

**CHIROPRACTIC PHYSICIANS'
BOARD
OF NEVADA**



**CROSS REFERENCES
NRS AND NAC 634**

NRS 6.020 Exemptions from service.

1. Except as otherwise provided in subsections 2 and 3 and NRS 67.050, upon satisfactory proof, made by affidavit or otherwise, the following-named persons, and no others, are exempt from service as grand or trial jurors:

(a) While the Legislature is in session, any member of the Legislature or any employee of the Legislature or the Legislative Counsel Bureau; and

(b) Any person who has a fictitious address pursuant to NRS 217.462 to 217.471, inclusive.

2. All persons of the age of 70 years or over are exempt from serving as grand or trial jurors. Whenever it appears to the satisfaction of the court, by affidavit or otherwise, that a juror is over the age of 70 years, the court shall order the juror excused from all service as a grand or trial juror, if the juror so desires.

3. A person who is the age of 65 years or over who lives 65 miles or more from the court is exempt from serving as a grand or trial juror. Whenever it appears to the satisfaction of the court, by affidavit or otherwise, that a juror is the age of 65 years or over and lives 65 miles or more from the court, the court shall order the juror excused from all service as a grand or trial juror, if the juror so desires.

[360:63:1947; 1943 NCL § 6084.370] + [9:65:1873; A 1875, 137; 1877, 176; 1881, 155; 1893, 31; 1895, 51; 1915, 84; 1917, 32; 1921, 29; 1925, 101; 1927, 113; 1939, 169; 1931 NCL § 8479] + [1:17:1889; C § 3880; RL § 4941; NCL § 8488]—(NRS A 1965, 347; 1967, 1278; 1969, 208, 1422; 1971, 312; 1977, 856; 1981, 687; 1983, 100, 1360; 1997, 187; 1999, 162; 2001, 754; 2001 Special Session, 207, 249; 2003, 289, 1347)

PROCEEDINGS OF REVIEW COMMITTEE

NRS 49.117 "Review committee" defined. As used in NRS 49.117 to 49.123, inclusive, unless the context otherwise requires, "review committee" means:

1. An organized committee of:
 - (a) A hospital;
 - (b) An ambulatory surgical center;
 - (c) A health maintenance organization;
 - (d) An organization that provides emergency medical services pursuant to the provisions of chapter 450B of NRS; or
 - (e) A medical facility as defined in NRS 449.0151,
- ↪ which has the responsibility of evaluating and improving the quality of care rendered by the parent organization; or
2. A peer review committee of a medical or dental society.
(Added to NRS by 1995, 1692)

NRS 49.119 General rule of privilege. A review committee has a privilege to refuse to disclose and to prevent any other person from disclosing its proceedings and records and testimony given before it.
(Added to NRS by 1995, 1693)

NRS 49.121 Who may claim privilege.

1. The privilege may be claimed by any member of the review committee, any person whose work has been reviewed by the committee or any person who has offered testimony, an opinion or documentary evidence before the committee.
2. The privilege is presumed to be claimed as to a particular matter unless a written waiver is signed by all persons entitled to claim the privilege as to that matter.
3. The privilege is not waived or lost if a person discloses information which is otherwise privileged to a governmental or regulatory agency of this state or the United States.
(Added to NRS by 1995, 1693)

NRS 49.123 Exceptions. There is no privilege under NRS 49.119 or 49.121 as to:

1. A statement made by an applicant for staff privileges at a hospital; or
2. Any information available from a record required to be made available pursuant to the provisions of NRS 629.061.
(Added to NRS by 1995, 1693)

NRS 42.020 Actions for damages for medical malpractice: Reduction of damages by amount previously paid or reimbursed; payment of future economic damages.

1. Except as otherwise provided in subsection 2, in any action for damages for medical malpractice, the amount of damages, if any, awarded in the action must be reduced by the amount of any prior payment made by or on behalf of the provider of health care against whom the action is brought to the injured person or to the claimant to meet reasonable expenses of medical care, other essential goods or services or reasonable living expenses.

2. In any action described in subsection 1 in which liability for medical malpractice is established or admitted, the court shall, before the entry of judgment, hold a separate hearing to determine if any expenses incurred by the claimant for medical care, loss of income or other financial loss have been paid or reimbursed as a benefit from a collateral source. If the court determines that a claimant has received such a benefit, the court shall reduce the amount of damages, if any, awarded in the action by the amount of the benefit. The amount so reduced must not include any amount for which there is a right of subrogation to the rights of the claimant if the right of subrogation is exercised by serving a notice of lien on the claimant before the settlement of or the entry of judgment in the action. Notice of the action must be provided by the claimant to any statutory holder of a lien.

3. If future economic damages are awarded in an action for medical malpractice, the court may, at the request of the claimant, order the award to be paid:

(a) In a lump sum which has been reduced to its present value as determined by the trier of fact and approved by the court; or

(b) Subject to the provisions of subsections 5 and 6 and the discretion of the court, in periodic payments either by an annuity purchased to provide periodic payments or by other means if the defendant posts an adequate bond or other security to ensure full payment by periodic payments of the damages awarded by the judgment.

↪ As used in this subsection, "future economic damages" includes damages for future medical treatment, care or custody, and loss of future earnings.

4. If the claimant receives periodic payments pursuant to paragraph (b) of subsection 3, the award must not be reduced to its present value. The amount of the periodic payments must be equal to the total amount of all future damages awarded by the trier of fact and approved by the court. The period for which the periodic payments must be made must be determined by the trier of fact and approved by the court. Before the entry of judgment, each party shall submit to the court a plan specifying the recipient of the payments, the amount of the payments and a schedule of periodic payments for the award. Upon receipt and review of the plans, the court shall specify in its judgment rendered in the action the recipient of the payments, the amount of the payments and a schedule of payments for the award.

5. If an annuity is purchased pursuant to paragraph (b) of subsection 3, the claimant shall select the provider of the annuity. Upon purchase of the annuity, the claimant shall:

(a) Execute a satisfaction of judgment or a stipulation for dismissal of the claim with prejudice; and

(b) Release forever the defendant and his insurer, if any, from any obligation to make periodic payments pursuant to the award.

6. If the defendant posts a bond or other security pursuant to paragraph (b) of subsection 3, upon termination of the payment of periodic payments of damages, the court shall order the return of the bond or other security, or as much as remains, to the defendant.

7. As used in this section:

(a) "Benefit from a collateral source" means any money, service or other benefit which is paid or provided or is reasonably likely to be paid or provided to a claimant for personal injury or wrongful death pursuant to:

(1) A state or federal act which provides benefits for sickness, disability, accidents, loss of income or workers' compensation;

(2) A policy of insurance which provides health benefits or coverage for loss of income;

(3) A contract of any group, organization, partnership or corporation which provides, pays or reimburses the cost of medical, hospital or dental benefits or benefits for loss of income; or

(4) Any other publicly or privately funded program which provides such benefits.

(b) "Medical malpractice" has the meaning ascribed to it in NRS 41A.009.

NRS 49.225 General rule of privilege. A patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications among himself, his doctor or persons who are participating in the diagnosis or treatment under the direction of the doctor, including members of the patient's family.
(Added to NRS by 1971, 785)

NRS 49.235 Who may claim privilege.

1. The privilege may be claimed by the patient, by his guardian or conservator, or by the personal representative of a deceased patient.
2. The person who was the doctor may claim the privilege but only on behalf of the patient. His authority so to do is presumed in the absence of evidence to the contrary.
(Added to NRS by 1971, 785)

NRS 49.245 Exceptions. There is no privilege under NRS 49.225 or 49.235:

1. For communications relevant to an issue in proceedings to hospitalize the patient for mental illness, if the doctor in the course of diagnosis or treatment has determined that the patient is in need of hospitalization.
2. As to communications made in the course of a court-ordered examination of the condition of a patient with respect to the particular purpose of the examination unless the court orders otherwise.
3. As to written medical or hospital records relevant to an issue of the condition of the patient in any proceeding in which the condition is an element of a claim or defense.
4. In a prosecution or mandamus proceeding under chapter 441A of NRS.
5. As to any information communicated to a physician in an effort unlawfully to procure a dangerous drug or controlled substance, or unlawfully to procure the administration of any such drug or substance.
6. As to any written medical or hospital records which are furnished in accordance with the provisions of NRS 629.061.
7. As to records that are required by chapter 453 of NRS to be maintained.
8. If the services of the physician are sought or obtained to enable or aid a person to commit or plan to commit fraud or any other unlawful act in violation of any provision of chapter 616A, 616B, 616C, 616D or 617 of NRS which the person knows or reasonably should know is fraudulent or otherwise unlawful.

(Added to NRS by 1971, 785; A 1977, 155, 997, 1314; 1981, 589, 1967; 1985, 2012; 1987, 1036; 1989, 300, 302, 425; 1995, 1877; 2002 Special Session, 12)

NRS 49.265 Committees for review of medical or dental care.

1. Except as otherwise provided in subsection 2:

(a) The proceedings and records of:

(1) Organized committees of hospitals, and organized committees of organizations that provide emergency medical services pursuant to the provisions of chapter 450B of NRS, having the responsibility of evaluation and improvement of the quality of care rendered by those hospitals or organizations; and

(2) Review committees of medical or dental societies,

are not subject to discovery proceedings.

(b) No person who attends a meeting of any such committee may be required to testify concerning the proceedings at the meeting.

2. The provisions of subsection 1 do not apply to:

(a) Any statement made by a person in attendance at such a meeting who is a party to an action or proceeding the subject of which is reviewed at the meeting.

(b) Any statement made by a person who is requesting staff privileges at a hospital.

(c) The proceedings of any meeting considering an action against an insurance carrier alleging bad faith by the carrier in refusing to accept a settlement offer within the limits of the policy.

(d) Any matter relating to the proceedings or records of such committees which is contained in health care records furnished in accordance with NRS 629.061.

(Added to NRS by 1971, 785; A 1977, 1314; 1981, 1967; 1987, 1188; 1989, 1506)

NRS 51.135 Record of regularly conducted activity. A memorandum, report, record or compilation of data, in any form, of acts, events, conditions, opinions or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, all in the course of a regularly conducted activity, as shown by the testimony or affidavit of the custodian or other qualified person, is not inadmissible under the hearsay rule unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness.

(Added to NRS by 1971, 795; A 1977, 1533; 1985, 787; 1989, 322; 1995, 1726)

MEDICAL RECORDS

NRS 52.320 Definitions. As used in NRS 52.320 to 52.375, inclusive, unless the context otherwise requires:

1. "Custodian of medical records" means a chiropractor, physician, registered physical therapist or licensed nurse who prepares and maintains medical records, or any employee or agent of such a person or a facility for convalescent care, medical laboratory or hospital who has care, custody and control of medical records for such a person or institution.
2. "Medical records" includes bills, ledgers, statements and other accounts which show the cost of medical services or care provided to a patient.

(Added to NRS by 1983, 535)

NRS 52.325 Subpoenaed records: Delivery of authenticated copy by custodian; order for return of record; form of affidavit of authentication.

1. A custodian of medical records sufficiently complies with a subpoena calling for the production of medical records in his custody if he delivers, at or before the time set for the return of the subpoena, either personally or by mail, to the clerk of the court issuing the subpoena a true and exact photographic, electrostatic or other acceptable copy of the original record authenticated as provided in this section. This section does not apply to X-ray films or to any other portion of a medical record which is not susceptible to photostatic reproduction.

2. The copy must be authenticated by an affidavit signed by the custodian of the medical records verifying that it is a true and complete reproduction of the original medical record and that the original record was made at or near the time of the act, event, condition, opinion or diagnosis by or from information transmitted by a person with knowledge in the course of a regularly conducted activity.

3. If the court quashes or suppresses a subpoena for medical records, it may order the subpoenaed record to be returned to the submitting custodian.

4. The affidavit required by subsection 2 must be substantially in the form prescribed in subsection 3 of NRS 52.260.

(Added to NRS by 1973, 359; A 1977, 1534; 1983, 535; 1985, 1208; 1995, 1728)

NRS 52.335 Copies delivered to clerk of court: Custody; maintenance; return.

1. Except as provided in NRS 52.365, the copy of a medical record delivered pursuant to NRS 52.325 shall be kept in the custody of the clerk of the court issuing the subpoena, in a sealed container supplied by the custodian of the medical record. This container shall be clearly marked to identify the contents, the name of the patient, the title and number of the court case, and shall not be opened except pursuant to the direction of the court during the trial of the case, for the purpose of discovery as provided in NRS 52.365, or upon special order of the court.

2. The contents of the record shall be preserved and maintained as a cohesive unit and shall not be separated except upon the order of the court. Forty days after any final order dismissing or otherwise terminating any case in which medical records have been subpoenaed, if no appeal is taken, the records shall be returned intact and in complete form to the submitting custodian. If an appeal is taken, the records shall be returned 40 days after any final order terminating the appeal. This return shall be accomplished through the use of a self-addressed, stamped envelope which shall be contained within the package prepared and sent to the court by the submitting custodian. The envelope or container in which the record is delivered to the court shall be clearly marked to identify its contents and to direct that it shall be returned to the submitting custodian if developments occur which eliminate the necessity of opening the envelope.

(Added to NRS by 1973, 360; A 1977, 1535)

NRS 52.345 Notice of delivery to clerk of court. The custodian of the medical record which has been subpoenaed shall promptly notify the attorney for the party who caused the subpoena to be issued that the documents involved have been delivered to the court. For purposes of this notice it is sufficient for the custodian to deliver to such attorney a copy of the certificate verifying the contents and authenticity of the medical record so supplied.

(Added to NRS by 1973, 360; A 1977, 1535)

NRS 52.355 Order for production of original documents; appearance by custodian.

