultimately approved.

## **Swing Seats**

Three legislators were term limited this session, Senators Woodhouse and Parks and Assemblyman Hambrick. All have served in the legislature for twelve years, and Senators Parks' also served in the Assembly before being elected to the Senate. Their seats will be up for grabs during the next election, and there have been some rumors of who is interested in replacing them. In Senate District 5, the seat that Senator Parks holds, Assemblywoman Spiegel and Assemblyman Carrillo have both indicated that they will run. There has not been any word on potential candidates for the other seats. In Senate District 4, Senator Marcia Washington has indicated that she will not seek the seat again. She was appointed after Senator Kelvin Atkinson resigned early in the session due to a federal investigation that he misused campaign funds.

## **The 2019-2020 Interim Period**

There were a number of studies that were approved by the Legislature this session. These committees will meet periodically throughout the interim:

### **Committee on Child Welfare and Juvenile Justice**

This is an existing statutory committee made up of six legislators who will study:

- Study on funding of child welfare system
- Study on Maternal, Infant, and Early Childhood Home Visitation Services
- Study of Juvenile Detention

### **Legislative Committee on Health Care**

This is an existing statutory committee made up of six legislators who will study:

- Study of Standards of Training for Unlicensed Providers of Health Care
- Study of Matters relating to Stem Cell Centers

### **Statutory Committee on Education**

This is an existing statutory committee made up of eight legislators who will study:

- Study of the provision of safe and respectful learning environment

### **Legislative Committee on Energy**

This is an existing statutory committee made up of six legislators who will study:

- Study of the development of renewable energy and clean energy resources
- Study considering alternative solutions of transportation system funding

### **Sunset Subcommittee**

This is an existing statutory committee made up of six legislators and three non-voting members who will study:

- Study of professional and occupational licensing boards

### **Interim Study Committees**

These committees have been approved for the 2019-2020 biennium only to study:

- Wildfires
- Working conditions in licensed brothels
- Issues relating to driving under the influence of marijuana
- Costs of prescription drugs
- Requirements of reapportionment and redistricting
- Feasibility, viability, and design of a public healthcare insurance plan for Nevadans
- Issues relating to pretrial release of defendants in criminal cases

### **The Committee on Tax Expenditures and Incentives for Economic Development**

This is a new ongoing statutory committee that has been established and will be made up of six legislators.

## **Health Care Initiatives**

### **Nevada Patient Protection Commission**

During his State of the State address, Governor Sisolak announced plans to put together a group to address health care issues in Nevada. To that end, [SB544](#) was introduced and passed unanimously by both houses to establish the Nevada Patient Protection Commission (PPC).

The commission will systematically review health care policy and regulation in Nevada, study state and federal health care initiatives, and make recommendations to improve quality, accessibility and affordability of health care in Nevada.

Governor Sisolak will appoint eleven voting members representing broad sectors of health care stakeholders, including patient advocates, with recommendations from legislative leadership. The Director of DHHS, the Commissioner of Insurance and the Executive Director of the Silver State Health Insurance Exchange serve as ex-officio members of the PPC.

The PPC may establish up to six subcommittees at a time with a limited, six-month duration. The subcommittees will provide necessary forums for other health care stakeholders appointed by the PPC to collaboratively review, identify solutions, and make recommendations on specific health care issues under the PPC jurisdiction.

The PPC will have full-time staff with the executive director to be appointed by the Governor. State agencies, boards and commissions will provide advice and technical assistance to the PPC, which is required to collaborate, but not duplicate, the work of the existing bodies.

The PPC has the authority to request two legislative bill draft requests and will have a broad scope of review of health care costs issues, including prescription drugs, a comprehensive examination of the system for regulating health care; examination of health care costs and primary factors driving those costs; disparities in the quality and cost of health care between different groups; adequacy of providers and availability of health benefit plans; impact of federal legislation and changes to Medicaid; review of policy initiatives; and increasing access to health care for uninsured populations.

Private practitioners and regulatory boards may anticipate data requests from the PPC as it works through the ambitious agenda now set in statute.

