

ASSEMBLY BILL NO. 101—ASSEMBLYMEMBER ORENTLICHER

PREFILED JANUARY 14, 2025

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing health care. (BDR 40-159)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

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

AN ACT relating to health care; prescribing certain limitations on the regulation of abortion; prohibiting health care facilities from making certain deceptive statements to the public; authorizing the Attorney General to bring an action against a health care facility for such a violation; prohibiting certain providers of health care from prescribing, dispensing or administering a medication to stop or reverse an abortion unless authorized by the applicable licensing board; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to adopt and enforce regulations governing: (1) the conditions under and the methods by which abortions may be performed; (2) the qualifications of a person authorized to provide certain information when obtaining informed consent before an abortion is performed; and (3) other aspects pertaining to the performance of abortions. (NRS 442.260)

Section 1 of this bill provides that existing law governing abortions, and any regulations adopted pursuant thereto, supersede and preempt any local ordinance or regulation adopted by any county, city, district, agency or other political subdivision of this State that specifically regulates or disproportionately affects abortions or facilities that perform abortions.

Section 3 of this bill defines “health care facility” to refer to any entity that provides health care. Section 4 of this bill prohibits a health care facility from making or disseminating to the public a deceptive statement concerning any service that is offered or is not offered by the health care facility. Section 5 of this bill authorizes the Attorney General to seek certain remedial and injunctive relief and civil penalties by bringing an action against a health care facility that violates the provisions of section 4.



19 **Sections 6, 8, 10 and 12** of this bill authorize the Board of Medical Examiners,
20 State Board of Osteopathic Medicine, State Board of Nursing and State Board of
21 Pharmacy, upon determining that prescribing, dispensing or administering a
22 medication to stop or reverse an abortion meets applicable professional standards,
23 to adopt regulations, in consultation with one another, authorizing the prescribing,
24 dispensing or administration of medication to stop or reverse an abortion. **Sections**
25 **7, 9, 11 and 13** of this bill authorize those boards to discipline a physician, nurse or
26 pharmacist, as applicable, for prescribing, dispensing or administering a medication
27 to stop or reverse an abortion except where authorized by those regulations.

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

1 **Section 1.** NRS 442.260 is hereby amended to read as follows:
2 442.260 1. The Division shall adopt and enforce regulations
3 governing the conditions under and the methods by which abortions
4 may be performed, the reasonable minimum qualifications of a
5 person authorized to provide the information required in NRS
6 442.253, as well as all other aspects pertaining to the performance of
7 abortions pursuant to NRS 442.250.
8 2. The Division shall adopt and enforce regulations for a
9 system for reporting abortions. This system must be designed to
10 preserve confidentiality of information on the identity of women
11 upon whom abortions are performed. The Division may require that
12 the following items be reported for each abortion:
13 (a) The date of the abortion;
14 (b) The place of the abortion including the city, county and
15 state;
16 (c) The type of facility;
17 (d) The usual residence of the woman, including the city, county
18 and state;
19 (e) Her age;
20 (f) Her ethnic group or race;
21 (g) Her marital status;
22 (h) The number of previous live births;
23 (i) The number of previous induced abortions;
24 (j) The duration of her pregnancy, as measured from first day of
25 last normal menses to date of abortion, and as estimated by uterine
26 size prior to performance of the abortion;
27 (k) The type of abortion procedure; and
28 (l) If a woman has had a previously induced abortion, the
29 information in paragraphs (a) to (k), inclusive, or as much thereof as
30 can be reasonably obtained, for each previous abortion.
31 3. The Division may adopt regulations to permit studies of
32 individual cases of abortion, but these studies must not be permitted
33 unless:



1 (a) Absolute assurance is provided that confidentiality of
2 information on the persons involved will be preserved;

3 (b) Informed consent of each person involved in the study is
4 obtained in writing;

5 (c) The study is conducted according to established standards
6 and ethics; and

7 (d) The study is related to problems of health and has scientific
8 merit with regard to both design and the importance of the problems
9 to be solved.

10 **4. *The provisions of NRS 442.240 to 442.270, inclusive, and***
11 ***any regulations adopted pursuant thereto, supersede and preempt***
12 ***any ordinance or regulation adopted by the governing body of any***
13 ***county, city, district, agency or other political subdivision of this***
14 ***State that specifically regulates or disproportionately affects***
15 ***abortions or facilities at which abortions are performed.***

16 **Sec. 2.** Chapter 597 of NRS is hereby amended by adding
17 thereto the provisions set forth as sections 3, 4 and 5 of this act.

