

REQUIRES TWO-THIRDS MAJORITY VOTE

(§§ 5, 10, 16 & NRS 453.221, 453.226, 639.170)

(Reprinted with amendments adopted on May 25, 2023)

SECOND REPRINT

A.B. 198

ASSEMBLY BILL NO. 198—ASSEMBLYMAN ORENTLICHER

FEBRUARY 20, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing health care.
(BDR 54-446)

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

~

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

AN ACT relating to health care; enacting provisions governing the certification and regulation of certified registered nurse anesthetists; authorizing a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for the certification of certified registered nurse
2 anesthetists, who are registered nurses who: (1) have completed a nationally
3 accredited program in the science of anesthesia; and (2) administer anesthetic
4 agents to a person under the care of a licensed physician, a licensed dentist or a
5 licensed podiatric physician. (NRS 632.014) **Section 2** of this bill requires the State
6 Board of Nursing to issue a certificate of registration to practice as a certified
7 registered nurse anesthetist to a registered nurse who meets the requirements
8 prescribed by existing law for such certification and any additional requirements
9 prescribed by the Board. **Section 2** also requires the Board to adopt regulations
10 governing certified registered nurse anesthetists.

11 Existing law authorizes a registered nurse to possess and administer controlled
12 substances and dangerous drugs under certain circumstances. (NRS 453.375,
13 454.213) **Sections 3, 5, 10 and 16** of this bill additionally authorize a certified
14 registered nurse anesthetist, under the supervision of a physician licensed to
15 practice medicine or osteopathic medicine in this State, to order, prescribe, possess
16 and administer controlled substances, poisons, dangerous drugs and devices to treat
17 a person under the care of a licensed physician in a critical access hospital before,
18 during and after surgery or childbirth. **Sections 6-9 and 11-15** of this bill make
19 additional changes necessary to authorize a certified registered nurse anesthetist to
20 order, prescribe, possess and administer controlled substances, poisons, dangerous



21 drugs and devices in such circumstances. A certified registered nurse anesthetist
22 who unlawfully possesses, prescribes or administers a controlled substance,
23 dangerous drug or poison would be subject to discipline and criminal and civil
24 penalties to the same extent as other practitioners who unlawfully possess,
25 prescribe or administer such drugs. (NRS 453.236, 453.305, 453.326, 453.3363,
26 453.553, 454.170, 454.356)
27 **Section 4** of this bill makes a conforming change to remove a provision now
28 duplicated in **section 2**.

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

1 **Section 1.** Chapter 632 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2. 1. *The Board shall issue a certificate of registration***
4 ***to practice as a certified registered nurse anesthetist to an***
5 ***applicant who:***
6 ***(a) Has successfully completed a nationally accredited***
7 ***program in the science of anesthesia; and***
8 ***(b) Meets any additional requirements prescribed by the Board***
9 ***pursuant to subsection 2.***
10 **2. *The Board shall adopt regulations to carry out the***
11 ***provisions of this section and section 3 of this act, including,***
12 ***without limitation, regulations:***
13 ***(a) Specifying any additional training, education and***
14 ***experience necessary for certification as a certified registered***
15 ***nurse anesthetist;***
16 ***(b) Delineating the authorized scope of practice of a certified***
17 ***registered nurse anesthetist; and***
18 ***(c) Establishing the procedure to apply for certification as a***
19 ***certified registered nurse anesthetist.***
20 **Sec. 3. 1. *A certified registered nurse anesthetist may:***
21 ***(a) Under the supervision of a physician licensed pursuant to***
22 ***chapter 630 or 633 of NRS, order, prescribe, possess and***
23 ***administer controlled substances, poisons, dangerous drugs and***
24 ***devices to treat a patient under the care of a licensed physician in***
25 ***a critical access hospital in preparation for surgery or childbirth,***
26 ***during surgery or childbirth and while a patient recovers from***
27 ***surgery or childbirth.***
28 ***(b) Possess and administer controlled substances, poisons,***
29 ***dangerous drugs and devices in other circumstances under which***
30 ***a registered nurse is authorized to possess and administer***
31 ***controlled substances, poisons, dangerous drugs and devices.***
32 **2. *A certified registered nurse anesthetist shall not order or***
33 ***prescribe a controlled substance, poison, dangerous drug or device***
34 ***except as authorized by paragraph (a) of subsection 1.***



1 **3. As used in this section, “critical access hospital” means a**
2 **hospital which has been certified as a critical access hospital by**
3 **the Secretary of Health and Human Services pursuant to 42**
4 **U.S.C. 1395i-4(e).**

5 **Sec. 4.** NRS 632.014 is hereby amended to read as follows:

6 632.014 “Certified registered nurse anesthetist” means a
7 registered nurse who ~~f:~~

8 ~~—1. Has completed a nationally accredited program in the~~
9 ~~science of anesthesia; and~~

10 ~~—2. Is] is~~ certified by the Board **pursuant to section 2 of this act**
11 to administer anesthetic agents to a person under the care of a
12 licensed physician, a licensed dentist or a licensed podiatric
13 physician.