1. If during a trial or discovery proceeding the authenticity of the record or a question of interpretation of handwriting is involved, the court may order the original documents produced.

2. If the personal attendance of a custodian of the medical records is required, the subpoena shall clearly state such demand.

3. If a custodian will personally appear, the original medical records shall be produced.

(Added to NRS by 1973, 360; A 1977, 1535)

NRS 52.365 Use of copies in discovery proceedings.

1. If the contents of a medical record which has been delivered pursuant to NRS 52.325 are the object of a discovery proceeding by any party to the action, counsel may stipulate for, or in the absence of stipulation the court may order:

(a) The delivery of the record to the officer before whom a deposition is to be taken; or

(b) The copying of all or part of the record and the delivery of the copies so made to the party or parties requesting them.

2. If the record is delivered for the purpose of a deposition it shall be returned to the clerk immediately upon completion of the deposition, and in either case mentioned in subsection 1 it shall upon completion of the discovery proceeding be resealed by the clerk.

(Added to NRS by 1973, 360)

CHAPTER 89 - PROFESSIONAL CORPORATIONS AND ASSOCIATIONS

GENERAL PROVISIONS

<u>NRS 89.010</u>	Short title.
<u>NRS 89.020</u>	Definitions.
<u>NRS 89.023</u>	Form required for filing of records.
<u>NRS 89.025</u>	Fees.
<u>NRS 89.027</u>	Filing of records written in language other than English.

PROFESSIONAL CORPORATIONS

<u>NRS 89.030</u>	Applicability of <u>chapter 78</u> of NRS.
<u>NRS 89.040</u>	Filing requirements; required provisions of articles of incorporation; corporate name.
<u>NRS 89.050</u>	Scope of business; property and investments; professional services by officers and employees.
<u>NRS 89.060</u>	Professional relationship preserved.
<u>NRS 89.070</u>	Restrictions on ownership and transfer of shares.
<u>NRS 89.080</u>	Duties upon legal disqualification of officer, stockholder, director or employee; qualifications of officer or director; death of stockholder whose interest is in revocable trust.
<u>NRS 89.100</u>	Authority of regulating boards not affected.
<u>NRS 89.110</u>	Scope of authority.

PROFESSIONAL ASSOCIATIONS

<u>NRS 89.200</u>	Inapplicability of <u>chapter 87</u> of NRS.
<u>NRS 89.210</u>	Filing requirements; name of association.
<u>NRS 89.220</u>	Professional relationship preserved.
<u>NRS 89.230</u>	Restrictions on membership and rendering of professional services.
<u>NRS 89.240</u>	Duties upon legal disqualification of member or employee; redemption of and restrictions on transfer and ownership of member's interest.
<u>NRS 89.250</u>	Annual statement: Filing requirements; fees.
<u>NRS 89.252</u>	Defaulting associations: Identification; penalty.
<u>NRS 89.254</u>	Defaulting associations: Duties of Secretary of State; forfeiture of right to transact business; assets held in trust; distribution of assets.
<u>NRS 89.256</u>	Defaulting associations: Conditions and procedure for reinstatement.
<u>NRS 89.260</u>	Authority of regulating boards not affected.
<u>NRS 89.270</u>	Scope of authority.

GENERAL PROVISIONS

NRS 89.010 Short title. This chapter is known and may be cited as the Professional Corporations and Associations Act. (Added to NRS by 1963, 865; A 1969, 519)

NRS 89.020 Definitions. As used in this chapter, unless the context requires otherwise:

1. "Employee" means a person licensed or otherwise legally authorized to render professional service within this State who renders such service through a professional corporation or a professional association, but does not include clerks, bookkeepers, technicians or other persons who are not usually considered by custom and practice of the profession to be rendering professional services to the public.

2. "Licensed" means legally authorized by the appropriate regulating board of this State to engage in a regulated profession in this State.

3. "Professional association" means a common-law association of two or more persons licensed or otherwise legally authorized to render professional service within this State when created by written articles of association which contain in substance the following provisions characteristic of corporate entities:

(a) The death, insanity, bankruptcy, retirement, resignation, expulsion or withdrawal of any member of the association does not cause its dissolution.

(b) The authority to manage the affairs of the association is vested in a board of directors or an executive board or committee, elected by the members of the association.

(c) The members of the association are employees of the association.

(d) Members' ownership is evidenced by certificates.

2003, 20th Special Session, 111)

NRS 89.050 Scope of business; property and investments; professional services by officers and employees.

1. Except as otherwise provided in subsection 2, a professional corporation may be organized only for the purpose of rendering one specific type of professional service and may not engage in any business other than rendering the professional service for which it was organized and services reasonably related thereto, except that a professional corporation may own real and personal property appropriate to its business and may invest its money in any form of real property, securities or any other type of investment.

2. A professional corporation may be organized to render a professional service relating to:

(a) Architecture, interior design, residential design, engineering and landscape architecture, or any combination thereof, and may be composed of persons:

- (1) Engaged in the practice of architecture as provided in chapter 623 of NRS;
- (2) Practicing as a registered interior designer as provided in chapter 623 of NRS;
- (3) Engaged in the practice of residential design as provided in chapter 623 of NRS;
- (4) Engaged in the practice of landscape architecture as provided in chapter 623A of NRS; and
- (5) Engaged in the practice of professional engineering as provided in chapter 625 of NRS.

(b) Medicine, homeopathy and osteopathy, and may be composed of persons engaged in the practice of medicine as provided in chapter 630 of NRS, persons engaged in the practice of homeopathic medicine as provided in chapter 630A of NRS and persons engaged in the practice of osteopathic medicine as provided in chapter 633 of NRS. Such a professional corporation may market and manage additional professional corporations which are organized to render a professional service relating to medicine, homeopathy and osteopathy.

(c) Mental health services, and may be composed of the following persons, in any number and in any combination:

- (1) Any psychologist who is licensed to practice in this State;
- (2) Any social worker who holds a master's degree in social work and who is licensed by this State as a clinical social worker;
- (3) Any registered nurse who is licensed to practice professional nursing in this State and who holds a master's degree in the field of psychiatric nursing; and
- (4) Any marriage and family therapist who is licensed by this State pursuant to chapter 641A of NRS.

↪ Such a professional corporation may market and manage additional professional corporations which are organized to render a professional service relating to mental health services pursuant to this paragraph.

3. A professional corporation may render a professional service only through its officers and employees who are licensed or otherwise authorized by law to render the professional service.

(Added to NRS by 1963, 866; A 1969, 705; 1985, 585; 1991, 323, 1306; 1995, 353, 1704; 1997, 206; 2001, 1781; 2003, 435)

NRS 89.060 Professional relationship preserved. The provisions of this chapter relating to professional corporations do not modify any law applicable to the relationship between a person furnishing professional service and a person receiving such service, including liability arising out of such professional service, but nothing contained in this section renders:

1. A person personally liable in tort for any act in which he has not personally participated.
2. A director, officer or employee of a professional corporation liable in contract for any contract which he signs on behalf of a professional corporation within the limits of his actual authority.

(Added to NRS by 1963, 866; A 1969, 521; 2003, 3160)

NRS 89.070 Restrictions on ownership and transfer of shares.

1. Except as otherwise provided in this section and NRS 623.349:

(a) No corporation organized under the provisions of this chapter may issue any of its stock to anyone other than a natural person who is licensed to render the same specific professional services as those for which the corporation was incorporated.

(b) No stockholder of a corporation organized under this chapter may enter into a voting trust agreement or any other type of agreement vesting another person with the authority to exercise the voting power of any or all of his stock, unless the other person is licensed to render the same specific professional services as those for which the corporation was incorporated.

(c) No shares of a corporation organized under this chapter may be sold or transferred except to a natural person who is eligible to be a stockholder of the corporation or to the personal representative or estate of a deceased or legally incompetent stockholder. The personal representative or estate of the stockholder may continue to own shares for a reasonable period, but may not participate in any decisions concerning the rendering of professional services.

↪ The articles of incorporation or bylaws may provide specifically for additional restrictions on the transfer of shares and may provide for the redemption or purchase of the shares by the corporation, its stockholders or an eligible individual account plan complying with the requirements of subsection 2 at prices and in a manner specifically set forth. A stockholder may transfer his shares in the corporation or any other interest in the assets of the corporation to a revocable trust if he acts as trustee of the revocable trust and any person who acts as cotrustee and is not licensed to perform the services for which the corporation was incorporated does not participate in any decisions concerning the rendering of those services.

2. Except as otherwise provided in NRS 623.349, a person not licensed to render the professional services for which the corporation was incorporated may own a beneficial interest in any of the assets, including corporate shares, held for his account by an eligible individual account plan sponsored by the professional corporation for the benefit of its employees, which is intended to qualify under section 401 of the Internal Revenue Code, 26 U.S.C. § 401, if the terms of the trust are such that the total number of shares which may be distributed for the benefit of persons not licensed to render the professional services for which the corporation was incorporated is less than a controlling interest and:

(Added to NRS by 1969, 523; A 1979, 123; 2001, 3190; 2003, 3160; 2003, 20th Special Session, 112)

NRS 89.220 Professional relationship preserved. The provisions of this chapter relating to professional associations do not modify any law applicable to the relationship between a person furnishing professional service and a person receiving such service, including liability arising out of such professional service, but:

1. A member or employee of a professional association shall not be personally liable in tort for any act in which he has not personally participated.

2. A member or employee of a professional association shall not be personally liable in contract for any contract which he signs on behalf of a professional association within the limits of his actual authority.

(Added to NRS by 1969, 523; A 2003, 3161)

NRS 89.230 Restrictions on membership and rendering of professional services. Except as otherwise provided in NRS 623.349, members who organize a professional association must all be natural persons licensed to render the same specific professional services as those for which the professional association is organized. Except as otherwise provided by law, a professional association may render professional service only through its members and employees who are licensed or otherwise authorized by law to render the professional service.

(Added to NRS by 1969, 523; A 1995, 2120; 2001, 1783)

NRS 89.240 Duties upon legal disqualification of member or employee; redemption of and restrictions on transfer and ownership of member's interest.

1. If any member or employee of a professional association who has been rendering professional service to the public becomes legally disqualified to render the professional service within this State, he shall sever within a reasonable period all professional service with and financial interest in the association; but this chapter does not prevent a professional association from entering into a contract with a member or employee which provides for severance pay or for compensation for past services upon termination of professional service, whether by death or otherwise. Upon the death of a member of the association who has transferred his interest in the association to a revocable trust as permitted by subsection 2, the trustee of the revocable trust may continue to retain any interest so transferred for a reasonable period, but may not exercise any authority concerning the rendering of professional services and may not, except as otherwise provided in NRS 623.349, distribute the interest in the association or its assets to any person not licensed to render the services for which the association was organized.

2. Except as otherwise authorized by NRS 623.349, a membership interest in a professional association may not be sold or transferred except to a natural person who is eligible to be a member of the association or to the personal representative or estate of a deceased or legally incompetent member, except as provided in this subsection. The personal representative of such a member may continue to own such interest for a reasonable period, but may not participate in any decisions concerning the rendering of professional service. A member may transfer his interest in the association or any other interest in the assets of the association to a revocable trust if he acts as trustee of the revocable trust and any person who acts as cotrustee and is not licensed to perform the services for which the association is organized does not participate in any decisions concerning the rendering of those professional services.

3. The articles of association may provide specifically for additional restrictions on the transfer of members' interests and may provide for the redemption or purchase of such an interest by the association or its other members at prices and in a manner specifically set forth in the articles.

(Added to NRS by 1969, 523; A 1991, 1308; 1995, 2120; 2001, 1783)

NRS 89.250 Annual statement: Filing requirements; fees.

1. Except as otherwise provided in subsection 2, a professional association shall, on or before the last day of the first month after the filing of its articles of association with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its organization occurs in each year, furnish a statement to the Secretary of State showing the names and addresses, either residence or business, of all members and employees in the professional association and certifying that all members and employees are licensed to render professional service in this State.

2. A professional association organized and practicing pursuant to the provisions of this chapter and NRS 623.349 shall, on or before the last day of the first month after the filing of its articles of association with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its organization occurs in each year, furnish a statement to the Secretary of State:

(a) Showing the names and addresses, either residence or business, of all members and employees of the professional association who are licensed or otherwise authorized by law to render professional service in this State;

(b) Certifying that all members and employees who render professional service are licensed or otherwise authorized by law to render professional service in this State; and

(c) Certifying that all members who are not licensed to render professional service in this State do not render professional service on behalf of the professional association except as authorized by law.

3. Each statement filed pursuant to this section must be:

(a) Made on a form prescribed by the Secretary of State and must not contain any fiscal or other information except that expressly called for by this section.

(b) Signed by the chief executive officer of the professional association.

(c) Accompanied by a declaration under penalty of perjury that the professional association:

(1) Has complied with the provisions of NRS 360.780; and

(2) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged

affect the rules of ethics or practice of any profession.
(Added to NRS by 1969, 524)

NRS 89.270 Scope of authority. No professional association may do any act which is prohibited to be done by natural persons licensed to practice the profession which the professional association is organized to practice.
(Added to NRS by 1969, 524; A 1995, 2121)

NRS 129.030 Consent for examination and treatment.

1. Except as otherwise provided in NRS 450B.525, a minor may give consent for the services provided in subsection 2 for himself or for his child, if he is:

(a) Living apart from his parents or legal guardian, with or without the consent of the parent, parents or legal guardian, and has so lived for a period of at least 4 months;

(b) Married or has been married;

(c) A mother, or has borne a child; or

(d) In a physician's judgment, in danger of suffering a serious health hazard if health care services are not provided.