18 **Sec. 3. *As used in this section and sections 4 and 5 of this***
19 ***act, unless the context otherwise requires, "health care facility"***
20 ***means a facility licensed pursuant to chapter 449 of NRS, an***
21 ***office of a provider of health care, as defined in NRS 629.031, a***
22 ***clinic or any other entity that provides health care.***

23 **Sec. 4. 1. *A health care facility shall not make or***
24 ***disseminate, or cause to be made or disseminated, to the public in***
25 ***any newspaper or other publication, in any advertising device,***
26 ***over the Internet or in any other manner a statement that the***
27 ***health care facility knows or should know is deceptive concerning***
28 ***any service that is or is not offered by the health care facility.***

29 **2. *For the purposes of subsection 1, a statement is deceptive if***
30 ***the statement includes, without limitation, assertions to mislead***
31 ***persons to believe that the health care facility provides a health***
32 ***care service that the facility does not actually provide.***

33 **Sec. 5. 1. *If the Attorney General has reason to believe that***
34 ***a health care facility has violated the provisions of section 4 of this***
35 ***act, the Attorney General may bring an action in the name of the***
36 ***State of Nevada in any court of competent jurisdiction against that***
37 ***health care facility to obtain a temporary restraining order, a***
38 ***preliminary or permanent injunction or other appropriate relief.***
39 ***The relief may include, without limitation, requiring the health***
40 ***care facility to:***

41 ***(a) Pay for and disseminate appropriate corrective advertising***
42 ***in the same newspaper, publication or manner as was used to***
43 ***disseminate the deceptive statement to the public;***

44 ***(b) Post a remedial notice that corrects the effects of the***
45 ***deceptive statement; or***



1 (c) *Provide such narrowly tailored relief as the court deems*
2 *necessary to remedy the adverse effects of the deceptive statement*
3 *on any patients seeking a service.*

4 2. *Before commencing an action pursuant to subsection 1,*
5 *the Attorney General shall provide a written notice to the relevant*
6 *health care facility, including, without limitation, the following*
7 *information:*

8 (a) *A statement that the Attorney General intends to*
9 *commence an action against the health care facility pursuant to*
10 *subsection 1;*

11 (b) *A description of the violation that the Attorney General*
12 *believes the health care facility has committed;*

13 (c) *The manner in which the health care facility must cure the*
14 *violation; and*

15 (d) *The time within which the health care facility must cure*
16 *the violation.*

17 3. *Before bringing an action pursuant to subsection 1 against*
18 *a health care facility, the Attorney General shall allow the health*
19 *care facility at least 10 days to cure the relevant violation.*

20 4. *If, in an action brought pursuant to subsection 1, a court*
21 *finds by a preponderance of the evidence that a health care facility*
22 *violated the provisions of section 4 of this act, the court:*

23 (a) *Shall award the State:*

24 (1) *A civil penalty of at least \$50 and not more than \$500*
25 *per violation; and*

26 (2) *Reasonable attorney's fees and costs.*

27 (b) *May award any other relief authorized by subsection 1.*

28 5. *This section does not limit the authority of this State or any*
29 *political subdivision of this State to seek any other administrative,*
30 *legal or equitable relief permitted by law.*

31 **Sec. 6.** NRS 630.130 is hereby amended to read as follows:

32 630.130 1. In addition to the other powers and duties
33 provided in this chapter, the Board shall, in the interest of the public,
34 judiciously:

35 (a) Enforce the provisions of this chapter;

36 (b) Establish by regulation standards for licensure under this
37 chapter;

38 (c) Conduct examinations for licensure and establish a system of
39 scoring for those examinations;

40 (d) Investigate the character of each applicant for a license and
41 issue licenses to those applicants who meet the qualifications set by
42 this chapter and the Board; and

43 (e) Institute a proceeding in any court to enforce its orders or the
44 provisions of this chapter.



1 2. *Upon determining that prescribing, dispensing or*
2 *administering a medication to stop or reverse an abortion meets*
3 *generally accepted standards of the practice of medicine, the*
4 *Board may, in consultation with the State Board of Osteopathic*
5 *Medicine, State Board of Nursing and State Board of Pharmacy,*
6 *adopt regulations authorizing a physician or physician assistant to*
7 *prescribe, dispense or administer medication to stop or reverse an*
8 *abortion. Any such regulations must specify:*

9 (a) *Each medication that a physician or physician assistant*
10 *may prescribe, dispense or administer to stop or reverse an*
11 *abortion; and*

12 (b) *The required procedures for prescribing, dispensing or*
13 *administering a medication specified pursuant to paragraph (a) to*
14 *stop or reverse an abortion.*

15 3. On or before February 15 of each odd-numbered year, the
16 Board shall submit to the Governor and to the Director of the
17 Legislative Counsel Bureau for transmittal to the next regular
18 session of the Legislature a written report compiling:

19 (a) Disciplinary action taken by the Board during the previous
20 biennium against any licensee for malpractice or negligence;

21 (b) Information reported to the Board during the previous
22 biennium pursuant to NRS 630.3067, 630.3068, subsections 3 and 6
23 of NRS 630.307 and NRS 690B.250; and

24 (c) Information reported to the Board during the previous
25 biennium pursuant to NRS 630.30665, including, without limitation,
26 the number and types of surgeries performed by each holder of a
27 license to practice medicine and the occurrence of sentinel events
28 arising from such surgeries, if any.

29 ➤ The report must include only aggregate information for statistical
30 purposes and exclude any identifying information related to a
31 particular person.