### **AB469 – Out of Network/Balanced Billing**

This legislation was well over three (3) legislative sessions in the making; stakeholders met throughout the interim and nearly every week of the session to find compromise on this complex issue. In the end, we did find compromise, which means that none of the stakeholders were particularly happy, but with passage of AB469, the patient will not be left holding the bag (and bill) for out of network emergency services.

#### ***Approved by Governor. Chapter 62.***

Effective January 1, 2020

- Limits the amount a provider of health care may charge a person who has health insurance for medically necessary emergency services when the provider is out-of-network
- Requires insurers to arrange for transfer to an in-network facility of patient once stable at an out-of-network Nevada emergency facility
- Provides for procedures for determining the amount that an insurer is required to pay a provider of health care which is out-of-network for medically necessary emergency services to an insured
- Requires arbitrators to report on number and types of cases, prevailing party, geographic location of provider
- Insured pays in-network cost-share (see “Does not apply to”)
- *Does not apply to:*
  - State Plan for Medicaid, CHIP or MCO that provides services through managed care contract to recipients of Medicaid
  - Critical access hospitals as deemed by Secretary of HHS
  - A person who is covered by a policy of health insurance that was sold outside this State
  - Any health care services provided more than 24 hours after notification is provided that patient has been stabilized
- For Facilities, third party must pay (minus insured in-network cost-share)

- Within past 12 months = 108% of most recent contract rate
- 12 to 24 months = 115% of most recent contract rate
- More than 24 months
  - Third party payer remits an amount they determine to be fair & reasonable for payment
- For providers other than facilities (i.e doctors et al) (all payments are minus insured in-network cost-share)
  - Within past 12 months
    - Out-of-network (OON) provider terminated contract without cause before contract was to expire = third party pays the amount payable under the most recent contract
    - OON provider terminated contract for cause before contract was to expire OR third party terminated the contract without cause = third party pays 108% of most recent contract rate
    - Third party terminated contract for cause before contract was to expire = third party pays an amount third party determines to be fair and reasonable
    - Contract expired (was not terminated by either party) = third party pays most recent contract rate + an amount equal to the percentage of increase in the CPI (Medical Care Component) during the preceding calendar year
  - More than 12 months
    - Third party payer submits an offer of payment to out-of-network provider
    - Out-of-network provider accepts or rejects third party payer offer of payment within 30 days. Failure to comply within 30 days, amount offered shall be deemed accepted
    - If offer is rejected by out-of-network provider, the out-of-network provider must request an addt'l amount from third party.
    - If third party refuses to pay addt'l amount requested by out-of-network provider within 30 days, the entities will go to "Baseball Style Arbitration"
  - Baseball Style Arbitration
    - Out of network provider must request a list of five arbitrators from an entity authorized by regulations
    - For claims less than \$5000, the use of arbitrators who will conduct arbitration in an economically efficient manner
    - For claims more than \$5000, the use of arbitrators from nationally recognized providers of arbitration services
    - Upon receipt of list of 5 arbitrators, the OON provider and the 3rd party each strike two arbitrators from the list. If one remains, that is who arbitrates the case. If more than one remain, an arbitrator is randomly selected by the entity that provided the list of arbitrators
    - Arbitration is binding between the parties.
    - Arbitrator will review case and require:

- OON Provider to accept amount offered by 3rd party, or
- Third party to pay the addt'l amount requested by the OON provider

**AB 147** *Authorizes a physician assistant or advanced practice registered nurse to perform certain services.*

Assembly Bill 147 authorizes an advanced practice registered nurse or physician assistant to authorize handicap placards for motor vehicles and statements and to order home health care for a patient, which under current law only a physician or, in certain cases, other specified providers of health care, are allowed to complete or order.