2. Except as otherwise provided in subsection 4 and NRS 450B.525, the consent of the parent or parents or the legal guardian of a minor is not necessary for a local or state health officer, board of health, licensed physician or public or private hospital to examine or provide treatment for any minor, included within the provisions of subsection 1, who understands the nature and purpose of the proposed examination or treatment and its probable outcome, and voluntarily requests it. The consent of the minor to examination or treatment pursuant to this subsection is not subject to disaffirmance because of minority.

3. A person who treats a minor pursuant to subsection 2 shall, before initiating treatment, make prudent and reasonable efforts to obtain his consent to communicate with his parent, parents or legal guardian, and shall make a note of such efforts in the record of his care. If the person believes that such efforts would jeopardize treatment necessary to the minor's life or necessary to avoid a serious and immediate threat to the minor's health, the person may omit such efforts and note the reasons for the omission in the record.

4. A minor may not consent to his sterilization.

5. In the absence of negligence, no person providing services pursuant to subsection 2 is subject to civil or criminal liability for providing those services.

6. The parent, parents or legal guardian of a minor who receives services pursuant to subsection 2 are not liable for the payment for those services unless the parent, parents or legal guardian has consented to such health care services. The provisions of this subsection do not relieve a parent, parents or legal guardian from liability for payment for emergency services provided to a minor pursuant to NRS 129.040.

(Added to NRS by 1965, 170; A 1971, 1334; 1973, 25, 1521; 1975, 1475; 1977, 185; 1981, 1164; 2001, 820)

NRS 129.040 When person standing in loco parentis may give consent for minor's emergency hospitalization or medical attention. Notwithstanding any other provision of law, in cases of emergency in which a minor is in need of immediate hospitalization, medical attention or surgery and, after reasonable efforts made under the circumstances, the parents of such minor cannot be located for the purpose of consenting thereto, consent for such emergency attention may be given by any person standing in loco parentis to such minor.

(Added to NRS by 1965, 170)

NRS 193.130 Categories and punishment of felonies.

1. Except when a person is convicted of a category A felony, and except as otherwise provided by specific statute, a person convicted of a felony shall be sentenced to a minimum term and a maximum term of imprisonment which must be within the limits prescribed by the applicable statute, unless the statute in force at the time of commission of the felony prescribed a different penalty. The minimum term of imprisonment that may be imposed must not exceed 40 percent of the maximum term imposed.

2. Except as otherwise provided by specific statute, for each felony committed on or after July 1, 1995:

(a) A category A felony is a felony for which a sentence of death or imprisonment in the state prison for life with or without the possibility of parole may be imposed, as provided by specific statute.

(b) A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years, as provided by specific statute.

(c) A category C felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. In addition to any other penalty, the court may impose a fine of not more than \$10,000, unless a greater fine is authorized or required by statute.

(d) A category D felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater fine is authorized or required by statute.

(e) A category E felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. Except as otherwise provided in paragraph (b) of subsection 1 of NRS 176A.100, upon sentencing a person who is found guilty of a category E felony, the court shall suspend the execution of the sentence and grant probation to the person upon such conditions as the court deems appropriate. Such conditions of probation may include, but are not limited to, requiring the person to serve a term of confinement of not more than 1 year in the county jail. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater penalty is authorized or required by statute.

[1911 C&P § 18; RL § 6283; NCL § 9967]—(NRS A 1967, 458; 1995, 1167; 1997, 1177; 1999, 1186)

NRS 200.368 Statutory sexual seduction: Penalties. Except under circumstances where a greater penalty is provided in NRS 201.540, a person who commits statutory sexual seduction shall be punished:

1. If he is 21 years of age or older, for a category C felony as provided in NRS 193.130.
2. If he is under the age of 21 years, for a gross misdemeanor.

(Added to NRS by 1977, 1627; A 1979, 1426; 1995, 1187; 2001, 703)

ABUSE, NEGLECT, EXPLOITATION OR ISOLATION OF OLDER PERSONS

NRS 200.5091 Policy of State. It is the policy of this State to provide for the cooperation of law enforcement officials, courts of competent jurisdiction and all appropriate state agencies providing human services in identifying the abuse, neglect, exploitation and isolation of older persons through the complete reporting of abuse, neglect, exploitation and isolation of older persons.

(Added to NRS by 1981, 1334; A 1997, 1348)

NRS 200.5092 Definitions. As used in NRS 200.5091 to 200.50995, inclusive, unless the context otherwise requires:

1. "Abuse" means willful and unjustified:

(a) Infliction of pain, injury or mental anguish on an older person; or

(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person.

2. "Exploitation" means any act taken by a person who has the trust and confidence of an older person or any use of the power of attorney or guardianship of an older person to:

(a) Obtain control, through deception, intimidation or undue influence, over the older person's money, assets or property with the intention of permanently depriving the older person of the ownership, use, benefit or possession of his money, assets or property; or

(b) Convert money, assets or property of the older person with the intention of permanently depriving the older person of the ownership, use, benefit or possession of his money, assets or property.

↪ As used in this subsection, "undue influence" does not include the normal influence that one member of a family has over another.

3. "Isolation" means willfully, maliciously and intentionally preventing an older person from having contact with another person by:

(a) Intentionally preventing the older person from receiving his visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or a person who telephones the older person that the older person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person and intended to prevent the older person from having contact with the visitor; or

(b) Physically restraining the older person to prevent the older person from meeting with a person who comes to visit the older person.

↪ The term does not include an act intended to protect the property or physical or mental welfare of the older person or an act performed pursuant to the instructions of a physician of the older person.

4. "Neglect" means the failure of:

(a) A person who has assumed legal responsibility or a contractual obligation for caring for an older person or who has voluntarily assumed responsibility for his care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person; or

(b) An older person to provide for his own needs because of inability to do so.

5. "Older person" means a person who is 60 years of age or older.

6. "Protective services" means services the purpose of which is to prevent and remedy the abuse, neglect, exploitation and isolation of older persons. The services may include investigation, evaluation, counseling, arrangement and referral for other services and assistance.

(Added to NRS by 1981, 1334; A 1983, 1359, 1652; 1995, 2250; 1997, 1348; 1999, 3517; 2003, 491)

NRS 200.50925 "Reasonable cause to believe" and "as soon as reasonably practicable" defined. For the purposes of NRS 200.5091 to 200.50995, inclusive, a person:

1. Has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

2. Acts "as soon as reasonably practicable" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances.

(Added to NRS by 1999, 3517)

NRS 200.5093 Reports: Voluntary and mandatory; investigation; penalty.

1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

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

(1) The local office of the Aging Services Division of the Department of Human Resources;

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

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Human Resources;

and

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

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

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

- (a) Pursuant to a criminal prosecution;
- (b) Pursuant to NRS 200.50982; or
- (c) To persons or agencies enumerated in subsection 3 of this section,

→ is guilty of a misdemeanor.

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

- (a) A physician who is providing care to an older person who may have been abused, neglected, exploited or isolated;
- (b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person;
- (c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation or isolation of the older person;
- (d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;
- (e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;
- (f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;
- (g) Any comparable authorized person or agency in another jurisdiction;
- (h) A legal guardian of the older person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person to the public agency is protected, and the legal guardian of the older person is not the person suspected of such abuse, neglect, exploitation or isolation;
- (i) If the older person is deceased, the executor or administrator of his estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation or isolation; or
- (j) The older person named in the report as allegedly being abused, neglected, exploited or isolated, if that person is not legally incompetent.

4. If the person who is reported to have abused, neglected, exploited or isolated an older person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, information contained in the report must be submitted to the board that issued the license.

(Added to NRS by 1981, 1335; A 1983, 1654; 1995, 2252; 1997, 1351; 2003, 906)

NRS 200.50955 Law enforcement agency: Required to act promptly in obtaining certain warrants. A law enforcement agency shall promptly seek to obtain a warrant for the arrest of any person the agency has probable cause to believe is criminally responsible for the abuse, neglect, exploitation or isolation of an older person.

(Added to NRS by 1997, 1348)

NRS 200.5096 Immunity from civil or criminal liability for reporting, investigating or submitting information. Immunity from civil or criminal liability extends to every person who, pursuant to NRS 200.5091 to 200.50995, inclusive, in good faith:

- 1. Participates in the making of a report;
- 2. Causes or conducts an investigation of alleged abuse, neglect, exploitation or isolation of an older person; or
- 3. Submits information contained in a report to a licensing board pursuant to subsection 4 of NRS 200.5095.

(Added to NRS by 1981, 1336; A 1995, 2253; 1997, 1352)

NRS 200.5097 Admissibility of evidence. In any proceeding resulting from a report made or action taken pursuant to NRS 200.5091 to 200.50995, inclusive, or in any other proceeding, the report or its contents or any other fact related thereto or to the condition of the older person who is the subject of the report may not be excluded on the ground that the matter would otherwise be privileged against disclosure under chapter 49 of NRS.

(Added to NRS by 1981, 1336)

NRS 200.5098 Duties of Aging Services Division of Department of Human Resources; organization and operation of teams for provision of assistance.

1. The Aging Services Division of the Department of Human Resources shall:

- (a) Identify and record demographic information on the older person who is alleged to have been abused, neglected, exploited or isolated and the person who is alleged to be responsible for such abuse, neglect, exploitation or isolation.
- (b) Obtain information from programs for preventing abuse of older persons, analyze and compare the programs, and make recommendations to assist the organizers of the programs in achieving the most efficient and effective service possible.
- (c) Publicize the provisions of NRS 200.5091 to 200.50995, inclusive.

2. The Administrator of the Aging Services Division of the Department may organize one or more teams to assist in strategic assessment and planning of protective services, issues regarding the delivery of service, programs or individual plans for preventing, identifying, remedying or treating abuse, neglect, exploitation or isolation of older persons. Members of the team serve at the invitation of the administrator and must be experienced in preventing, identifying, remedying or treating abuse, neglect, exploitation or isolation of older persons. The team may include representatives of other organizations concerned with education, law enforcement or physical or mental health.

3. The team may receive otherwise confidential information and records pertaining to older persons to assist in assessing

imprisonment,

↪ unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.

4. If a person exploits an older person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished for a gross misdemeanor by imprisonment in the county jail for not more than 1 year, or by a fine of not more than \$2,000, or by both fine and imprisonment.

5. Any person who isolates an older person is guilty:

(a) For the first offense, of a gross misdemeanor; or

(b) For any subsequent offense, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$5,000.

6. A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

7. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

8. In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, the court shall order the person to pay restitution.

9. As used in this section:

(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person if the person knows or has reason to know that the older person is being abused or neglected.

(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person.

(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person as evidenced by an observable and substantial impairment of the ability of the older person to function within his normal range of performance or behavior.

(Added to NRS by 1981, 1336; A 1983, 1652, 1655; 1985, 249; 1995, 1194, 2253; 1997, 110, 1354; 2003, 2567)

NRS 200.50995 Penalties for conspiracy. A person who conspires with another to commit abuse, exploitation or isolation of an older person as prohibited by NRS 200.5099 shall be punished:

1. For the first offense, for a gross misdemeanor.

2. For the second and all subsequent offenses, for a category C felony as provided in NRS 193.130.

↪ Each person found guilty of such a conspiracy is jointly and severally liable for the restitution ordered by the court pursuant to NRS 200.5099 with each other person found guilty of the conspiracy.

(Added to NRS by 1997, 1347; A 2003, 2568)

NRS 200.730 Possession of visual presentation depicting sexual conduct of person under 16 years of age unlawful; penalties. A person who knowingly and willfully has in his possession for any purpose any film, photograph or other visual presentation depicting a person under the age of 16 years as the subject of a sexual portrayal or engaging in or simulating, or assisting others to engage in or simulate, sexual conduct:

1. For the first offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

2. For any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$5,000.

(Added to NRS by 1983, 814; A 1985, 1412; 1987, 846; 1995, 951, 1196, 1337)

LEWDNESS AND INDECENT EXPOSURE

NRS 201.210 Open or gross lewdness; penalty.

1. A person who commits any act of open or gross lewdness is guilty:

(a) For the first offense, of a gross misdemeanor.

(b) For any subsequent offense, of a category D felony and shall be punished as provided in NRS 193.130.

2. For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open or gross lewdness.

[Part 1911 C&P § 195; A 1921, 112; NCL § 10142]—(NRS A 1963, 63; 1965, 1465; 1967, 476; 1973, 95, 255, 1406; 1977, 866; 1979, 1429; 1983, 206; 1991, 1008; 1995, 127, 1199, 1327; 1997, 2501, 3188)

NRS 201.220 Indecent or obscene exposure; penalty.

1. A person who makes any open and indecent or obscene exposure of his person, or of the person of another, is guilty:

(a) For the first offense, of a gross misdemeanor.

(b) For any subsequent offense, of a category D felony and shall be punished as provided in NRS 193.130.

2. For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open and indecent or obscene exposure of her body.

[Part 1911 C&P § 195; A 1921, 112; NCL § 10142]—(NRS A 1965, 1465; 1967, 476; 1973, 96, 255, 1406; 1977, 867; 1979, 1429; 1983, 206; 1991, 1008; 1995, 127, 1200, 1327; 1997, 2501, 3189)

TOBACCO

NRS 202.2485 Definitions. As used in NRS 202.2485 to 202.2497, inclusive:

1. "Distribute" includes furnishing, giving away or providing products made from tobacco or samples thereof at no cost to promote the product, whether or not in combination with a sale.
 2. "Health authority" means the district health officer in a district, or his designee, or, if none, the State Health Officer, or his designee.
- (Added to NRS by 1993, 2843; A 1995, 2603; 2001, 2788)

NRS 202.249 Smoking tobacco: Declaration of public policy; enforcement; imposition of more stringent restrictions.