14 **Sec. 5.** NRS 639.0125 is hereby amended to read as follows:

15 639.0125 “Practitioner” means:

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

18 2. A hospital, pharmacy or other institution licensed, registered
19 or otherwise permitted to distribute, dispense, conduct research with
20 respect to or administer drugs in the course of professional practice
21 or research in this State;

22 3. An advanced practice registered nurse who has been
23 authorized to prescribe controlled substances, poisons, dangerous
24 drugs and devices;

25 4. A physician assistant who:

26 (a) Holds a license issued by the Board of Medical Examiners;
27 and

28 (b) Is authorized by the Board to possess, administer, prescribe
29 or dispense controlled substances, poisons, dangerous drugs or
30 devices under the supervision of a physician as required by chapter
31 630 of NRS;

32 5. A physician assistant who:

33 (a) Holds a license issued by the State Board of Osteopathic
34 Medicine; and

35 (b) Is authorized by the Board to possess, administer, prescribe
36 or dispense controlled substances, poisons, dangerous drugs or
37 devices under the supervision of an osteopathic physician as
38 required by chapter 633 of NRS; or

39 6. An optometrist who is certified by the Nevada State Board
40 of Optometry to prescribe and administer pharmaceutical agents
41 pursuant to NRS 636.288, when the optometrist prescribes or
42 administers pharmaceutical agents within the scope of his or her
43 certification.

44 **7. A certified registered nurse anesthetist who orders,**
45 **prescribes, possesses or administers controlled substances,**



1 *poisons, dangerous drugs or devices in accordance with section 3*
2 *of this act.*

3 **Sec. 6.** Chapter 453 of NRS is hereby amended by adding
4 thereto a new section to read as follows:

5 *“Certified registered nurse anesthetist” has the meaning*
6 *ascribed to it in NRS 632.014.*

7 **Sec. 7.** NRS 453.016 is hereby amended to read as follows:

8 453.016 As used in this chapter, the words and terms defined
9 in NRS 453.021 to 453.141, inclusive, *and section 6 of this act* have
10 the meanings ascribed to them in those sections except in instances
11 where the context clearly indicates a different meaning.

12 **Sec. 8.** NRS 453.038 is hereby amended to read as follows:

13 453.038 “Chart order” means an order entered on the chart of a
14 patient:

15 1. In a hospital, facility for intermediate care or facility for
16 skilled nursing which is licensed as such by the Division of Public
17 and Behavioral Health of the Department; or

18 2. Under emergency treatment in a hospital by a physician,
19 advanced practice registered nurse, *certified registered nurse*
20 *anesthetist*, dentist or podiatric physician, or on the written or oral
21 order of a physician, physician assistant licensed pursuant to chapter
22 630 or 633 of NRS, advanced practice registered nurse, *certified*
23 *registered nurse anesthetist*, dentist or podiatric physician
24 authorizing the administration of a drug to the patient.

25 **Sec. 9.** NRS 453.091 is hereby amended to read as follows:

26 453.091 1. “Manufacture” means the production, preparation,
27 propagation, compounding, conversion or processing of a substance,
28 either directly or indirectly by extraction from substances of natural
29 origin, or independently by means of chemical synthesis, or by a
30 combination of extraction and chemical synthesis, and includes any
31 packaging or repackaging of the substance or labeling or relabeling
32 of its container.

33 2. “Manufacture” does not include the preparation,
34 compounding, packaging or labeling of a substance by a pharmacist,
35 physician, physician assistant licensed pursuant to chapter 630 or
36 633 of NRS, dentist, podiatric physician, advanced practice
37 registered nurse , *certified registered nurse anesthetist* or
38 veterinarian:

39 (a) As an incident to the administering or dispensing of a
40 substance in the course of his or her professional practice; or

41 (b) By an authorized agent under his or her supervision, for the
42 purpose of, or as an incident to, research, teaching or chemical
43 analysis and not for sale.

44 **Sec. 10.** NRS 453.126 is hereby amended to read as follows:

45 453.126 “Practitioner” means:



1 1. A physician, dentist, veterinarian or podiatric physician who
2 holds a license to practice his or her profession in this State and is
3 registered pursuant to this chapter.