This bill also provides that a medical device prescribed by a physician assistant is exempt from sales tax under the same conditions as a medical device prescribed by another eligible provider of health care. Relevant state or local government entities must update any forms they issue to conform to the provisions of this bill on or before January 1, 2020. Updated forms must be submitted to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

Bill Sponsor: Assembly members Robin Titus; Maggie Carlton; Dina Neal; Al Kramer; Lisa Krasner  
 Assembly final passage: Yeas: 40, Nays: None, excused: 1, Vacant: 1  
 Senate final passage: Yeas: 21, Nays: None  
 Approved by the Governor. Chapter 26

Bill becomes effective July 1, 2019

**AB 239** *Revises provisions relating to controlled substances.*

This bill relates to controlled substance prescriptions and allows a medical practitioner, other than a veterinarian, to prescribe a controlled substance for a patient if the practitioner determines it is medically necessary under certain conditions that are currently prohibited. The bill authorizes a more limited evaluation and risk assessment to be performed before issuing an initial controlled substance prescription that is for 30 days or less. Furthermore, the bill exempts medical practitioners from various requirements when prescribing a controlled substance to patients with certain medical conditions. Finally, the bill clarifies that the State Board of Pharmacy may suspend or revoke a registration to dispense regardless of the authority of any other regulatory body and codifies various definitions into law that currently exist in regulations of the Board.

\* The bill contains specific language exempting the restrictive provisions of the bill for providers to prescribe for patients who have been diagnosed with cancer or sickle cell disease or is receiving hospice or palliative care.

Bill Sponsor: Assembly Committee on Health and Human Services  
 Assembly final passage: Yeas: 41, Nays: 0, Excused: 1  
 Senate final passage: Yeas: 20, Nays: 0, Excused: 1  
 Approved by the Governor. Chapter 346

Effective: June 3, 2019

**Required Regulation:** The Board shall develop and disseminate, and/or make available on Board website a technical advisory bulletin to inform licensees (DOs and PAs) of the new requirements. The bulletin must include an explanation of the requirements that apply to specific controlled substances or categories of controlled substances. (Sec. 4)

[AB 275](#) *Makes various changes relating to professional and occupational licensing.*

Assembly Bill 275 prohibits certain regulatory bodies from denying licensure of an applicant based on his or her immigration or citizenship status. The bill further requires that an applicant for licensure provides a personally identifying number to a regulatory body that shall not be open to the public for inspection nor disclosed in any other manner, unless for purposes concerning taxes, licensing, or enforcement of an order for the payment of child support.

The bill was amended during the final hearing to:

1. Add a preamble to the bill to declare that the provisions of this bill do not violate any federal immigration laws; and
2. Amend Section 114 to prohibit the secretary of state from collecting the social security number or individual taxpayer identification number of any notary public or applicant for appointment as a notary public.

On behalf of the Board of Osteopathic Medicine, we spoke in neutral position, while outlining concerns for public safety.

Bill Sponsor: Assemblywoman Selena Torres; Assemblyman Howard Watts; Assemblyman Alexander Assefa; Assemblyman Edgar Flores; Senator Moises Denis; Senator David Parks; Senator Yvanna Cancela

Assembly final passage: Yeas: 29, Nays: 11, Excused: 2.

Senate final passage: Yeas: 19, Nays: 2.

Effective: Upon passage and approval for the purposes of adopting regulations, and January 1, 2020 for all other purposes.

[AB 300](#) *Makes various changes relating to veterans.*

Requires the Director of the Department of Veterans Services to prescribe a questionnaire for veterans concerning their experience in the military and any service-connected disabilities and diseases and annually submit the information obtained through the questionnaire to the Division of Public and Behavioral Health (DPBH) of the Department of Health and Human Services. The bill also requires the director to conduct public outreach programs to provide information and raise public awareness concerning service-connected disabilities, diseases, and survivor benefits available to family members of veterans.

Further, the bill requires DPBH to establish free continuing education courses concerning issues related to the health of veterans, including service-connected disabilities and diseases, for providers of health

care and certain other persons. Finally, in addition to other provisions, the bill requires providers of health care to inquire about the veteran status of new patients over 18 years of age and provide contact information for the Department of Veterans Services.

Sections 10-12, 14-16, 18 and 20 require the licensing boards that receive such information to submit to the Division of Public and Behavioral Health an annual summary of the information.