1. It is the public policy of the State of Nevada and the purpose of NRS 202.2491, 202.24915 and 202.2492 to place restrictions on the smoking of tobacco in public places to protect human health and safety.
 2. The quality of air is declared to be affected with the public interest and NRS 202.2491, 202.24915 and 202.2492 are enacted in the exercise of the police power of this state to protect the health, peace, safety and general welfare of its people.
 3. Health authorities, police officers of cities or towns, sheriffs and their deputies and other peace officers of this state shall, within their respective jurisdictions, enforce the provisions of NRS 202.2491, 202.24915 and 202.2492. Police officers of cities or towns, sheriffs and their deputies and other peace officers of this state shall, within their respective jurisdictions, enforce the provisions of NRS 202.2493, 202.24935 and 202.2494.
 4. Except as otherwise provided in subsection 5, an agency, board, commission or political subdivision of this state, including, without limitation, any agency, board, commission or governing body of a local government, shall not impose more stringent restrictions on the smoking, use, sale, distribution, marketing, display or promotion of tobacco or products made from tobacco than are provided by NRS 202.2491, 202.24915, 202.2492, 202.2493, 202.24935 and 202.2494.
 5. A school district may, with respect to the property, buildings, facilities and vehicles of the school district, impose more stringent restrictions on the smoking, use, sale, distribution, marketing, display or promotion of tobacco or products made from tobacco than are provided by NRS 202.2491, 202.24915, 202.2492, 202.2493, 202.24935 and 202.2494.
- (Added to NRS by 1975, 462; A 1991, 644; 1993, 2843; 1995, 2603; 1999, 1692; 2001, 2788; 2003, 1007)

NRS 202.2491 Smoking tobacco: Unlawful in certain public places; posting signs; designation of areas for smoking.

1. Except as otherwise provided in subsections 5 and 6 and NRS 202.24915, the smoking of tobacco in any form is prohibited if done in any:
 - (a) Public elevator.
 - (b) Public building.
 - (c) Public waiting room, lobby or hallway of any:
 - (1) Medical facility or facility for the dependent as defined in chapter 449 of NRS; or
 - (2) Office of any chiropractor, dentist, physical therapist, physician, podiatric physician, psychologist, optician, optometrist or doctor of Oriental medicine.
 - (d) Hotel or motel when so designated by the operator thereof.
 - (e) Public area of a store principally devoted to the sale of food for human consumption off the premises.
 - (f) Child care facility.
 - (g) Bus used by the general public, other than a chartered bus, or in any maintenance facility or office associated with a bus system operated by any regional transportation commission.
 - (h) School bus.
2. The person in control of an area listed in paragraph (c), (d), (e), (f) or (g) of subsection 1:
 - (a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).
 - (b) May designate separate rooms or portions of the area which may be used for smoking, except for a room or portion of the area of a store described in paragraph (e) of subsection 1 if the room or portion of the area:
 - (1) Is leased to or operated by a person licensed pursuant to NRS 463.160; and
 - (2) Does not otherwise qualify for an exemption set forth in NRS 202.24915.
3. The person in control of a public building:
 - (a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).
 - (b) Shall, except as otherwise provided in this subsection, designate a separate area which may be used for smoking.
- A school district which prohibits the use of tobacco by pupils need not designate an area which may be used by the pupils to smoke.
4. The operator of a restaurant with a seating capacity of 50 or more shall maintain a flexible nonsmoking area within the restaurant and offer each patron the opportunity to be seated in a smoking or nonsmoking area.
5. A business which derives more than 50 percent of its gross receipts from the sale of alcoholic beverages or 50 percent of its gross receipts from gaming operations may be designated as a smoking area in its entirety by the operator of the business.
6. The smoking of tobacco is not prohibited in:
 - (a) Any room or area designated for smoking pursuant to paragraph (b) of subsection 2 or paragraph (b) of subsection 3.
 - (b) A licensed gaming establishment. A licensed gaming establishment may designate separate rooms or areas within the

applicable charges, must be credited to the Account.

5. All claims against the Account for Health Education for Minors must be paid as other claims against the State are paid.
(Added to NRS by 1993, 2843; A 1999, 1694)

NRS 202.2493 Cigarettes and smokeless products made from tobacco to be sold in unopened package only; sale and distribution of cigarettes and other tobacco products to minor prohibited; penalties.

1. A person shall not sell, distribute or offer to sell cigarettes or smokeless products made from tobacco in any form other than in an unopened package which originated with the manufacturer and bears any health warning required by federal law. A person who violates this subsection shall be punished by a fine of \$100 and a civil penalty of \$100.

2. Except as otherwise provided in subsections 3, 4 and 5, it is unlawful for any person to sell, distribute or offer to sell cigarettes, cigarette paper, tobacco of any description or products made from tobacco to any child under the age of 18 years. A person who violates this subsection shall be punished by a fine of not more than \$500 and a civil penalty of not more than \$500.

3. A person shall be deemed to be in compliance with the provisions of subsection 2 if, before he sells, distributes or offers to sell to another, cigarettes, cigarette paper, tobacco of any description or products made from tobacco, he:

(a) Demands that the person present a valid driver's license or other written or documentary evidence which shows that the person is 18 years of age or older;

(b) Is presented a valid driver's license or other written or documentary evidence which shows that the person is 18 years of age or older; and

(c) Reasonably relies upon the driver's license or written or documentary evidence presented by the person.

4. The employer of a child who is under 18 years of age may, for the purpose of allowing the child to handle or transport tobacco or products made from tobacco in the course of the child's lawful employment, provide tobacco or products made from tobacco to the child.

5. With respect to any sale made by his employee, the owner of a retail establishment shall be deemed to be in compliance with the provisions of subsection 2 if he:

(a) Had no actual knowledge of the sale; and

(b) Establishes and carries out a continuing program of training for his employees which is reasonably designed to prevent violations of subsection 2.

6. Any money recovered pursuant to this section as a civil penalty must be deposited in a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2494.

[1911 C&P § 237; RL § 6502; NCL § 10184] + [1911 C&P § 238; RL § 6503; NCL § 10185] + [1:271:1949; 1943 NCL § 1046.01]—(NRS A 1959, 675; 1961, 379, 625; 1967, 482; 1989, 1955; 1995, 2604)

NRS 202.24935 Sale and distribution of cigarettes and other tobacco products to minor through use of Internet prohibited; penalties; policy to prevent minor from obtaining tobacco products through use of Internet.

1. It is unlawful for a person to knowingly sell or distribute cigarettes, cigarette paper, tobacco of any description or products made from tobacco to a child under the age of 18 years through the use of the Internet.

2. A person who violates the provisions of subsection 1 shall be punished by a fine of not more than \$500 and a civil penalty of not more than \$500. Any money recovered pursuant to this section as a civil penalty must be deposited in the same manner as money is deposited pursuant to subsection 6 of NRS 202.2493.

3. Every person who sells or distributes cigarettes, cigarette paper, tobacco of any description or products made from tobacco through the use of the Internet shall adopt a policy to prevent a child under the age of 18 years from obtaining cigarettes, cigarette paper, tobacco of any description or products made from tobacco from the person through the use of the Internet. The policy must include, without limitation, a method for ensuring that the person who delivers such items obtains the signature of a person who is over the age of 18 years when delivering the items, that the packaging or wrapping of the items when they are shipped is clearly marked with the word "cigarettes" or the words "tobacco products," and that the person complies with the provisions of 15 U.S.C. § 376. A person who fails to adopt a policy pursuant to this subsection is guilty of a misdemeanor and shall be punished by a fine of not more than \$500.

(Added to NRS by 2001, 2787)

NRS 202.2494 Cigarette vending machines lawful in certain public areas; restrictions on coin-operated machines.

1. A cigarette vending machine may be placed in a public area only if persons who are under 21 years of age are prohibited from loitering in that area pursuant to NRS 202.030 or 463.350.

2. A coin-operated vending machine containing cigarettes must not be used to dispense any product not made from tobacco.

(Added to NRS by 1993, 2843; A 1995, 2605; 2003, 1203)

NRS 202.2496 Random inspections to enforce compliance with NRS 202.2493 and 202.2494; assistance of child in conducting inspection.

1. As necessary to comply with applicable federal law, the Attorney General shall conduct random, unannounced inspections at locations where tobacco and products made from tobacco are sold, distributed or offered for sale to inspect for and enforce compliance with NRS 202.2493 and 202.2494. For assistance in conducting any such inspection, the Attorney General may contract with:

(a) Any sheriff's department;

(b) Any police department; or

(c) Any other person who will, in the opinion of the Attorney General, perform the inspection in a fair and impartial

NRS 218.825 Preparation of balance sheets by and audits of fiscal records of certain boards; payment of costs; removal of state officer or employee for failing to prepare balance sheet, conduct audit or maintain necessary fiscal records.

1. Except as otherwise provided in subsection 2, each board created by the provisions of chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS and NRS 590.485 shall:

(a) If the revenue of the board from all sources is less than \$50,000 for any fiscal year, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is \$50,000 or more for any fiscal year, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of that fiscal year.

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

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

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

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

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

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

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

(Added to NRS by 1963, 143; A 1963, 1009; 1967, 931; 1969, 133; 1973, 1663; 1975, 113, 1470; 1977, 130, 1178; 1983, 192, 1492; 1985, 853; 1987, 1161; 1991, 992; 1999, 3063; 2003, 907, 1200, 2078)

INDUSTRIAL INSURANCE FRAUD

NRS 228.420 Jurisdiction of Attorney General in cases involving industrial insurance fraud; establishment of Fraud Control Unit for Industrial Insurance; duties and powers.

1. The Attorney General has primary jurisdiction to investigate and prosecute any alleged criminal violations of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS.

2. For this purpose, the Attorney General shall establish within his office a Fraud Control Unit for Industrial Insurance. The Unit must consist of such persons as are necessary to carry out the duties set forth in this section, including, without limitation, an attorney, an auditor and an investigator.

3. The Attorney General, acting through the Unit established pursuant to subsection 2:

(a) Is the single state agency responsible for the investigation and prosecution of any alleged criminal violations of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS;

(b) Shall cooperate with the Division of Industrial Relations of the Department of Business and Industry, self-insured employers, associations of self-insured public or private employers, private carriers and other state and federal investigators and prosecutors in coordinating state and federal investigations and prosecutions involving violations of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS;

(c) Shall protect the privacy of persons who are eligible to receive compensation pursuant to the provisions of chapter 616A, 616B, 616C, 616D or 617 of NRS and establish procedures to prevent the misuse of information obtained in carrying out this section; and

(d) May, upon request, inspect the records of any self-insured employer, association of self-insured public or private employers, or private carrier, the Division of Industrial Relations of the Department of Business and Industry and the State Contractors' Board to investigate any alleged violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, or any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS.

4. When acting pursuant to this section or NRS 228.175 or 228.410, the Attorney General may commence his investigation and file a criminal action without leave of court, and he has exclusive charge of the conduct of the prosecution.

5. The Attorney General shall report the name of any person who has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, to the occupational board that issued the person's license or certificate to provide medical care, remedial care or other services in this state.

6. The Attorney General shall establish a toll-free telephone number for persons to report information regarding alleged violations of any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS.

7. As used in this section:

(a) "Association of self-insured private employers" has the meaning ascribed to it in NRS 616A.050.

(b) "Association of self-insured public employers" has the meaning ascribed to it in NRS 616A.055.

(c) "Private carrier" has the meaning ascribed to it in NRS 616A.290.

(d) "Self-insured employer" has the meaning ascribed to it in NRS 616A.305.

(Added to NRS by 1993, 773; A 1993, 799; 1995, 649, 1878, 2038; 1997, 579; 1999, 1808)

NRS 232A.020 Terms of members; vacancies; qualifications of member appointed as representative of general public.

1. After the Governor's initial appointments of members to boards, commissions or similar bodies, all such members shall hold office for terms of 3 years or until their successors have been appointed and have qualified.

2. A vacancy on a board, commission or similar body occurs when a member dies, resigns, becomes ineligible to hold office or is absent from the State for a period of 6 consecutive months.

3. Any vacancy shall be filled by the Governor for the remainder of the unexpired term.

4. A member appointed to a board, commission or similar body as a representative of the general public shall be a person who:

(a) Has an interest in and a knowledge of the subject matter which is regulated by the board, commission or similar body;

and

(b) Does not have a pecuniary interest in any matter which is within the jurisdiction of the board, commission or similar body.

(Added to NRS by 1977, 1176)

NRS 232B.010 "Agency" defined. As used in this chapter, unless the context otherwise requires, "agency" means any public agency which the Legislature has designated to be the subject of a review by the Legislative Commission.
(Added to NRS by 1979, 1838)

NRS 232B.020 Legislative findings. The Legislature finds that:

1. There has been a substantial increase in the number of agencies within state government, and a corresponding growth of administrative programs and regulations.
 2. The proliferation of agencies, programs and regulations has occurred without sufficient accountability for the programs and regulations by the agencies or review by the Legislature.
 3. By establishing a method of terminating, continuing or reestablishing agencies in state government, the Legislature will be able to evaluate the need for continuing present agencies or creating new agencies.
- (Added to NRS by 1979, 1838)

NRS 232B.040 Review of agencies by Legislative Commission: Appointment of committees or subcommittees; report to Legislature.