32 ~~3.1~~ 4. The Board may adopt such regulations as are necessary
33 or desirable to enable it to carry out the provisions of this chapter.

34 **Sec. 7.** NRS 630.306 is hereby amended to read as follows:

35 630.306 1. The following acts, among others, constitute
36 grounds for initiating disciplinary action or denying licensure:

37 (a) Inability to practice medicine with reasonable skill and safety
38 because of illness, a mental or physical condition or the use of
39 alcohol, drugs, narcotics or any other substance.

40 (b) Engaging in any conduct:

41 (1) Which is intended to deceive;

42 (2) Which the Board has determined is a violation of the
43 standards of practice established by regulation of the Board; or

44 (3) Which is in violation of a provision of chapter 639 of
45 NRS, or a regulation adopted by the State Board of Pharmacy



1 pursuant thereto, that is applicable to a licensee who is a
2 practitioner, as defined in NRS 639.0125.

3 (c) Administering, dispensing or prescribing any controlled
4 substance, or any dangerous drug as defined in chapter 454 of NRS,
5 to or for himself or herself or to others except as authorized by law.

6 (d) Performing, assisting or advising the injection of any
7 substance containing liquid silicone into the human body, except for
8 the use of silicone oil to repair a retinal detachment.

9 (e) Practicing or offering to practice beyond the scope permitted
10 by law or performing services which the licensee knows or has
11 reason to know that he or she is not competent to perform or which
12 are beyond the scope of his or her training.

13 (f) Performing, without first obtaining the informed consent of
14 the patient or the patient's family, any procedure or prescribing any
15 therapy which by the current standards of the practice of medicine is
16 experimental.

17 (g) Continual failure to exercise the skill or diligence or use the
18 methods ordinarily exercised under the same circumstances by
19 physicians in good standing practicing in the same specialty or field.

20 (h) Having an alcohol or other substance use disorder.

21 (i) Making or filing a report which the licensee or applicant
22 knows to be false or failing to file a record or report as required by
23 law or regulation.

24 (j) Failing to comply with the requirements of NRS 630.254.

25 (k) Failure by a licensee or applicant to report in writing, within
26 30 days, any disciplinary action taken against the licensee or
27 applicant by another state, the Federal Government or a foreign
28 country, including, without limitation, the revocation, suspension or
29 surrender of a license to practice medicine in another jurisdiction.
30 The provisions of this paragraph do not apply to any disciplinary
31 action taken by the Board or taken because of any disciplinary
32 action taken by the Board.

33 (l) Failure by a licensee or applicant to report in writing, within
34 30 days, any criminal action taken or conviction obtained against the
35 licensee or applicant, other than a minor traffic violation, in this
36 State or any other state or by the Federal Government, a branch of
37 the Armed Forces of the United States or any local or federal
38 jurisdiction of a foreign country.

39 (m) Failure to be found competent to practice medicine as a
40 result of an examination to determine medical competency pursuant
41 to NRS 630.318.

42 (n) Operation of a medical facility at any time during which:

43 (1) The license of the facility is suspended or revoked; or

44 (2) An act or omission occurs which results in the suspension
45 or revocation of the license pursuant to NRS 449.160.



1 ↪ This paragraph applies to an owner or other principal responsible
2 for the operation of the facility.

3 (o) Failure to comply with the requirements of NRS 630.373.

4 (p) Engaging in any act that is unsafe or unprofessional conduct
5 in accordance with regulations adopted by the Board.

6 (q) Knowingly or willfully procuring or administering a
7 controlled substance or a dangerous drug as defined in chapter 454
8 of NRS that is not approved by the United States Food and Drug
9 Administration, unless the unapproved controlled substance or
10 dangerous drug:

11 (1) Was procured through a retail pharmacy licensed
12 pursuant to chapter 639 of NRS;

13 (2) Was procured through a Canadian pharmacy which is
14 licensed pursuant to chapter 639 of NRS and which has been
15 recommended by the State Board of Pharmacy pursuant to
16 subsection 4 of NRS 639.2328;

17 (3) Is cannabis being used for medical purposes in
18 accordance with chapter 678C of NRS; or

19 (4) Is an individualized investigational treatment or
20 investigational drug or biological product prescribed to a patient
21 pursuant to NRS 630.3735 or 633.6945.

22 (r) Failure to supervise adequately a medical assistant pursuant
23 to the regulations of the Board.

24 (s) Failure to comply with the provisions of NRS 630.3745.

25 (t) Failure to obtain any training required by the Board pursuant
26 to NRS 630.2535.

27 (u) Failure to comply with the provisions of NRS 454.217 or
28 629.086.

29 (v) Failure to comply with the provisions of NRS 441A.315 or
30 any regulations adopted pursuant thereto.

31 (w) Performing or supervising the performance of a pelvic
32 examination in violation of NRS 629.085.