Bill Sponsor: Assemblywoman Brittney Miller  
Assembly final passage: Yeas: 40, Nays: None, Excused: 1, Vacant: 1.  
Senate final passage: Yeas: 21, Nays: None.  
Awaiting approval by Governor.

Effective: July 1, 2019

**AB 319** *Revises provisions governing professional licensing.*

Assembly Bill 319 authorizes a person to petition a professional or occupational licensing board for a determination of whether the person's criminal history will disqualify them from obtaining a license. The bill provides that not later than 90 days, after a petition is submitted to a regulatory body, the body shall inform the person of the determination of the regulatory body.

The bill also provides that a regulatory body may impose a fee of up to \$50 upon the person to fund the administrative costs.

Additionally, the bill authorizes a licensing board to post on its Internet website the requirements of obtaining a license, a list of crimes that would disqualify a person, and the ability to request the criminal history of the records of a person who petitions for a determination.

Finally, the bill requires a regulatory body to submit certain information to the Sunset Subcommittee of the Legislative Commission and for the Sunset Subcommittee to review the appropriateness of restrictions placed on an applicant's criminal history.

We were opposed as introduced but moved to neutral as amended.

Bill Sponsor: Assemblywoman Jill Tolles; Assemblyman Steve Yeager; Assemblyman Tom Roberts; Senator Ben Kieckhefer; Senator Moises Denis; Senator Heidi Seevers Gansert  
Assembly final passage: Yeas: 39, Nays: None, Excused: 2, Vacant: 1.  
Senate final passage: Yeas: 21, Nays: None  
Awaiting approval by Governor.

Sections 1 – 19, and 20 to 85.5, become effective July 1, 2019. Sections 13 and 14 expire by limitation on December 31, 2019. Sections 19.1 to 19.9 become effective January 1, 2020.

There are no regulations required of BOM.

**AB 361** *Revises provisions relating to the practice of medicine.*

Provides that a physician who unlawfully allows a person to perform or participate in any supervised activity for the purpose of receiving credit toward medical degrees is subject to penalty.

Provides that a physician who unlawfully allows a person to perform or participate in any supervised activity for the purpose of receiving credit toward certain medical degrees is subject to a civil penalty of not more than \$10,000 for each violation. This provision applies if an action to enforce the civil penalty is brought not later than two years after the date of the last such violation. Additionally, a Board of Medical Examiners representative may enter and inspect any premises of a licensee to determine if such a violation has occurred.

The bill was amended to include the Board of Osteopathic Medicine.

Bill Sponsor: Assemblywoman Maggie Carlton  
Assembly final passage: Yeas: 39, Nays: 1, Excused: 2.  
Senate final passage: Yeas: 21, Nays: None.  
Awaiting approval by Governor.

There are no regulations required of BOM

**AB 469:** *Revises provisions governing billing for certain medically necessary emergency services. (Out of Network/Balanced Billing)*

This bill prohibits an out-of-network provider that provides medically necessary emergency services to a person covered by a policy of health insurance from charging the person an amount that exceeds the patient's copay, coinsurance, or deductible. The measure further requires that the out-of-network facility must notify the third party that provides the coverage that the person is receiving such services at the facility and transfer the person to an in-work facility no later than 24 hours after the person's emergency medical condition is stabilized.

Bill sponsor: Assembly Committee on Health and Human Services  
Assembly final passage: Yeas: 38, Nays: 3, Excused: 1  
Senate final passage: Yeas: 21, Nays: 0

Action/effective date: May 15, 2019 for the purpose of adopting regulations and performing other preparatory administrative tasks, and on January 1, 2020 for all other purposes.

There are no regulations required of BOM.

**AB 534** Relating to emergency response; transferring the administration of the process governing the application and determination of eligibility for compensation from the Fund for the Compensation of Victims of Crime from the Department of Administration and the State Board of Examiners to the Department of Health and Human Services; etc.

Requires certain professional licensing boards to maintain lists of licensees trained in the treatment of mental and emotional trauma and provide those lists to a governmental entity responding to an emergency or disaster.