1. The Legislative Commission shall conduct the reviews of agencies directed by the Legislature to determine whether each agency should be terminated, consolidated with another agency or continued. The Legislative Commission shall begin each review on July 1 of the second year preceding the scheduled date for terminating the agency.
 2. The Legislative Commission shall determine the membership and method of appointment of committees or subcommittees appointed to carry out the reviews.
 3. The Legislative Commission shall transmit its review and recommendations to the Legislature at the beginning of its next regular session.
- (Added to NRS by 1979, 1839; A 1981, 226)

NRS 232B.051 Considerations in determining need for continued operation of agency. In conducting its review of an agency, the Legislative Commission shall obtain, and consider in determining the need for the continued operation of the agency, answers to the following questions:

1. Is there a reasonable relationship between this exercise of the state's police power and the protection of the public health, safety or welfare? Would the absence or reduction of regulation by this agency significantly harm or endanger the public health, safety or welfare?
 2. Is there another, less restrictive, method of regulation which could adequately protect the public?
 3. Does regulation have the effect of directly or indirectly increasing the cost of any goods or services involved and, if so, is the increase justified by the protection provided to the public?
 4. Are any of the agency's programs or objectives duplicated by other governmental agencies or nonprofit organizations or by private enterprise?
- (Added to NRS by 1981, 224)

NRS 232B.061 Considerations in determining whether agency is operating efficiently and effectively. After the Legislative Commission considers the answers to questions about the need for the agency, the Legislative Commission shall:

1. Obtain, and consider in determining whether the agency is operating efficiently, answers to the following questions:
 - (a) Has the agency operated in the public interest? To what extent have the agency's operations in the public interest been impeded or aided by existing statutes and by other circumstances, including its budget and personnel?
 - (b) Has the agency handled formal complaints from the public concerning persons subject to its regulation efficiently and with dispatch?
 - (c) Has the agency required or requested persons whom it regulates to assess problems which affect the public in the profession, business or occupation and to report the effect on the public of regulations and decisions of the agency, particularly regarding improvements in economy and quality of service?
 - (d) Has the agency encouraged participation by the public in making regulations and carrying out its responsibilities?
 - (e) Does the agency have or require the use of any unnecessary forms, reports or recordkeeping?
 2. Obtain, and consider in determining whether the agency is operating effectively, answers to the following questions:
 - (a) Are the regulatory statutes well constructed and free from ambiguity and redundancy?
 - (b) Does the law provide clear objectives from the agency? Is the agency effectively achieving its statutory objectives and do the results reflect the intent of the law?
 - (c) Has the agency recommended changes to the law which would benefit the public rather than the persons it regulates?
 - (d) Do the regulations of the agency accurately reflect the intent of the legislature and are they in the least restrictive form?
 - (e) Has the agency restricted the entry of qualified applicants? Has it permitted only qualified applicants to serve the public?
- (Added to NRS by 1981, 225)

NRS 233B.127 Applicability of chapter to grant, denial or renewal of license; expiration of license; notice of adverse action by agency; summary suspension of license.

1. When the grant, denial or renewal of a license is required to be preceded by notice and opportunity for hearing, the provisions of this chapter concerning contested cases apply.

2. When a licensee has made timely and sufficient application for the renewal of a license or for a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

3. No revocation, suspension, annulment or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency gave notice by certified mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety or welfare imperatively require emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. Such proceedings shall be promptly instituted and determined.

(Added to NRS by 1967, 810)

NRS 239B.010 Request by agency of State or political subdivision for information on certain persons from Federal Bureau of Investigation.

1. Any agency of the State or any political subdivision may request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person:

(a) Who has applied to it for a license as required by any statute or local ordinance which it has the power to grant or deny;

(b) With whom it intends to enter into a relationship of employment or a contract for personal services; or

(c) About whom it has a legitimate need to have accurate personal information for the protection of the agency or the people within its jurisdiction.

2. Except as otherwise provided in subsection 3:

(a) To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 1, the agency or political subdivision must:

(1) Require the person to submit a complete set of his fingerprints; and

(2) Forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(b) Only the Central Repository may:

(1) Receive fingerprints from an agency of the State or any political subdivision for submission to the Federal Bureau of Investigation pursuant to this section;

(2) Submit those fingerprints to the Federal Bureau of Investigation; and

(3) Receive a report from the Federal Bureau of Investigation based on the submission of those fingerprints.

3. If an agency or political subdivision that wishes to request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 1 is required by federal law to comply with specific procedures to request and receive such information from the Federal Bureau of Investigation:

(a) The provisions of subsection 2 do not apply to the agency or political subdivision; and

(b) The agency or political subdivision must comply with the specific procedures required by federal law.

(Added to NRS by 1981, 536; A 2003, 2847)

NRS 241.010 Legislative declaration and intent. In enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

(Added to NRS by 1960, 25; A 1977, 1099)

NRS 241.015 Definitions. As used in this chapter, unless the context otherwise requires:

1. "Action" means:

- (a) A decision made by a majority of the members present during a meeting of a public body;
- (b) A commitment or promise made by a majority of the members present during a meeting of a public body;
- (c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present during a meeting of the public body; or
- (d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. "Meeting":

(a) Except as otherwise provided in paragraph (b), means:

(1) The gathering of members of a public body at which a quorum is present to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum;

and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present:

(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

3. Except as otherwise provided in this subsection, "public body" means any administrative, advisory, executive or legislative body of the State or a local government which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes an educational foundation as defined in subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3 of NRS 396.405. "Public body" does not include the Legislature of the State of Nevada.

4. "Quorum" means a simple majority of the constituent membership of a public body or another proportion established by law.

(Added to NRS by 1977, 1098; A 1993, 2308, 2624; 1995, 716, 1608; 2001, 1123, 1836)

NRS 241.020 Meetings to be open and public; notice of meetings; copy of materials; exceptions.

1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate physically handicapped persons desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items.

(3) A period devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; and

(b) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail,

- ↪ A public body must receive proof of service of the notice required by this subsection before such a meeting may be held.
- 2. The Nevada Athletic Commission is exempt from the requirements of paragraphs (a) and (b) of subsection 1, but must give written notice of the time and place of the meeting and must receive proof of service of the notice before the meeting may be held.
- 3. A public body shall provide a copy of any record of a closed meeting prepared pursuant to NRS 241.035, upon the request of any person whose character, alleged misconduct, professional competence, or physical or mental health was considered at the meeting.
(Added to NRS by 1993, 2636)

NRS 241.034 Meeting to consider administrative action against person or acquisition of real property by exercise of power of eminent domain; written notice required.

- 1. A public body shall not consider at a meeting whether to:
 - (a) Take administrative action against a person; or
 - (b) Acquire real property owned by a person by the exercise of the power of eminent domain,
- ↪ unless the public body has given written notice to that person of the time and place of the meeting.
- 2. The written notice required pursuant to subsection 1 must be:
 - (a) Delivered personally to that person at least 5 working days before the meeting; or
 - (b) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.
- ↪ A public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider a matter set forth in subsection 1 relating to that person at a meeting.
- 3. The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.
- 4. For the purposes of this section, real property shall be deemed to be owned only by the natural person or entity listed in the records of the county in which the real property is located to whom or which tax bills concerning the real property are sent.
(Added to NRS by 2001, 1835; A 2001 Special Session, 155)

NRS 241.035 Public meetings: Minutes; aural and visual reproduction.

- 1. Each public body shall keep written minutes of each of its meetings, including:
 - (a) The date, time and place of the meeting.
 - (b) Those members of the body who were present and those who were absent.
 - (c) The substance of all matters proposed, discussed or decided and, at the request of any member, a record of each member's vote on any matter decided by vote.
 - (d) The substance of remarks made by any member of the general public who addresses the body if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.
 - (e) Any other information which any member of the body requests to be included or reflected in the minutes.
- 2. Minutes of public meetings are public records. Minutes or audiotape recordings of the meetings must be made available for inspection by the public within 30 working days after the adjournment of the meeting at which taken. The minutes shall be deemed to have permanent value and must be retained by the public body for at least 5 years. Thereafter, the minutes may be transferred for archival preservation in accordance with NRS 239.080 to 239.125, inclusive. Minutes of meetings closed pursuant to NRS 241.030 become public records when the body determines that the matters discussed no longer require confidentiality and the person whose character, conduct, competence or health was discussed has consented to their disclosure. That person is entitled to a copy of the minutes upon request whether or not they become public records.
- 3. All or part of any meeting of a public body may be recorded on audiotape or any other means of sound or video reproduction by a member of the general public if it is a public meeting so long as this in no way interferes with the conduct of the meeting.
- 4. Each public body may record on audiotape or any other means of sound reproduction each of its meetings, whether public or closed. If a meeting is so recorded:
 - (a) The record must be retained by the public body for at least 1 year after the adjournment of the meeting at which it was recorded.
 - (b) The record of a public meeting is a public record and must be made available for inspection by the public during the time the record is retained.
- ↪ Any record made pursuant to this subsection must be made available to the Attorney General upon request.
- 5. If a public body elects to record a public meeting pursuant to the provisions of subsection 4, any portion of that meeting which is closed must also be recorded and must be retained and made available for inspection pursuant to the provisions of subsection 2 relating to records of closed meetings. Any record made pursuant to this subsection must be made available to the Attorney General upon request.
(Added to NRS by 1977, 1099; A 1989, 571; 1993, 449, 2638)

NRS 241.0355 Majority of all members of public body composed solely of elected officials required to take action by vote; abstention not affirmative vote; reduction of quorum.

- 1. A public body that is required to be composed of elected officials only may not take action by vote unless at least a majority of all the members of the public body vote in favor of the action. For purposes of this subsection, a public body may not count an abstention as a vote in favor of an action.
- 2. In a county whose population is 40,000 or more, the provisions of subsection 5 of NRS 281.501 do not apply to a

NRS 282.020 Form of official oath. Members of the Legislature and all officers, executive, judicial and ministerial, shall, before they enter upon the duties of their respective offices, take and subscribe to the following oath:

I,, do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States, and the Constitution and government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and that I will well and faithfully perform all the duties of the office of, on which I am about to enter; (if an oath) so help me God; (if an affirmation) under the pains and penalties of perjury.

[1:185:1915; 1919 RL § 2891; NCL § 4925]

NRS 284.013 Applicability; terms and conditions of employment of exempted persons; written contracts required for certain services.

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

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

(b) Any person who is employed by a board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS; or

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

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

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

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

(Added to NRS by 1963, 485; A 1971, 768; 1979, 1697; 1981, 1277, 1828; 1983, 179; 1989, 1710; 1991, 993; 1995, 801; 1999, 3064; 2003, 908)

CONTRACTS FOR PREPAID PROFESSIONAL SERVICES

NRS 287.500 Definitions. As used in NRS 287.500 to 287.530, inclusive, unless the context otherwise requires:

1. "Employee organization" means an organization of any kind whose members are governmental employees and has as one of its purposes the improvement of the terms and conditions of employment of governmental employees.
2. "Professional service" means any type of personal service which may be performed only pursuant to a license, certificate of registration or other authorization issued by this state, except services provided by any person licensed under chapter 630 or 633 of NRS or by any medical facility or facility for the dependent as defined in chapter 449 of NRS.

(Added to NRS by 1977, 993; A 1985, 514, 1758)

NRS 287.510 Contracts authorized; payment.

1. An employee organization may enter into a contract or other type of agreement with any person authorized in this state to provide professional services for the purpose of making the services available to members of the organization.
2. The contract or agreement shall provide that the organization will make periodic payments to the person rendering the professional services and such payments will be made only after the services have been performed.

(Added to NRS by 1977, 993)—(Substituted in revision for NRS 287.390)

NRS 287.520 Duties of employee organization. The employee organization shall:

1. Establish procedures for collecting assessments from its members for the professional services; and
2. Report to its members the amount of money collected and the types of professional services which are available.

(Added to NRS by 1977, 993)—(Substituted in revision for NRS 287.400)

NRS 287.530 Employee organization as trustee of money collected; claims.

1. The employee organization is trustee of any money collected from its members for the payment of professional services.
2. Any claim by a member on account of money paid in shall be made against the employee organization.

(Added to NRS by 1977, 994)—(Substituted in revision for NRS 287.410)

STATE ACCOUNTING PROCEDURES LAW

NRS 353.291 Short title. NRS 353.291 to 353.3245, inclusive, may be cited as the State Accounting Procedures Law.
(Added to NRS by 1969, 506; A 1977, 41; 1987, 622; 1997, 69; 1999, 1420)

NRS 353.293 Purpose of law; reservation of power to create funds and accounts.

1. It is the purpose of the State Accounting Procedures Law to set forth legislative policy governing the State's financial procedures which relate to accounting and reporting, and to establish a system of accounting for the State that:

(a) Presents fairly and with full disclosure the financial position and the results of financial operations of the funds and account groups of the State in conformity with generally accepted accounting principles; and

(b) Determines and demonstrates compliance with legal and contractual requirements related to finance.

2. The Legislature reserves the sole right to establish funds and account groups not provided for by the Nevada Constitution.

(Added to NRS by 1969, 506; A 1977, 41; 1987, 622)

NRS 353.295 Definitions. As used in the State Accounting Procedures Law, unless the context otherwise requires, and in all accounting procedures and reports pursuant to this chapter, the words and terms defined in NRS 353.2961 to 353.3135, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 1969, 506; A 1977, 41; 1987, 623; 2001, 2752)

NRS 353.2961 "Account group" defined. "Account group" means an independent self-balancing group of accounts set up to account for such matters as the principal and interest on unmatured general obligation bonds and certain fixed assets of the State which do not come within the definition of fund.

(Added to NRS by 1977, 38; A 1989, 593)—(Substituted in revision for NRS 353.3075)

NRS 353.2965 "Accounting system" defined. "Accounting system" means the total structure of records and procedures which discover, record, classify, summarize and report information on the financial position and results of operations of the State's funds, account groups and organizational components.