4 2. An advanced practice registered nurse who holds a
5 certificate from the State Board of Pharmacy authorizing him or her
6 to dispense or to prescribe and dispense controlled substances.

7 3. A scientific investigator or a pharmacy, hospital or other
8 institution licensed, registered or otherwise authorized in this State
9 to distribute, dispense, conduct research with respect to, to
10 administer, or use in teaching or chemical analysis, a controlled
11 substance in the course of professional practice or research.

12 4. A euthanasia technician who is licensed by the Nevada State
13 Board of Veterinary Medical Examiners and registered pursuant to
14 this chapter, while he or she possesses or administers sodium
15 pentobarbital pursuant to his or her license and registration.

16 5. A physician assistant who:

17 (a) Holds a license from the Board of Medical Examiners; and

18 (b) Is authorized by the Board to possess, administer, prescribe
19 or dispense controlled substances under the supervision of a
20 physician as required by chapter 630 of NRS.

21 6. A physician assistant who:

22 (a) Holds a license from the State Board of Osteopathic
23 Medicine; and

24 (b) Is authorized by the Board to possess, administer, prescribe
25 or dispense controlled substances under the supervision of an
26 osteopathic physician as required by chapter 633 of NRS.

27 7. An optometrist who is certified by the Nevada State Board
28 of Optometry to prescribe and administer pharmaceutical agents
29 pursuant to NRS 636.288, when the optometrist prescribes or
30 administers pharmaceutical agents within the scope of his or her
31 certification.

32 *8. A certified registered nurse anesthetist who orders,*
33 *prescribes, possesses or administers controlled substances in*
34 *accordance with section 3 of this act.*

35 **Sec. 11.** NRS 453.128 is hereby amended to read as follows:

36 453.128 1. "Prescription" means:

37 (a) An order given individually for the person for whom
38 prescribed, directly from a physician, physician assistant licensed
39 pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician,
40 optometrist, advanced practice registered nurse, *certified registered*
41 *nurse anesthetist* or veterinarian, or his or her agent, to a pharmacist
42 or indirectly by means of an order signed by the practitioner or an
43 electronic transmission from the practitioner to a pharmacist; or

44 (b) A chart order written for an inpatient specifying drugs which
45 he or she is to take home upon his or her discharge.



1 2. The term does not include a chart order written for an
2 inpatient for use while he or she is an inpatient.

3 **Sec. 12.** NRS 453.226 is hereby amended to read as follows:

4 453.226 1. Every practitioner or other person who dispenses
5 any controlled substance within this State or who proposes to
6 engage in the dispensing of any controlled substance within this
7 State shall obtain biennially a registration issued by the Board in
8 accordance with its regulations. A person must present proof that he
9 or she is authorized to access the database of the program
10 established pursuant to NRS 453.162 before the Board may issue or
11 renew a registration.

12 2. A person registered by the Board in accordance with the
13 provisions of NRS 453.011 to 453.552, inclusive, *and section 6 of*
14 *this act* to dispense or conduct research with controlled substances
15 may possess, dispense or conduct research with those substances to
16 the extent authorized by the registration and in conformity with the
17 other provisions of those sections.

18 3. The following persons are not required to register and may
19 lawfully possess and distribute controlled substances pursuant to the
20 provisions of NRS 453.011 to 453.552, inclusive ~~§~~ *and section 6*
21 *of this act:*

22 (a) An agent or employee of a registered dispenser of a
23 controlled substance if he or she is acting in the usual course of his
24 or her business or employment;

25 (b) A common or contract carrier or warehouseman, or an
26 employee thereof, whose possession of any controlled substance is
27 in the usual course of business or employment;

28 (c) An ultimate user or a person in possession of any controlled
29 substance pursuant to a lawful order of a physician, physician
30 assistant licensed pursuant to chapter 630 or 633 of NRS, dentist,
31 advanced practice registered nurse, *certified registered nurse*
32 *anesthetist*, podiatric physician or veterinarian or in lawful
33 possession of a schedule V substance; or

34 (d) A physician who:

35 (1) Holds a locum tenens license issued by the Board of
36 Medical Examiners or a temporary license issued by the State Board
37 of Osteopathic Medicine; and

38 (2) Is registered with the Drug Enforcement Administration
39 at a location outside this State.

40 4. The Board may waive the requirement for registration of
41 certain dispensers if it finds it consistent with the public health and
42 safety.

43 5. A separate registration is required at each principal place of
44 business or professional practice where the applicant dispenses
45 controlled substances.



1 6. The Board may inspect the establishment of a registrant or
2 applicant for registration in accordance with the Board's regulations.