**Section 20** of the bill (page 18) relates specifically to BOM and requires the board to:

1. Require each applicant for license renewal as an osteopathic physician or physician assistant to:
  - a. Report whether he or she has received training in mental/emotional trauma due to emergency or disaster; training in short-term treatment of said trauma or training in long-term trauma;
  - b. Describe above training and indicate whether or not the licensee is willing to respond immediately to an emergency or disaster in any location in the state.
2. Board is required to maintain a list of licensees with requested information above and update the list at least annually.
  - a. Maintain list and contact information of above licensees (OMD and PA)
  - b. Provide lists upon request to a governmental entity responding to a state of emergency or disaster as declared by the Governor or Legislature
  - c. Board may not deny renewal of license solely because applicant has failed to comply with request
  - d. All information must remain confidential

Bill Sponsor: Assembly Committee on Judiciary

Assembly final passage: Yeas: 38, Nays: 1, Excused: 2, Vacant: 1

Senate final passage: Yeas: 21, Nays: 0

Pending approval by Governor.

Effective: Section 20 is effective upon passage and approval for purpose of adopting any regulations necessary and performing other preparatory administrative tasks necessary to carry out requirements. Section 20 is effective on July 1, 2020 for all other purposes.

**SB 68** *Provides for the expedited granting of certain provisional registrations to volunteer providers of health or veterinary services during an emergency declaration.*

Provides for the expedited granting of provisional registration to a volunteer provider of health or veterinary services through an existing registration system while an emergency declaration is in effect.

The bill requires the Division of Emergency Management, Department of Public Safety, to adopt regulations that provide for the procedures of granting such provisional registration.

Bill Sponsor: Senate Committee on Government Affairs

Assembly final passage: Yeas: 39, Nays: None, Excused: 2, Vacant: 1.

Senate final passage: Yeas: 21, Nays: None.

Approved by the Governor. Chapter 41

Effective: Upon Passage and Approval. No regulations required of BOM.

**SB 130** *Provides for the licensing and regulation of certain persons who administer radiation.*

Senate Bill 130 provides for the licensure and regulation of individuals engaged in radiation therapy and radiological imaging by the State Board of Health of the Division of Public and Behavioral Health of the Department of Health and Human Services. It requires the Board to adopt regulations for licensing,

including the ability to establish fees for the issuance and renewal of a license or limited license to engage in radiation therapy and radiological imaging.

The bill also makes it a misdemeanor to engage in radiation therapy, radiologic imaging, or other activity for which a credential is required without the proper credential.

Adds exclusions for dental and veterinary professionals as well as individuals who are already certified to operate a radiation machine for mammography. It authorizes the Division to issue a license or a limited license to individuals performing radiation therapy or radiologic imaging as part of their employment on or before January 2, 2020, and it removes the provision prohibiting the payment of a fee for the license.

Finally, the bill creates the Radiation Therapy and Radiologic Imaging Advisory Committee to make recommendations regarding the regulation of the practice of radiation therapy and radiologic imaging.

This bill was a second shot for Senator Woodhouse to revive her SB129 from last session, at the request of radiation technologists, which did not pass. We had concerns with the bill as written, but the radiation tech industry's lobbyist, J.K. Belz and Associates, worked with us and other health care stakeholders and submitted an amendment on our behalf. The amendment ensures that Physician Assistants are not captured in this bill language.

**Sec. 32. The provisions of this chapter do not apply to a physician assistant as defined in NRS 630.015 or NRS 633.107**

Bill Sponsor: Senator Joyce Woodhouse; Senator Pete Goicoechea  
Assembly final passage: Yeas: 40, Nays: None, Excused: 1, Vacant: 1.  
Senate final passage: Yeas: 21, Nays: None.  
Awaiting approval by Governor.

Sections 2 to 20, inclusive, and 22 to 61, inclusive, and 64 to 72, inclusive, become effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2020, for all other purposes

No regulations required of BOM.

**SB 134** *Makes various changes relating to advanced practice registered nurses.*

Authorizes a qualified advanced practice registered nurse (APRN) to sign, certify, stamp, verify, or endorse certain Department of Motor Vehicle (DMV) documents when a signature, certification, stamp, verification, or endorsement by a physician is required.