(Added to NRS by 1977, 37; A 1987, 623)

NRS 353.2975 "Agency fund" defined. "Agency fund" means a fiduciary fund which is solely custodial in nature, in which assets equal liabilities, and which does not involve measurement of the results of operations.

(Added to NRS by 1987, 622)

NRS 353.3025 "Encumbrance" defined. "Encumbrance" means an obligation in the form of a purchase order, contract or salary commitment for which an estimated amount has been reserved and ceases to be an encumbrance when the actual liability is created.

(Added to NRS by 1977, 38)

NRS 353.3027 "Expenditure" defined. "Expenditure" means the cost of goods delivered or services rendered, whether paid or unpaid, any provision for debt retirement not reported as a liability of the fund from which retired, and any capital outlays. For financial reporting, the term does not include an encumbrance.

(Added to NRS by 1977, 38; A 1987, 623)

NRS 353.305 "Fund" defined. "Fund" means a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein, which are segregated to carry on specific activities or attain certain objectives in accordance with special regulations, restrictions or limitations.

(Added to NRS by 1969, 506; A 1987, 623)

NRS 353.307 "Fund balance" defined. "Fund balance" means the excess of assets over liabilities in a governmental fund.

(Added to NRS by 1969, 506; A 1987, 623)

NRS 353.3076 "Generally accepted accounting principles" defined. "Generally accepted accounting principles" means generally accepted accounting principles for government as prescribed by the Governmental Accounting Standards Board.

(Added to NRS by 2001, 2751)

NRS 353.3085 "Lapse" defined. "Lapse" as applied to an appropriation means the automatic termination of such appropriation within a fund.

(Added to NRS by 1977, 38)

by law in any other fund.

(c) A fund for construction of capital projects, which must be used to account for financial resources to be used for the acquisition or construction of major capital facilities, other than those financed by proprietary funds or trust funds.

(d) Debt service funds, which must be used to account for the accumulation of resources and the use of those resources for the retirement of any general long-term debt.

4. Proprietary funds must be used to account for the state's ongoing organizations and activities that are similar to those found in nongovernmental entities by focusing upon a determination of net income, financial position and changes in financial position. Proprietary funds include:

(a) Internal service funds, which must be used to account for and finance the self-supporting activities of a service characteristically utilized by departments of State Government or other governments, on a cost-reimbursement basis.

(b) Enterprise funds, which must be used to account for operations that are financed and conducted in a manner similar to the operations of a private business:

(1) When the intent of the governing body is to have the expenses, including depreciation, of providing goods or services on a continuing basis to the general public, financed or recovered primarily through charges to the users; or

(2) For which the Legislature has decided that a periodic determination of revenues earned, expenses incurred and net income is consistent with public policy and is appropriate for maintenance of capital assets, control of organizational and financial management, accountability or similar purposes.

5. Fiduciary funds must be used to account for assets held by the State in trust or as an agent of any person, governmental agency, political subdivision or other fund. Each trust fund must be classified for accounting purposes as a governmental fund or a proprietary fund.

6. Account groups must be used to account for and control the State's general fixed assets and general long-term debts, and include:

(a) The general long-term debt account group, which must be used to account for the principal and interest on all unmatured general obligation bonds and long-term liabilities not required to be accounted for in a specific fund; and

(b) The general fixed assets account group, which must be used to account for all fixed assets except those accounted for in proprietary funds or trust funds.

(Added to NRS by 1977, 38; A 1981, 250; 1987, 624)

NRS 353.3235 State agencies to record revenue receivable from certain billings in state central accounting system.

1. A state agency that uses an invoicing and billing procedure shall record the revenue receivable from those billings in the central accounting system of this state.

2. As used in this section, "state agency" means an agency, bureau, board, commission, department, division or any other unit of the Executive Department of the State Government.

(Added to NRS by 1999, 1420)

NRS 353.3241 Modified accrual or accrual basis of accounting to be used.

1. The modified accrual or accrual basis of accounting, as appropriate, must be utilized in measuring financial position and operating results.

2. Revenues and expenditures concerning governmental funds must be recognized on the modified accrual basis. Revenues must be recognized in the accounting period in which they become available and measurable. Expenditures must be recognized in the accounting period in which the liability of the fund is incurred, if measurable, except for unmatured interest on general long-term debt and on indebtedness secured by interest-bearing levies for special assessments, which must be recognized when due.

3. Revenues and expenses concerning proprietary funds must be recognized on the accrual basis. Revenues must be recognized in the accounting period in which they are earned and become measurable. Expenses must be recognized in the period incurred, if measurable.

4. Revenues and expenses or expenditures, as appropriate, concerning fiduciary funds must be recognized on the basis consistent with the objective for accounting measurement. Nonexpendable trust funds and funds held in trust for pensions must be accounted for on the accrual basis. Expendable trust funds must be accounted for on the modified accrual basis. Assets and liabilities of agency funds must be accounted for on the modified accrual basis.

5. Transfers must be recognized in the accounting period in which the relevant interfund receivables and payables arise.

(Added to NRS by 1987, 622)

NRS 353.3245 Generally accepted principles of accounting to be followed; State Controller to be provided with information for accounting.

1. Generally accepted accounting principles must be followed throughout the accounting procedures and reporting of the State's financial position and results of operations in each fiscal period for each fund and account group.

2. Any elective state officer, any state board or commission and any head of a state department shall provide to the State Controller, when requested, the necessary accounting information for him to report the financial position and results of operations of the state funds and account groups.

(Added to NRS by 1977, 39; A 1989, 593)

AUDIT REPORTS OF STATE AGENCIES

NRS 353.325 Distribution of audit report of state agency. Each state agency, within 10 days after receiving an audit report pertaining to that agency, including a management letter and the agency's reply, shall submit one copy of the audit

NRS 353C.115 Regulations of State Controller establishing fee for check or draft returned to agency for lack of payment.

1. The State Controller shall adopt regulations establishing a fee of \$25 that an agency shall charge a person for each check or draft returned to the agency because the person had insufficient money or credit with the drawee to pay the check or draft, or because the person stopped payment on the check or draft.

2. Notwithstanding any specific statute or regulation to the contrary, an agency may only charge and collect a fee for a check or draft returned to the agency because the person has insufficient money or credit, or because the person stopped payment on the check or draft, in accordance with the regulations adopted by the State Controller pursuant to this section.

3. For the purposes of this section, "agency" does not include the Department of Taxation, Nevada Gaming Commission or State Gaming Control Board.

(Added to NRS by 2003, 20th Special Session, 201)

ETHICS INSTITUTE

NRS 396.797 Establishment. The Board of Regents shall establish for educational research an Ethics Institute as a facility within the System to study questions and define standards regarding medical ethics.
(Added to NRS by 1987, 1232; A 1993, 355)

NRS 396.7971 Powers of Institute. The Ethics Institute may:

1. Plan and arrange educational activities to provide for practical applications of ethical consensus in medical practice.
 2. Act as a forum for persons to address issues of medical ethics.
 3. Coordinate informed communication between providers of health care and persons who make public policy in matters of medical ethics.
 4. Act as a clearinghouse of information for members of the medical profession, hospital administrators, persons who make public policy and the public on matters of medical ethics.
- (Added to NRS by 1987, 1233)

NRS 396.7972 Powers of Board of Regents. The Board of Regents, on behalf of the Ethics Institute, may:

1. Enter into contracts with persons or governmental agencies who wish to use the services or facilities of the Ethics Institute.
 2. Accept gifts or grants of money or property.
 3. Receive and hold any real or personal property, including patents, copyrights, royalties and contracts.
 4. Manage, invest, use and dispose of any property received, either as specified by the donor or for the furtherance of the objectives of the Ethics Institute.
- (Added to NRS by 1987, 1233)

NRS 396.7973 Procedures and policies for personnel.

1. The Board of Regents may establish policies and procedures for personnel in connection with the operation of contractual or sponsored activities of the Ethics Institute, apart from those policies and procedures which are established for the professional personnel of other branches or facilities of the System.
2. In establishing the policies and procedures, the Board of Regents is not bound by any of the other provisions of this chapter or the provisions of title 23 of NRS and none of those provisions are applicable to any person employed in connection with the operation of contractual or sponsored activities of the Institute except as may be prescribed by the Board of Regents.

(Added to NRS by 1987, 1233; A 1993, 355)

NRS 396.7974 Deposit of money received on behalf of Institute. Any money received by the Board of Regents on behalf of the Ethics Institute pursuant to NRS 396.7972, may be deposited by the Board of Regents to the credit of the Ethics Institute in any financial institution in the State of Nevada that is federally insured or insured by a private insurer approved pursuant to NRS 678.755. The Board of Regents may act through any authorized agent in depositing or withdrawing any money in such an account.

(Added to NRS by 1987, 1233; A 1999, 1491)

NRS 396.7975 Fiscal policies and procedures.

1. The Board of Regents shall establish fiscal policies and procedures in connection with the operation of contractual or sponsored activities of the Ethics Institute, apart from those fiscal policies and procedures which are applicable to other branches or facilities of the System.
2. None of the other provisions of this chapter or the provisions of title 23 or 31 of NRS or any other statute relating to public officers and employees or public financial administration applies to the receipt, investment, management, disbursement, use, expenditure or accounting for any money or property received by the Board of Regents pursuant to NRS 396.7972.
3. Any money received by or made available to the Board of Regents for the Ethics Institute is subject to all laws relating to public money and expenditures.

(Added to NRS by 1987, 1233; A 1993, 356)

HEALTH SERVICES IN UNDERSERVED AREAS

NRS 396.899 Nevada Health Service Corps: "Practitioner" defined. As used in NRS 396.899 to 396.903, inclusive, unless the context otherwise requires, "practitioner" has the meaning ascribed to it in NRS 439A.0195.
(Added to NRS by 2003, 20th Special Session, 276)

NRS 396.900 Nevada Health Service Corps: Establishment by Board of Regents authorized. The University of Nevada School of Medicine may establish a Nevada Health Service Corps to encourage practitioners to practice in areas of Nevada in which a shortage of that type of practitioner exists.
(Added to NRS by 1989, 2155; A 1993, 360; 2003, 20th Special Session, 279)

NRS 396.901 Nevada Health Service Corps: Primary purposes. The primary purposes of the Nevada Health Service Corps must be to:

1. Recruit practitioners for participation in the program;
2. Designate areas of Nevada in which a shortage of each type of practitioner exists;
3. Match practitioners with the designated areas; and
4. Help practitioners to negotiate contracts to serve in the designated areas.

(Added to NRS by 1989, 2156; A 2003, 20th Special Session, 279)

NRS 396.902 Nevada Health Service Corps: Powers of University of Nevada School of Medicine. The University of Nevada School of Medicine may:

1. Apply for any matching money available for the program from the Federal Government.
2. Adopt regulations necessary to carry out the provisions of NRS 396.899 to 396.903, inclusive.
3. Receive, invest, disburse and account for all money received from the Federal Government or any other source for this program.

(Added to NRS by 1989, 2156; A 2003, 20th Special Session, 279)

NRS 396.903 Nevada Health Service Corps: Program for repayment of loans on behalf of certain practitioners.

1. The University of Nevada School of Medicine may authorize the Nevada Health Service Corps to administer a program under which money for loans is repaid on behalf of a practitioner for each year he practices in an area of Nevada in which a shortage of that type of practitioner exists, as determined by the Nevada Office of Rural Health within the University of Nevada School of Medicine and the Nevada Health Service Corps.

2. To qualify for the program, a practitioner required to be licensed pursuant to the provisions of chapter 630, 630A, 633 or 634 of NRS must have completed his primary care residency and hold an active license issued pursuant to chapter 630, 630A, 633 or 634 of NRS. All other practitioners must have completed training in a certified program and have an active license, certification or registration from the State of Nevada.

(Added to NRS by 1989, 2155; A 2003, 20th Special Session, 279)

NRS 425.520 Statement by applicant for professional, occupational or recreational license, certificate or permit.
[Expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. The Division shall prescribe, by regulation, a statement which must be submitted to an agency that issues a professional, occupational or recreational license, certificate or permit, other than the Department of Wildlife, by an applicant for the issuance or renewal of such a license, certificate or permit.

2. The statement prescribed pursuant to subsection 1 must:

(a) Provide the applicant with an opportunity to indicate that:

(1) He is not subject to a court order for the support of a child;

(2) He is subject to a court order for the support of one or more children and is in compliance with the order or is in compliance with a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order; or

(3) He is subject to a court order for the support of one or more children and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order;

(b) Include a statement that the application for the issuance or renewal of the license, certificate or permit will be denied if the applicant does not indicate on the statement which of the provisions of paragraph (a) applies to the applicant; and

(c) Include a space for the signature of the applicant.

(Added to NRS by 1997, 2025; A 1999, 169; 2003, 1563)

NRS 425.540 Dissemination and contents of court order approving recommendation of master determining that person has failed to pay support or comply with certain subpoenas or warrants; notification of person subject to order. [Expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If a master enters a recommendation determining that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,

and the district court issues an order approving the recommendation of the master, the court shall provide a copy of the order to all agencies that issue professional, occupational or recreational licenses, certificates or permits.

2. A court order issued pursuant to subsection 1 must provide that if the person named in the order does not, within 30 days after the date on which the order is issued, submit to any agency that has issued a professional, occupational or recreational license, certificate or permit to that person a letter from the district attorney or other public agency stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560, the professional, occupational or recreational licenses issued to the person by that agency will be automatically suspended. Such an order must not apply to a license, certificate or permit issued by the Department of Wildlife or the State Land Registrar if that license, certificate or permit expires less than 6 months after it is issued.