33 *(x) Except as authorized by regulations adopted pursuant to*
34 *NRS 630.130, prescribing, dispensing or administering a*
35 *medication to stop or reverse an abortion.*

36 2. As used in this section:

37 (a) "Individualized investigational treatment" has the meaning
38 ascribed to it in NRS 454.690.

39 (b) "Investigational drug or biological product" has the meaning
40 ascribed to it in NRS 454.351.

41 **Sec. 8.** NRS 632.120 is hereby amended to read as follows:
42 632.120 1. The Board shall:

43 (a) Adopt regulations establishing reasonable standards:

44 (1) For the denial, renewal, suspension and revocation of,
45 and the placement of conditions, limitations and restrictions upon, a



1 license to practice professional or practical nursing or a certificate to
2 practice as a nursing assistant or medication aide - certified.

3 (2) Of professional conduct for the practice of nursing.

4 (3) For prescribing and dispensing controlled substances and
5 dangerous drugs in accordance with applicable statutes.

6 (4) For the psychiatric training and experience necessary for
7 an advanced practice registered nurse to be authorized to make the
8 diagnoses, evaluations and examinations described in NRS
9 432B.6078, 432B.60816, 433A.162, 433A.240, 433A.335,
10 433A.390, 433A.430, 484C.300 and 484C.320 to 484C.350,
11 inclusive, the certifications described in NRS 432B.6075,
12 432B.60814, 433A.170, 433A.195 and 433A.200 and the sworn
13 statements or declarations described in NRS 433A.210 and
14 433A.335.

15 (b) Prepare and administer examinations for the issuance of a
16 license or certificate under this chapter.

17 (c) Investigate and determine the eligibility of an applicant for a
18 license or certificate under this chapter.

19 (d) Carry out and enforce the provisions of this chapter and the
20 regulations adopted pursuant thereto.

21 (e) Develop and disseminate annually to each registered nurse
22 who cares for children information concerning the signs and
23 symptoms of pediatric cancer.

24 2. *Upon determining that prescribing, dispensing or*
25 *administering a medication to stop or reverse an abortion meets*
26 *generally accepted standards of the practice of nursing, the Board*
27 *may, in consultation with the Board of Medical Examiners, State*
28 *Board of Osteopathic Medicine and State Board of Pharmacy,*
29 *adopt regulations authorizing an advanced practice registered*
30 *nurse to prescribe, dispense or administer medication to stop or*
31 *reverse an abortion and a registered nurse to administer*
32 *medication to stop or reverse an abortion. Any such regulations*
33 *must specify:*

34 (a) *Each medication that may be prescribed, dispensed or*
35 *administered to stop or reverse an abortion; and*

36 (b) *The required procedures for prescribing, dispensing or*
37 *administering a medication specified pursuant to paragraph (a) to*
38 *stop or reverse an abortion.*

39 3. The Board may adopt regulations establishing reasonable:

40 (a) Qualifications for the issuance of a license or certificate
41 under this chapter.

42 (b) Standards for the continuing professional competence of
43 licensees or holders of a certificate. The Board may evaluate
44 licensees or holders of a certificate periodically for compliance with
45 those standards.



1 ~~13.1~~ 4. The Board may adopt regulations establishing a
2 schedule of reasonable fees and charges, in addition to those set
3 forth in NRS 632.345, for:

- 4 (a) Investigating licensees or holders of a certificate and
5 applicants for a license or certificate under this chapter;
6 (b) Evaluating the professional competence of licensees or
7 holders of a certificate;
8 (c) Conducting hearings pursuant to this chapter;
9 (d) Duplicating and verifying records of the Board; and
10 (e) Surveying, evaluating and approving schools of practical
11 nursing, and schools and courses of professional nursing,
12 ➤ and collect the fees established pursuant to this subsection.

13 ~~14.1~~ 5. For the purposes of this chapter, the Board shall, by
14 regulation, define the term "in the process of obtaining
15 accreditation."

16 ~~15.1~~ 6. The Board may adopt such other regulations, not
17 inconsistent with state or federal law, as may be necessary to carry
18 out the provisions of this chapter relating to nursing assistant
19 trainees, nursing assistants and medication aides - certified.

20 ~~16.1~~ 7. The Board may adopt such other regulations, not
21 inconsistent with state or federal law, as are necessary to enable it to
22 administer the provisions of this chapter.

23 **Sec. 9.** NRS 632.347 is hereby amended to read as follows:

24 632.347 1. The Board may deny, revoke or suspend any
25 license or certificate applied for or issued pursuant to this chapter, or
26 take other disciplinary action against a licensee or holder of a
27 certificate, upon determining that the licensee or certificate holder:

28 (a) Is guilty of fraud or deceit in procuring or attempting to
29 procure a license or certificate pursuant to this chapter.

30 (b) Is guilty of any offense:

31 (1) Involving moral turpitude; or

32 (2) Related to the qualifications, functions or duties of a
33 licensee or holder of a certificate,

34 ➤ in which case the record of conviction is conclusive evidence
35 thereof.

36 (c) Has been convicted of violating any of the provisions of
37 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
38 inclusive.