The measure also authorizes an APRN to make certain determinations and certifications required to be made by a physician or other providers of health care regarding a power of attorney, a custodial trust, and verification of a person's physical or mental disability for the purpose of making the person with the disability eligible for certain free or reduced rates for certain modes of transportation.

The State Board of Nursing must adopt regulations for the psychiatric training and experience necessary for an APRN to be authorized to evaluate offenders and determine if the offender is an abuser of alcohol and drugs and whether the offender can be treated successfully.

Additionally, the DMV must adopt any regulations or make any revisions to its policies and procedures or its forms that are necessary to carry out the amendatory provisions of this bill.

Bill Sponsor: Senator Joyce Woodhouse; Assemblywoman Maggie Carlton  
Assembly final passage: Yeas: 39, Nays: None, Excused: 2, Vacant: 1.  
Senate final passage: Yeas: 21, Nays: None.  
Approved by the Governor. Chapter 93

Effective: Upon Passage and Approval

**SB 234** *Makes various changes relating to the participation of providers of health care in network plans of insurers.*

Requires the commissioner of insurance, Division of Insurance, Department of Business and Industry, to develop and make available on the Division's website a form that a health carrier must use to notify a health care provider of the denial of his or her application to be included in the health carrier's network of providers. A health carrier must send a copy of the letter to the commissioner at the same time the letter is sent to the health care provider whose application to be included in the health carrier's network is denied.

The bill requires the commissioner to compile an annual report on trends including, without limitation, information such as the number of denials and reasons for application denials. The report must be provided to the Legislature, the governor, and posted publicly on the Division's website.

Bill Sponsor: Senate Committee on Commerce and Labor  
Assembly final passage: Yeas: 39, Nays: None, Excused: 2, Vacant: 1.  
Senate final passage: Yeas: 21, Nays: None.  
Approved by the Governor. Chapter 101

Effective: July 1, 2019

**SB 315** *Revises provisions relating to public health. (Of interest to Licensees)*

Senate Bill 315 makes various changes related to rare diseases and childhood cancer.

Specifically, the bill:

1. Creates the Rare Disease Advisory Council within the Department of Health and Human Services (DHHS) to study issues relating to the prevalence and treatment of rare diseases in Nevada;
2. Requires the Division of Public and Behavioral Health, DHHS, to include information regarding the importance of annual physical examinations for children by health care providers in appropriate public health programs and activities;

3. Requires certain educational entities and health and physical education classes to provide similar information regarding the importance of annual physical examinations;
4. Requires the Department of Motor Vehicles to design, prepare, and issue special license plates to increase awareness of childhood cancer; the license plates must include the phrase "Cure Childhood Cancer";
5. Requires certain health professional licensing boards to encourage physicians, physician assistants, and advanced practice registered nurses to receive, as part of their continuing medical education, training and education in the diagnosis of rare diseases.

Bill Sponsor: Senator Joyce Woodhouse; Senator Julia Ratti; Senator Nicole Cannizzaro; Senator Marilyn Dondero Loop; Senator David Parks  
Assembly final passage: Yeas: 40, Nays: None, Excused: 1, Vacant: 1.  
Senate final passage: Yeas: 21, Nays: None.

Approved by the Governor. Chapter 261

Sections 1, 2, 3, 23 and 24 of this act become effective upon passage and approval.  
2. Sections 4 to 22, inclusive, of this act become effective: (a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and (b) On January 1, 2020, for all other purposes.

**SB 323** *Revises provisions governing the attorney's fees and costs which may be recovered by certain regulatory bodies which administer occupational licensing.*

Senate Bill 323 prohibits a regulatory body from recovering attorney's fees and other expenses as a result of an administrative or disciplinary proceeding until the regulatory body provides the person subject to the proceeding with an itemized breakdown of the costs he or she is being required to reimburse.

Bill Sponsor: Senator Mo Denis  
Assembly final passage: Yeas: 39, Nays: None, Excused: 2, Vacant: 1.  
Senate final passage: Yeas: 21, Nays: None.  
Approved by the Governor. Chapter 96

Effective: October 1, 2019

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