3. If a court issues an order pursuant to subsection 1, the district attorney or other public agency shall send a notice by first-class mail to the person who is subject to the order. The notice must include:

(a) If the person has failed to comply with a subpoena or warrant, a copy of the court order and a copy of the subpoena or warrant; or

(b) If the person is in arrears in the payment for the support of one or more children:

(1) A copy of the court order;

(2) A statement of the amount of the arrearage; and

(3) A statement of the action that the person may take to satisfy the arrearage pursuant to NRS 425.560.

(Added to NRS by 1997, 2026; A 2003, 1563)

NRS 425.550 Issuance and dissemination of letter stating that person has complied with subpoena or warrant or satisfied arrearage. [Expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] The district attorney or other public agency shall, within 5 days after a person who is subject to a court order issued pursuant to NRS 425.540 complies with the subpoena or warrant or satisfies the arrearage pursuant to NRS 425.560, provide to the person who is subject to the order a letter stating that the person has complied with the subpoena or warrant or has satisfied the arrearage. The district attorney or other public agency shall also mail a copy of that letter to all of the agencies to which a copy of the order was provided pursuant to NRS 425.540.

(Added to NRS by 1997, 2027)

NRS 425.560 Determination that person is in arrears in payments for support; satisfaction of arrearage. [Expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] For the purposes of NRS 425.500 to 425.560, inclusive:

1. A person is in arrears in the payment for the support of one or more children if:

(a) He:

(1) Owes a total of more than \$1,000 for the support of one or more children for which payment is past due; and

(2) Is delinquent for not less than 2 months in payments for the support of one or more children or any payments ordered by a court for arrearages in such payments; or

(b) He has failed to provide medical insurance for a child as required by a court order.

2. A person who is in arrears in the payment for the support of one or more children may satisfy the arrearage by:

(a) Paying all of the past due payments;

(b) If he is unable to pay all past due payments:

(1) Paying the amounts of the overdue payments for the preceding 12 months which a court has determined are in arrears; or

(2) Entering into and complying with a plan for the repayment of the arrearages which is approved by the district attorney or other public agency enforcing the order; or

(c) If the arrearage is for a failure to provide and maintain medical insurance, providing proof that the child is covered under a policy, contract or plan of medical insurance.

(Added to NRS by 1997, 2027)

REPORTS OF ABUSE OR NEGLECT

NRS 432B.220 Persons required to make report; when and to whom reports are required; any person may make report; report and written findings if reasonable cause to believe death of child caused by abuse or neglect.

1. Any person who is described in subsection 3 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

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

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

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

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

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

3. A report must be made pursuant to subsection 1 by the following persons:

(a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, advanced emergency medical technician or other person providing medical services licensed or certified in this state;

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital;

(c) A coroner;

(d) A clergyman, practitioner of Christian Science or religious healer, unless he has acquired the knowledge of the abuse or neglect from the offender during a confession;

(e) A social worker and an administrator, teacher, librarian or counselor of a school;

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

(g) Any person licensed to conduct a foster home;

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

(i) An attorney, unless he has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect;

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

(k) Any person who is employed by or serves as a volunteer for an approved youth shelter. As used in this paragraph, "approved youth shelter" has the meaning ascribed to it in NRS 244.422; and

(l) Any adult person who is employed by an entity that provides organized activities for children.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the report and submit to an agency which provides child welfare services his written findings. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

(Added to NRS by 1985, 1371; A 1987, 2132, 2220; 1989, 439; 1993, 2229; 1999, 3526; 2001, 780, 1150; 2001 Special Session, 37; 2003, 910, 1211)

NRS 432B.230 Method of making report; contents.

1. A person may make a report pursuant to NRS 432B.220 by telephone or, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. If the report is made orally, the person who receives the report must reduce it to writing as soon as reasonably practicable.

2. The report must contain the following information, if obtainable:

(a) The name, address, age and sex of the child;

(b) The name and address of the child's parents or other person responsible for his care;

(c) The nature and extent of the abuse or neglect of the child;

(d) Any evidence of previously known or suspected abuse or neglect of the child or the child's siblings;

(e) The name, address and relationship, if known, of the person who is alleged to have abused or neglected the child; and

(f) Any other information known to the person making the report that the agency which provides child welfare services considers necessary.

(Added to NRS by 1985, 1372; A 1999, 3528; 2001 Special Session, 38)

1. A designee of an agency investigating a report of abuse or neglect of a child may, without the consent of and outside the presence of any person responsible for the child's welfare, interview a child concerning any possible abuse or neglect. The child may be interviewed at any place where he is found. The designee shall, immediately after the conclusion of the interview, if reasonably possible, notify a person responsible for the child's welfare that the child was interviewed, unless the designee determines that such notification would endanger the child.

2. A designee of an agency investigating a report of abuse or neglect of a child may, without the consent of the person responsible for a child's welfare:

- (a) Take or cause to be taken photographs of the child's body, including the areas of trauma; and
- (b) If indicated after consultation with a physician, cause X rays or medical tests to be performed on a child.

3. Upon the taking of any photographs or X rays or the performance of any medical tests pursuant to subsection 2, the person responsible for the child's welfare must be notified immediately, if reasonably possible, unless the designee determines that the notification would endanger the child. The reasonable cost of these photographs, X rays or medical tests must be paid by the agency which provides child welfare services if money is not otherwise available.

4. Any photographs or X rays taken or records of any medical tests performed pursuant to subsection 2, or any medical records relating to the examination or treatment of a child pursuant to this section, or copies thereof, must be sent to the agency which provides child welfare services, the law enforcement agency participating in the investigation of the report and the prosecuting attorney's office. Each photograph, X ray, result of a medical test or other medical record:

(a) Must be accompanied by a statement or certificate signed by the custodian of medical records of the health care facility where the photograph or X ray was taken or the treatment, examination or medical test was performed, indicating:

- (1) The name of the child;
- (2) The name and address of the person who took the photograph or X ray, performed the medical test, or examined or treated the child; and
- (3) The date on which the photograph or X ray was taken or the treatment, examination or medical test was performed;

(b) Is admissible in any proceeding relating to the abuse or neglect of the child; and

(c) May be given to the child's parent or guardian if he pays the cost of duplicating them.

5. As used in this section, "medical test" means any test performed by or caused to be performed by a provider of health care, including, without limitation, a computerized axial tomography scan and magnetic resonance imaging.

(Added to NRS by 1985, 1373; A 1999, 61; 2001 Special Session, 39)

NRS 432B.280 Confidentiality of reports and of records concerning reports and investigations; penalty.

1. Reports made pursuant to this chapter, as well as all records concerning these reports and investigations thereof, are confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases data or information concerning such reports and investigations, except:

- (a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;
- (b) As otherwise authorized or required pursuant to NRS 432B.290; or
- (c) As otherwise required pursuant to NRS 432B.513,

↪ is guilty of a misdemeanor.

(Added to NRS by 1985, 1373; A 1999, 2032; 2001, 1701)

NRS 432B.290 Release of data or information concerning reports and investigations; penalty.

1. Except as otherwise provided in subsections 2, 5 and 6 and NRS 432B.513, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:

(a) A physician, if the physician has before him a child who he has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him a child who he has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

- (1) The child; or
- (2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) A court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to him;

(g) The attorney and the guardian ad litem of the child;

(h) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;

(i) A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(j) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(k) A team organized pursuant to NRS 432B.350 for the protection of a child;

2. Whether there is reasonable cause to believe any child is abused or neglected or threatened with abuse or neglect, the nature and extent of existing or previous injuries, abuse or neglect and any evidence thereof, and the person apparently responsible;

3. If there is reasonable cause to believe that a child is abused or neglected, the immediate and long-term risk to the child if he remains in the same environment; and

4. The treatment and services which appear necessary to help prevent further abuse or neglect and to improve his environment and the ability of the person responsible for the child's welfare to care adequately for him.

(Added to NRS by 1985, 1375; A 1997, 2475; 2001, 1850; 2001 Special Session, 42; 2003, 236)

NRS 432B.310 Report to Central Registry upon completion of investigation. Except as otherwise provided in subsection 5 of NRS 432B.260, the agency investigating a report of abuse or neglect of a child shall, upon completing the investigation, report to the Central Registry:

1. Identifying and demographic information on the child alleged to be abused or neglected, his parents, any other person responsible for his welfare and the person allegedly responsible for the abuse or neglect;

2. The facts of the alleged abuse or neglect, including the date and type of alleged abuse or neglect, the manner in which the abuse was inflicted and the severity of the injuries; and

3. The disposition of the case.

(Added to NRS by 1985, 1375; A 1999, 2912; 2001, 212, 1850)

NRS 432B.320 Waiver of full investigation of report.

1. An agency which provides child welfare services may waive a full investigation of a report of abuse or neglect of a child made by another agency or a person if, after assessing the circumstances, it is satisfied that:

(a) The person or other agency who made the report can provide services to meet the needs of the child and the family, and this person or agency agrees to do so; and

(b) The person or other agency agrees in writing to report periodically on the child and to report immediately any threat or harm to the child's welfare.

2. The agency which provides child welfare services shall supervise for a reasonable period the services provided by the person or other agency pursuant to subsection 1.

(Added to NRS by 1985, 1375; A 2001 Special Session, 42)

NRS 439B.425 Prohibited referral of patients; exceptions; penalty.

1. Except as otherwise provided in this section, a practitioner shall not refer a patient, for a service or for goods related to health care, to a health facility, medical laboratory, diagnostic imaging or radiation oncology center or commercial establishment in which the practitioner has a financial interest.

2. Subsection 1 does not apply if:

(a) The service or goods required by the patient are not otherwise available within a 30-mile radius of the office of the practitioner;

(b) The service or goods are provided pursuant to a referral to a practitioner who is participating in the health care plan of a health maintenance organization that has been issued a certificate of authority pursuant to chapter 695C of NRS;

(c) The practitioner is a member of a group practice and the referral is made to that group practice;

(d) The referral is made to a surgical center for ambulatory patients, as defined in NRS 449.019, that is licensed pursuant to chapter 449 of NRS;

(e) The referral is made by:

(1) A urologist for lithotripsy services; or

(2) A nephrologist for services and supplies for a renal dialysis;

(f) The financial interest represents an investment in a corporation that has shareholder equity of more than \$100,000,000, regardless of whether the securities of the corporation are publicly traded; or

(g) The referral is made by a physician to a surgical hospital in which the physician has an ownership interest and:

(1) The surgical hospital is:

(I) Located in a county whose population is less than 100,000; and

(II) Licensed pursuant to chapter 449 of NRS as a surgical hospital and not as a medical hospital, obstetrical hospital, combined-categories hospital, general hospital or center for the treatment of trauma;

(2) The physician making the referral:

(I) Is authorized to perform medical services and has staff privileges at the surgical hospital; and

(II) Has disclosed his ownership interest in the surgical hospital to the patient before making the referral;

(3) The ownership interest of the physician making the referral pertains to the surgical hospital in its entirety and is not limited to a department, subdivision or other portion of the hospital;

(4) Every physician who has an ownership interest in the surgical hospital has agreed to treat patients receiving benefits pursuant to Medicaid and Medicare;

(5) The terms of investment of each physician who has an ownership interest in the surgical hospital are not related to the volume or value of any referrals made by that physician;

(6) The payments received by each investor in the surgical hospital as a return on his investment are directly proportional to the relative amount of capital invested or shares owned by the investor in the hospital;

(7) None of the investors in the surgical hospital has received any financial assistance from the hospital or any other investor in the hospital for the purpose of investing in the hospital; and

(8) Either:

(I) The governing body of every other hospital that regularly provides surgical services to residents of the county in which the surgical hospital is located has issued its written general consent to the referral by such physicians of patients to that surgical hospital; or

(II) The board of county commissioners of the county in which the surgical hospital is located has issued a written declaration of its reasonable belief that the referral by such physicians of patients to that surgical hospital will not, during the 5-year period immediately following the commencement of such referrals, have a substantial adverse financial effect on any other hospital that regularly provides surgical services to residents of that county.

3. A person who violates the provisions of this section is guilty of a misdemeanor.

4. The provisions of this section do not prohibit a practitioner from owning and using equipment in his office solely to provide to his patients services or goods related to health care.

5. As used in this section:

(a) "Group practice" means two or more practitioners who organized as a business entity in accordance with the laws of this state to provide services related to health care, if:

(1) Each member of the group practice provides substantially all of the services related to health care that he routinely provides, including, without limitation, medical care, consultations, diagnoses and treatment, through the joint use of shared offices, facilities, equipment and personnel located at any site of the group practice;

(2) Substantially all of the services related to health care that are provided by the members of the group practice are provided through the group practice; and

(3) No member of the group practice receives compensation based directly on the volume of any services or goods related to health care which are referred to the group practice by that member.

(b) "Patient" means a person who consults with or is examined or interviewed by a practitioner or health facility for purposes of diagnosis or treatment.

(c) "Substantial adverse financial effect" includes, without limitation, a projected decline in the revenue of a hospital as a result of the loss of its surgical business, which is sufficient to cause a deficit in any cash balances, fund balances or retained earnings of the hospital.

(Added to NRS by 1993, 2594; A 1995, 1489; 2001, 1072)

NRS 475.050 Smoking in building on which notice posted prohibiting smoking; penalty. Every person who lights a pipe, cigar or cigarette in, or who enters with a lighted pipe, cigar or cigarette, any mill or other building on which is posted in a conspicuous place over and near each principal entrance a notice in plain, legible characters stating that no smoking is allowed in such building is guilty of a misdemeanor.

[1911 C&P § 313; RL § 6578; NCL § 10261]—(NRS A 1971, 1459; 1979, 1480)

NRS 616C.125 Insurer may contract with suppliers for provision of services and goods to injured employees. An insurer may contract with suppliers to provide services and goods to injured employees. Such contracts may provide for the exclusive provision of specified services or goods to injured employees.