39 (d) Is unfit or incompetent by reason of gross negligence or
40 recklessness in carrying out usual nursing functions.

41 (e) Uses any controlled substance, dangerous drug as defined in
42 chapter 454 of NRS, or intoxicating liquor to an extent or in a
43 manner which is dangerous or injurious to any other person or
44 which impairs his or her ability to conduct the practice authorized
45 by the license or certificate.



1 (f) Is a person with mental incompetence.

2 (g) Is guilty of unprofessional conduct, which includes, but is
3 not limited to, the following:

4 (1) Conviction of practicing medicine without a license in
5 violation of chapter 630 of NRS, in which case the record of
6 conviction is conclusive evidence thereof.

7 (2) Impersonating any applicant or acting as proxy for an
8 applicant in any examination required pursuant to this chapter for
9 the issuance of a license or certificate.

10 (3) Impersonating another licensed practitioner or holder of a
11 certificate.

12 (4) Permitting or allowing another person to use his or her
13 license or certificate to practice as a licensed practical nurse,
14 registered nurse, nursing assistant or medication aide - certified.

15 (5) Repeated malpractice, which may be evidenced by claims
16 of malpractice settled against the licensee or certificate holder.

17 (6) Physical, verbal or psychological abuse of a patient.

18 (7) Conviction for the use or unlawful possession of a
19 controlled substance or dangerous drug as defined in chapter 454 of
20 NRS.

21 (h) Has willfully or repeatedly violated the provisions of this
22 chapter. The voluntary surrender of a license or certificate issued
23 pursuant to this chapter is prima facie evidence that the licensee or
24 certificate holder has committed or expects to commit a violation of
25 this chapter.

26 (i) Is guilty of aiding or abetting any person in a violation of this
27 chapter.

28 (j) Has falsified an entry on a patient's medical chart concerning
29 a controlled substance.

30 (k) Has falsified information which was given to a physician,
31 pharmacist, podiatric physician or dentist to obtain a controlled
32 substance.

33 (l) Has knowingly procured or administered a controlled
34 substance or a dangerous drug as defined in chapter 454 of NRS that
35 is not approved by the United States Food and Drug Administration,
36 unless the unapproved controlled substance or dangerous drug:

37 (1) Was procured through a retail pharmacy licensed
38 pursuant to chapter 639 of NRS;

39 (2) Was procured through a Canadian pharmacy which is
40 licensed pursuant to chapter 639 of NRS and which has been
41 recommended by the State Board of Pharmacy pursuant to
42 subsection 4 of NRS 639.2328;

43 (3) Is cannabis being used for medical purposes in
44 accordance with chapter 678C of NRS; or



1 (4) Is an individualized investigational treatment or
2 investigational drug or biological product prescribed to a patient
3 pursuant to NRS 630.3735 or 633.6945.

4 (m) Has been disciplined in another state in connection with a
5 license to practice nursing or a certificate to practice as a nursing
6 assistant or medication aide - certified, or has committed an act in
7 another state which would constitute a violation of this chapter.

8 (n) Has engaged in conduct likely to deceive, defraud or
9 endanger a patient or the general public.

10 (o) Has willfully failed to comply with a regulation, subpoena or
11 order of the Board.

12 (p) Has operated a medical facility at any time during which:

13 (1) The license of the facility was suspended or revoked; or

14 (2) An act or omission occurred which resulted in the
15 suspension or revocation of the license pursuant to NRS 449.160.

16 ↪ This paragraph applies to an owner or other principal responsible
17 for the operation of the facility.

18 (q) Is an advanced practice registered nurse who has failed to
19 obtain any training required by the Board pursuant to
20 NRS 632.2375.

21 (r) Is an advanced practice registered nurse who has failed to
22 comply with the provisions of NRS 453.163, 453.164, 453.226,
23 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and
24 any regulations adopted by the State Board of Pharmacy pursuant
25 thereto.

26 (s) Has engaged in the fraudulent, illegal, unauthorized or
27 otherwise inappropriate prescribing, administering or dispensing of
28 a controlled substance listed in schedule II, III or IV.

29 (t) Has violated the provisions of NRS 454.217 or 629.086.

30 (u) Has performed or supervised the performance of a pelvic
31 examination in violation of NRS 629.085.

32 (v) Has failed to comply with the provisions of NRS 441A.315
33 or any regulations adopted pursuant thereto.

34 *(w) Except as authorized by any regulations adopted pursuant*
35 *to NRS 632.120, has prescribed, dispensed or administered a*
36 *medication to stop or reverse an abortion.*

37 2. For the purposes of this section, a plea or verdict of guilty or
38 guilty but mentally ill or a plea of nolo contendere constitutes a
39 conviction of an offense. The Board may take disciplinary action
40 pending the appeal of a conviction.

41 3. A licensee or certificate holder is not subject to disciplinary
42 action solely for administering auto-injectable epinephrine pursuant
43 to a valid order issued pursuant to NRS 630.374 or 633.707.

44 4. As used in this section:



1 (a) "Individualized investigational treatment" has the meaning
2 ascribed to it in NRS 454.690.

3 (b) "Investigational drug or biological product" has the meaning
4 ascribed to it in NRS 454.351.

5 **Sec. 10.** NRS 633.291 is hereby amended to read as follows:

6 633.291 **1.** The Board shall adopt and enforce regulations
7 necessary to enable it to carry out its duties under this chapter,
8 including but not limited to regulations which establish the
9 principles of medical ethics to be used as the basis for determining
10 whether conduct which does not constitute malpractice is unethical.

11 **2.** *Upon determining that prescribing, dispensing or*
12 *administering a medication to stop or reverse an abortion meets*
13 *generally accepted standards of the practice of medicine, the*
14 *Board may, in consultation with the Board of Medical Examiners,*
15 *State Board of Nursing and State Board of Pharmacy, adopt*
16 *regulations authorizing an osteopathic physician or physician*
17 *assistant to prescribe, dispense or administer medication to stop or*
18 *reverse an abortion. Any such regulations must specify:*

19 (a) *Each medication that an osteopathic physician or*
20 *physician assistant may prescribe, dispense or administer to stop*
21 *or reverse an abortion; and*

22 (b) *The required procedures for prescribing, dispensing or*
23 *administering a medication specified pursuant to paragraph (a) to*
24 *stop or reverse an abortion.*

25 **Sec. 11.** NRS 633.511 is hereby amended to read as follows:

26 633.511 **1.** The grounds for initiating disciplinary action
27 pursuant to this chapter are:

28 (a) Unprofessional conduct.

29 (b) Conviction of:

30 (1) A violation of any federal or state law regulating the
31 possession, distribution or use of any controlled substance or any
32 dangerous drug as defined in chapter 454 of NRS;

33 (2) A felony relating to the practice of osteopathic medicine
34 or practice as a physician assistant or anesthesiologist assistant;

35 (3) A violation of any of the provisions of NRS 616D.200,
36 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

37 (4) Murder, voluntary manslaughter or mayhem;

38 (5) Any felony involving the use of a firearm or other deadly
39 weapon;

40 (6) Assault with intent to kill or to commit sexual assault or
41 mayhem;

42 (7) Sexual assault, statutory sexual seduction, incest,
43 lewdness, indecent exposure or any other sexually related crime;

44 (8) Abuse or neglect of a child or contributory delinquency;

45 or



- 1 (9) Any offense involving moral turpitude.
- 2 (c) The suspension of a license to practice osteopathic medicine
- 3 or to practice as a physician assistant or anesthesiologist assistant by
- 4 any other jurisdiction.
- 5 (d) Malpractice or gross malpractice, which may be evidenced
- 6 by a claim of malpractice settled against a licensee.
- 7 (e) Professional incompetence.
- 8 (f) Failure to comply with the requirements of NRS 633.527.
- 9 (g) Failure to comply with the requirements of subsection 3 of
- 10 NRS 633.471.
- 11 (h) Failure to comply with the provisions of NRS 633.694.
- 12 (i) Operation of a medical facility, as defined in NRS 449.0151,
- 13 at any time during which:
- 14 (1) The license of the facility is suspended or revoked; or
- 15 (2) An act or omission occurs which results in the suspension
- 16 or revocation of the license pursuant to NRS 449.160.
- 17 ➔ This paragraph applies to an owner or other principal responsible
- 18 for the operation of the facility.
- 19 (j) Failure to comply with the provisions of subsection 2 of
- 20 NRS 633.322.
- 21 (k) Signing a blank prescription form.
- 22 (l) Knowingly or willfully procuring or administering a
- 23 controlled substance or a dangerous drug as defined in chapter 454
- 24 of NRS that is not approved by the United States Food and Drug
- 25 Administration, unless the unapproved controlled substance or
- 26 dangerous drug:
- 27 (1) Was procured through a retail pharmacy licensed
- 28 pursuant to chapter 639 of NRS;
- 29 (2) Was procured through a Canadian pharmacy which is
- 30 licensed pursuant to chapter 639 of NRS and which has been
- 31 recommended by the State Board of Pharmacy pursuant to
- 32 subsection 4 of NRS 639.2328;
- 33 (3) Is cannabis being used for medical purposes in
- 34 accordance with chapter 678C of NRS; or
- 35 (4) Is an individualized investigational treatment or
- 36 investigational drug or biological product prescribed to a patient
- 37 pursuant to NRS 630.3735 or 633.6945.
- 38 (m) Attempting, directly or indirectly, by intimidation, coercion
- 39 or deception, to obtain or retain a patient or to discourage the use of
- 40 a second opinion.
- 41 (n) Terminating the medical care of a patient without adequate
- 42 notice or without making other arrangements for the continued care
- 43 of the patient.
- 44 (o) In addition to the provisions of subsection 3 of NRS
- 45 633.524, making or filing a report which the licensee knows to be



1 false, failing to file a record or report that is required by law or
2 knowingly or willfully obstructing or inducing another to obstruct
3 the making or filing of such a record or report.