(Added to NRS by 1987, 2148; A 1989, 1429; 1993, 714)—(Substituted in revision for NRS 616.344)

NRS 616C.130 Insurer's payment to physician or chiropractor attending injured employee conditioned upon receipt of itemized statement and certificate. The insurer shall not authorize the payment of any money to a physician or chiropractor for services rendered by him in attending an injured employee until an itemized statement for the services has been received by the insurer accompanied by a certificate of the physician or chiropractor stating that a duplicate of the itemized statement has been filed with the employer of the injured employee.

(Added to NRS by 1957, 232; A 1981, 1167, 1471; 1985, 1543; 1997, 1435)

NRS 616C.135 Charges for related treatment and unrelated services; liability of insurer; acceptance from injured employee of certain payments in protest; penalty.

1. A provider of health care who accepts a patient as a referral for the treatment of an industrial injury or an occupational disease may not charge the patient for any treatment related to the industrial injury or occupational disease, but must charge the insurer. The provider of health care may charge the patient for any services that are not related to the employee's industrial injury or occupational disease.

2. The insurer is liable for the charges for approved services related to the industrial injury or occupational disease if the charges do not exceed:

(a) The fees established in accordance with NRS 616C.260 or the usual fee charged by that person or institution, whichever is less; and

(b) The charges provided for by the contract between the provider of health care and the insurer or the contract between the provider of health care and the organization for managed care.

3. A provider of health care may accept payment from an injured employee who is paying in protest pursuant to NRS 616C.138 for treatment or other services that the injured employee alleges are related to the industrial injury or occupational disease.

4. If a provider of health care, an organization for managed care, an insurer or an employer violates the provisions of this section, the Administrator shall impose an administrative fine of not more than \$250 for each violation.

(Added to NRS by 1983, 1291; A 1985, 574; 1991, 2407; 1993, 715; 2001, 1894, 2738, 2742)

PROHIBITED ACTS

NRS 616D.200 Failure of employer to provide, secure and maintain compensation: Procedure for determination and appeal; penalty.

1. If the Administrator finds that an employer within the provisions of NRS 616B.633 has failed to provide and secure compensation as required by the terms of chapters 616A to 616D, inclusive, or chapter 617 of NRS or that the employer has provided and secured that compensation but has failed to maintain it, he shall make a determination thereon and may charge the employer an amount equal to the sum of:

(a) The premiums that would otherwise have been owed to a private carrier pursuant to the terms of chapters 616A to 616D, inclusive, or chapter 617 of NRS, as determined by the Administrator based upon the manual rates adopted by the Commissioner, for the period that the employer was doing business in this state without providing, securing or maintaining that compensation, but not to exceed 6 years; and

(b) Interest at a rate determined pursuant to NRS 17.130 computed from the time that the premiums should have been paid.

↪ The money collected pursuant to this subsection must be paid into the Uninsured Employers' Claim Account.

2. The Administrator shall deliver a copy of his determination to the employer. An employer who is aggrieved by the determination of the Administrator may appeal from the determination pursuant to subsection 2 of NRS 616D.220.

3. Any employer within the provisions of NRS 616B.633 who fails to provide, secure or maintain compensation as required by the terms of chapters 616A to 616D, inclusive, or chapter 617 of NRS, shall be punished as follows:

(a) Except as otherwise provided in paragraph (b), if it is a first offense, for a misdemeanor.

(b) If it is a first offense and, during the period the employer was doing business in this state without providing, securing or maintaining compensation, one of his employees suffers an injury arising out of and in the course of his employment that results in substantial bodily harm to the employee or the death of the employee, for a category C felony punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years and by a fine of not less than \$1,000 nor more than \$50,000.

(c) If it is a second or subsequent offense committed within 7 years after the previous offense, for a category C felony punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years and by a fine of not less than \$1,000 nor more than \$50,000.

4. In addition to any other penalty imposed pursuant to paragraph (b) or (c) of subsection 3, the court shall order the employer to:

(a) Pay restitution to an insurer who has incurred costs as a result of the violation in an amount equal to the costs that have been incurred minus any costs incurred that have otherwise been recovered; and

(b) Reimburse the uninsured employers' claim account for all payments made from the account on the employer's behalf, including any benefits, administrative costs or attorney's fees paid from the account, that have not otherwise been recovered pursuant to NRS 616C.220.

5. Any criminal penalty imposed pursuant to subsections 3 and 4 must be in addition to the amount charged pursuant to subsection 1.

[32:168:1947; A 1949, 659; 1943 NCL § 2680.32]—(NRS A 1967, 636; 1981, 1498; 1991, 2426; 1993, 754; 1995, 1873; 1997, 568, 570, 1191, 1442, 1457, 3222, 3224; 1999, 228, 250, 658, 1730, 1738, 1739, 1799; 2001, 59, 2769)

NRS 616D.240 Deduction from wages of employee prohibited; requirement by employer that employee provide compensation on his own behalf prohibited; enforcement of prohibited acts by Attorney General.

1. Any employer who makes any charge against any employee or who deducts from the wages of any employee any sum of money to meet the costs, in whole or in part, of the liability incurred by the employer by reason of his acceptance or rejection of chapters 616A to 616D, inclusive, or chapter 617 of NRS is guilty of a gross misdemeanor.

2. An employer who is required to provide compensation pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS and who requires an employee to provide or secure such compensation on his own behalf is guilty of a gross misdemeanor.

3. Any employer violating any provision of this section must be prosecuted by the Attorney General upon complaint of any employee who, as determined by the Attorney General, submits proper evidence of a violation.

[38:168:1947; 1943 NCL § 2680.38]—(NRS A 1967, 637; 1987, 599; 1991, 2427; 1993, 756; 1995, 171; 1999, 229)

FRAUDULENT PRACTICES

NRS 616D.350 Definitions. As used in NRS 616D.350 to 616D.440, inclusive, unless the context otherwise requires:

1. "Charge" means any communication, whether oral, written, electronic or magnetic, which is used to identify specific accident benefits as reimbursable pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, or which may be used to determine a rate of payment pursuant to those chapters.

2. "Provider of health care" means a person who receives or attempts to receive payment from:

(a) An insurer;

(b) A third-party administrator; or

(c) An organization for managed care which has contracted with an insurer or third-party administrator, ➔ for accident benefits provided or alleged to have been provided to an injured employee pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. "Record" means any medical, professional or business record relating to:

(a) The treatment or care of an injured employee;

(b) Accident benefits provided to an injured employee; or

(c) Rates paid for such accident benefits.

(Added to NRS by 1993, 680; A 1995, 531, 1875)—(Substituted in revision for NRS 616.676)

NRS 616D.360 Circumstances under which person is deemed to have knowledge of falsity or deemed to have made or caused certain action. For the purposes of NRS 616D.370 and 616D.380:

1. A person shall be deemed to know that a charge, statement or representation is false if he knows, or by virtue of his position, authority or responsibility has reason to know, of the falsity of the charge, statement or representation.

2. A person shall be deemed to have made or caused to be made a charge, statement or representation if he:

(a) Had the authority or responsibility to:

(1) Make the charge, statement or representation;

(2) Supervise another person who made the charge, statement or representation; or

(3) Authorize the making of the charge, statement or representation,

➔ whether by operation of law, business or professional practice or office procedure; and

(b) Exercised that authority or responsibility or failed to exercise that authority or responsibility and, as a direct or indirect result, the charge, statement or representation was made.

(Added to NRS by 1993, 681)—(Substituted in revision for NRS 616.677)

NRS 616D.370 False charges, representations and statements; penalty.

1. A person shall not, by any act or omission:

(a) Make a charge or cause it to be made knowing the charge to be false, in whole or in part;

(b) Make or cause to be made a statement or representation for use in obtaining or seeking to obtain authorization to provide specific accident benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, knowing the statement or representation to be false, in whole or in part; or

(c) Make or cause to be made a statement or representation for use by another person to obtain accident benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, knowing the statement or representation to be false, in whole or in part.

2. A person who violates any of the provisions of this section shall be punished:

(a) If the amount of the charge or the value of the accident benefits obtained or sought to be obtained was \$250 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

(b) If the amount of the charge or the value of the accident benefits obtained or sought to be obtained was less than \$250, for a misdemeanor, and must be sentenced to restore any accident benefits so obtained, if it can be done, or tender payment for rent or labor.

(Added to NRS by 1993, 681; A 1995, 1308)—(Substituted in revision for NRS 616.678)

NRS 616D.380 Invoices containing false information; signature required; presumption.

1. Each invoice for payment for accident benefits provided to an injured employee must:

(a) Contain a statement that all matters stated therein are true and accurate; and

(b) Be signed by a natural person who is the provider of health care or is authorized to act for the provider of health care.

2. A person who, by any act or omission, signs or submits, or causes to be signed or submitted, the statement required by subsection 1, knowing that the invoice contains information which is false, in whole or in part, is guilty of a gross misdemeanor.

3. For the purposes of this section, a person who signs on behalf of a provider of health care is presumed to have the authorization of the provider of health care and to be acting at his direction.

4. As used in this section, to "sign" means to affix a signature directly or indirectly by means of handwriting, a typewriter, a stamp, a computer impulse or other means.

(Added to NRS by 1993, 681)—(Substituted in revision for NRS 616.679)

NRS 616D.390 Certain acts relating to offer, payment, transfer, acceptance or solicitation of additional value prohibited; improper use of referral fees; exceptions; penalty.

3. A person who unknowingly accepts a payment in excess of the amount to which he is entitled is liable for the repayment of the excess amount. It is a defense to any action brought pursuant to this subsection that the person returned or attempted to return the amount which was in excess of that to which he was entitled within a reasonable time after receiving it.

4. Any repayment of money collected pursuant to paragraph (a) or (d) of subsection 1 must be paid to the insurer who made the payment to the person who violated the provisions of this section. Any payment made to an insurer may not exceed the amount paid by the insurer to that person.

5. Any penalty collected pursuant to paragraph (b) or (c) of subsection 1 must be used to pay the salaries and other expenses of the Fraud Control Unit for Industrial Insurance established pursuant to NRS 228.420. Any money remaining at the end of any fiscal year does not revert to the State General Fund.

(Added to NRS by 1993, 683; A 1995, 1875; 1999, 1801)

NRS 616D.440 False claim for payment: Withholding by insurer of payment to provider of health care; procedure for withholding; appeal.

1. An insurer may withhold any payment due a provider of health care pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, in whole or in part, upon receipt of reliable evidence that the provider of health care knowingly made a false statement or representation or knowingly concealed a material fact to obtain the payment. The insurer may withhold such a payment without first notifying the provider of health care of its intention to do so.

2. The insurer shall, within 5 days after withholding such a payment, send notice of the withholding to the provider of health care by certified mail or electronic transmission. The notice must:

(a) Set forth the factual basis for the withholding, but need not disclose specific information regarding the insurer's investigation;

(b) Indicate that the payment is being withheld pursuant to the provisions of this section;

(c) Indicate that the payment is being withheld temporarily, as set forth in subsection 4, and describe the circumstances under which the withholding will be terminated;

(d) Specify the charge submitted by the provider of health care for which the payment is being withheld; and

(e) Notify the provider of health care of his right to appeal the withholding.

3. A provider of health care may appeal the decision of the insurer to withhold payment to an appeals officer pursuant to NRS 616C.360.

4. Any payment withheld pursuant to the provisions of this section must be made to the provider of health care if:

(a) The insurer or the Attorney General determines that there is insufficient evidence to prove that the provider of health care knowingly made a false statement or representation or knowingly concealed a material fact to obtain the payment; or

(b) A final judgment or decree was rendered in favor of the provider of health care in a criminal proceeding arising out of the alleged misconduct.

(Added to NRS by 1993, 683; A 1997, 1444)

NRS 690B.250 Practitioners of the healing arts: Reports to licensing boards. Except as more is required in NRS 630.3067 and 633.526:

1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS for a breach of his professional duty toward a patient shall report to the board which licensed the practitioner within 45 days each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the name and address of the claimant and the practitioner and the circumstances of the case.

2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS who does not have insurance covering liability for a breach of his professional duty toward a patient shall report to the board which issued his license within 45 days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving his name and address, the name and address of the claimant and the circumstances of the case.

3. These reports are public records and must be made available for public inspection within a reasonable time after they are received by the licensing board.

(Added to NRS by 1981, 589; A 1985, 2246; 2002 Special Session, 24; 2003, 3480)—(Substituted in revision for NRS 690B.045)

NRS 695B.198 Reimbursement for treatment by chiropractor.

1. If any contract for hospital or medical service provides coverage for treatment of an illness which is within the authorized scope of practice of a qualified chiropractor, the insured is entitled to reimbursement for treatments by a chiropractor who is licensed pursuant to chapter 634 of NRS.

2. The terms of the policy must not limit:

(a) Coverage for treatments by a chiropractor to a number less than for treatments by other physicians.

(b) Reimbursement for treatments by a chiropractor to an amount less than that charged for similar treatments by other physicians.

(Added to NRS by 1981, 930; A 1983, 328)

NRS 695C.178 Reimbursement for treatment by chiropractor.

1. If any evidence of coverage provides coverage for treatment of an illness which is within the authorized scope of practice of a qualified chiropractor, the insured is entitled to reimbursement for treatments by a chiropractor who is licensed pursuant to chapter 634 of NRS.

2. The terms of the policy must not limit:

(a) Coverage for treatments by a chiropractor to a number less than for treatments by other physicians.

(b) Reimbursement for treatments by a chiropractor to an amount less than that charged for similar treatments by other physicians.

(Added to NRS by 1981, 930; A 1983, 328)