4 (p) Failure to report any person the licensee knows, or has
5 reason to know, is in violation of the provisions of this chapter,
6 except for a violation of NRS 633.4717, or the regulations of the
7 Board within 30 days after the date the licensee knows or has reason
8 to know of the violation.

9 (q) Failure by a licensee or applicant to report in writing, within
10 30 days, any criminal action taken or conviction obtained against the
11 licensee or applicant, other than a minor traffic violation, in this
12 State or any other state or by the Federal Government, a branch of
13 the Armed Forces of the United States or any local or federal
14 jurisdiction of a foreign country.

15 (r) Engaging in any act that is unsafe in accordance with
16 regulations adopted by the Board.

17 (s) Failure to comply with the provisions of NRS 629.515.

18 (t) Failure to supervise adequately a medical assistant pursuant
19 to the regulations of the Board.

20 (u) Failure to obtain any training required by the Board pursuant
21 to NRS 633.473.

22 (v) Failure to comply with the provisions of NRS 633.6955.

23 (w) Failure to comply with the provisions of NRS 453.163,
24 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to
25 639.23916, inclusive, and any regulations adopted by the State
26 Board of Pharmacy pursuant thereto.

27 (x) Fraudulent, illegal, unauthorized or otherwise inappropriate
28 prescribing, administering or dispensing of a controlled substance
29 listed in schedule II, III or IV.

30 (y) Failure to comply with the provisions of NRS 454.217 or
31 629.086.

32 (z) Failure to comply with the provisions of NRS 441A.315 or
33 any regulations adopted pursuant thereto.

34 (aa) Performing or supervising the performance of a pelvic
35 examination in violation of NRS 629.085.

36 *(bb) Except as authorized by any regulations adopted pursuant*
37 *to NRS 633.291, prescribing, dispensing or administering a*
38 *medication to stop or reverse an abortion.*

39 2. As used in this section:

40 (a) "Individualized investigational treatment" has the meaning
41 ascribed to it in NRS 454.690.

42 (b) "Investigational drug or biological product" has the meaning
43 ascribed to it in NRS 454.351.

44 **Sec. 12.** NRS 639.070 is hereby amended to read as follows:

45 639.070 1. The Board may:



1 (a) Adopt such regulations, not inconsistent with the laws of this
2 State, as are necessary for the protection of the public, appertaining
3 to the practice of pharmacy and the lawful performance of its duties.

4 (b) Adopt regulations requiring that prices charged by retail
5 pharmacies for drugs and medicines which are obtained by
6 prescription be posted in the pharmacies and be given on the
7 telephone to persons requesting such information.

8 (c) Adopt regulations, not inconsistent with the laws of this
9 State, authorizing the Executive Secretary of the Board to issue
10 certificates, licenses and permits required by this chapter and
11 chapters 453 and 454 of NRS.

12 (d) Adopt regulations governing the dispensing of poisons,
13 drugs, chemicals and medicines.

14 (e) Regulate the practice of pharmacy.

15 (f) Regulate the sale and dispensing of poisons, drugs, chemicals
16 and medicines.

17 (g) Regulate the means of recordkeeping and storage, handling,
18 sanitation and security of drugs, poisons, medicines, chemicals and
19 devices, including, but not limited to, requirements relating to:

20 (1) Pharmacies, institutional pharmacies and pharmacies in
21 correctional institutions;

22 (2) Drugs stored in hospitals; and

23 (3) Drugs stored for the purpose of wholesale distribution.

24 (h) Examine and register, upon application, pharmacists and
25 other persons who dispense or distribute medications whom it
26 deems qualified.

27 (i) Charge and collect necessary and reasonable fees for the
28 expedited processing of a request or for any other incidental service
29 the Board provides, other than those specifically set forth in this
30 chapter.

31 (j) Maintain offices in as many localities in the State as it finds
32 necessary to carry out the provisions of this chapter.

33 (k) Employ attorneys, inspectors, investigators and other
34 professional consultants and clerical personnel necessary to the
35 discharge of its duties.

36 (l) Enforce the provisions of NRS 453.011 to 453.552, inclusive,
37 and enforce the provisions of this chapter and chapter 454 of NRS.

38 (m) Adopt regulations concerning the information required to be
39 submitted in connection with an application for any license,
40 certificate or permit required by this chapter or chapter 453 or 454
41 of NRS.

42 (n) Adopt regulations concerning the education, experience and
43 background of a person who is employed by the holder of a license
44 or permit issued pursuant to this chapter and who has access to
45 drugs and devices.



1 (o) Adopt regulations concerning the use of computerized
2 mechanical equipment for the filling of prescriptions.

3 (p) Participate in and expend money for programs that enhance
4 the practice of pharmacy.

5 (q) Enter into written agreements with local, state and federal
6 agencies for the purpose of improving the enforcement of and
7 compliance with the provisions of this chapter and chapters 453 and
8 454 of NRS.

9 (r) Contract with a private entity to administer the database of
10 the program established pursuant to NRS 453.162.

11 2. *Upon determining that dispensing a medication to stop or*
12 *reverse an abortion meets generally accepted standards of the*
13 *practice of pharmacy, the Board may, in consultation with the*
14 *Board of Medical Examiners, State Board of Osteopathic*
15 *Medicine and State Board of Nursing, adopt regulations*
16 *authorizing a pharmacist to dispense medication to stop or reverse*
17 *an abortion. Any such regulations must specify:*

18 (a) *Each medication that a pharmacist may dispense to stop or*
19 *reverse an abortion; and*

20 (b) *The required procedures for dispensing a medication*
21 *specified pursuant to paragraph (a) to stop or reverse an abortion.*

22 3. The Board shall, to the extent feasible, communicate or
23 cooperate with or provide any documents or other information to
24 any other licensing board or any other agency that is investigating a
25 person, including, without limitation, a law enforcement agency.

26 ~~3.4~~ 4. This section does not authorize the Board to prohibit
27 open-market competition in the advertising and sale of prescription
28 drugs and pharmaceutical services.

29 **Sec. 13.** NRS 639.210 is hereby amended to read as follows:

30 639.210 The Board may suspend or revoke any certificate,
31 license, registration or permit issued pursuant to this chapter, and
32 deny the application of any person for a certificate, license,
33 registration or permit, if the holder or applicant:

- 34 1. Is not of good moral character;
- 35 2. Is guilty of habitual intemperance;
- 36 3. Becomes or is intoxicated or under the influence of liquor,
37 any depressant drug or a controlled substance, unless taken pursuant
38 to a lawfully issued prescription, while on duty in any establishment
39 licensed by the Board;
- 40 4. Is guilty of unprofessional conduct or conduct contrary to
41 the public interest;
- 42 5. Has a substance use disorder;
- 43 6. Has been convicted of a violation of any law or regulation of
44 the Federal Government or of this or any other state related to



1 controlled substances, dangerous drugs, drug samples, or the
2 wholesale or retail distribution of drugs;

3 7. Has been convicted of:

4 (a) A felony relating to holding a certificate, license, registration
5 or permit pursuant to this chapter;

6 (b) A felony pursuant to NRS 639.550 or 639.555; or

7 (c) Other crime involving moral turpitude, dishonesty or
8 corruption;

9 8. Has been convicted of violating any of the provisions of
10 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
11 inclusive;

12 9. Has willfully made to the Board or its authorized
13 representative any false statement which is material to the
14 administration or enforcement of any of the provisions of this
15 chapter;

16 10. Has obtained any certificate, certification, license or permit
17 by the filing of an application, or any record, affidavit or other
18 information in support thereof, which is false or fraudulent;

19 11. Has violated any provision of the Federal Food, Drug and
20 Cosmetic Act or any other federal law or regulation relating to
21 prescription drugs;

22 12. Has violated, attempted to violate, assisted or abetted in the
23 violation of or conspired to violate any of the provisions of this
24 chapter or any law or regulation relating to drugs, the manufacture
25 or distribution of drugs or the practice of pharmacy, or has
26 knowingly permitted, allowed, condoned or failed to report a
27 violation of any of the provisions of this chapter or any law or
28 regulation relating to drugs, the manufacture or distribution of drugs
29 or the practice of pharmacy committed by the holder of a certificate,
30 license, registration or permit;

31 13. Has failed to renew a certificate, license or permit by
32 failing to submit the application for renewal or pay the renewal fee
33 therefor;

34 14. Has had a certificate, license or permit suspended or
35 revoked in another state on grounds which would cause suspension
36 or revocation of a certificate, license or permit in this State;

37 15. Has, as a managing pharmacist, violated any provision of
38 law or regulation concerning recordkeeping or inventory in a store
39 over which he or she presides, or has knowingly allowed a violation
40 of any provision of this chapter or other state or federal laws or
41 regulations relating to the practice of pharmacy by personnel of the
42 pharmacy under his or her supervision;

43 16. Has repeatedly been negligent, which may be evidenced by
44 claims of malpractice settled against him or her;



1 17. Has failed to maintain and make available to a state or
2 federal officer any records in accordance with the provisions of this
3 chapter or chapter 453 or 454 of NRS;

4 18. Has failed to file or maintain a bond or other security if
5 required by NRS 639.515;

6 19. Has dispensed a self-administered hormonal contraceptive
7 under the protocol established pursuant to NRS 639.28077 without
8 complying with NRS 639.28078; ~~or~~

9 20. *Except as authorized by any regulations adopted pursuant*
10 *to NRS 639.070, has dispensed a medication to stop or reverse an*
11 *abortion; or*

12 21. Has operated a medical facility, as defined in NRS
13 449.0151, at any time during which:

14 (a) The license of the facility was suspended or revoked; or

15 (b) An act or omission occurred which resulted in the
16 suspension or revocation of the license pursuant to NRS 449.160.

17 ↪ This subsection applies to an owner or other principal responsible
18 for the operation of the facility.

19 **Sec. 14.** This act becomes effective upon passage and
20 approval.