3 **Sec. 13.** NRS 453.336 is hereby amended to read as follows:

4 453.336 1. Except as otherwise provided in subsection 6, a
5 person shall not knowingly or intentionally possess a controlled
6 substance, unless the substance was obtained directly from, or
7 pursuant to, a prescription or order of a physician, physician
8 assistant licensed pursuant to chapter 630 or 633 of NRS, dentist,
9 podiatric physician, optometrist, advanced practice registered nurse,
10 *certified registered nurse anesthetist* or veterinarian while acting in
11 the course of his or her professional practice, or except as otherwise
12 authorized by the provisions of NRS 453.005 to 453.552, inclusive
13 ~~and~~ *and section 6 of this act.*

14 2. Except as otherwise provided in subsections 3, 4 and 5 and
15 in NRS 453.3363, and unless a greater penalty is provided in NRS
16 212.160, 453.3385 or 453.339, a person who violates this section:

17 (a) For a first or second offense, if the controlled substance is
18 listed in schedule I or II and the quantity possessed is less than 14
19 grams, or if the controlled substance is listed in schedule III, IV or V
20 and the quantity possessed is less than 28 grams, is guilty of
21 possession of a controlled substance and shall be punished for a
22 category E felony as provided in NRS 193.130. In accordance with
23 NRS 176.211, the court shall defer judgment upon the consent of the
24 person.

25 (b) For a third or subsequent offense, if the controlled substance
26 is listed in schedule I or II and the quantity possessed is less than 14
27 grams, or if the controlled substance is listed in schedule III, IV or V
28 and the quantity possessed is less than 28 grams, or if the offender
29 has previously been convicted two or more times in the aggregate of
30 any violation of the law of the United States or of any state, territory
31 or district relating to a controlled substance, is guilty of possession
32 of a controlled substance and shall be punished for a category D
33 felony as provided in NRS 193.130, and may be further punished by
34 a fine of not more than \$20,000.

35 (c) If the controlled substance is listed in schedule I or II and the
36 quantity possessed is 14 grams or more, but less than 28 grams, or if
37 the controlled substance is listed in schedule III, IV or V and the
38 quantity possessed is 28 grams or more, but less than 200 grams, is
39 guilty of low-level possession of a controlled substance and shall be
40 punished for a category C felony as provided in NRS 193.130.

41 (d) If the controlled substance is listed in schedule I or II and the
42 quantity possessed is 28 grams or more, but less than 42 grams, or if
43 the controlled substance is listed in schedule III, IV or V and the
44 quantity possessed is 200 grams or more, is guilty of mid-level
45 possession of a controlled substance and shall be punished for a



1 category B felony by imprisonment in the state prison for a
2 minimum term of not less than 1 year and a maximum term of not
3 more than 10 years and by a fine of not more than \$50,000.

4 (e) If the controlled substance is listed in schedule I or II and the
5 quantity possessed is 42 grams or more, but less than 100 grams, is
6 guilty of high-level possession of a controlled substance and shall be
7 punished for a category B felony by imprisonment in the state prison
8 for a minimum term of not less than 2 years and a maximum term of
9 not more than 15 years and by a fine of not more than \$50,000.

10 3. Unless a greater penalty is provided in NRS 212.160,
11 453.337 or 453.3385, a person who is convicted of the possession of
12 flunitrazepam or gamma-hydroxybutyrate, or any substance for
13 which flunitrazepam or gamma-hydroxybutyrate is an immediate
14 precursor, is guilty of a category B felony and shall be punished by
15 imprisonment in the state prison for a minimum term of not less
16 than 1 year and a maximum term of not more than 6 years.

17 4. Unless a greater penalty is provided pursuant to NRS
18 212.160, a person who is convicted of the possession of 1 ounce or
19 less of marijuana is guilty of a misdemeanor and shall be punished
20 by:

21 (a) Performing not more than 24 hours of community service;

22 (b) Attending the live meeting described in paragraph (a) of
23 subsection 2 of NRS 484C.530 and complying with any other
24 requirements set forth in that section; or

25 (c) Being required to undergo an evaluation in accordance with
26 subsection 1 of NRS 484C.350,

27 ↪ or any combination thereof.

28 5. Unless a greater penalty is provided pursuant to NRS
29 212.160, a person who is convicted of the possession of more than 1
30 ounce, but less than 50 pounds, of marijuana or more than one-
31 eighth of an ounce, but less than one pound, of concentrated
32 cannabis is guilty of a category E felony and shall be punished as
33 provided in NRS 193.130.

34 6. It is not a violation of this section if a person possesses a
35 trace amount of a controlled substance and that trace amount is in or
36 on a hypodermic device obtained from a sterile hypodermic device
37 program pursuant to NRS 439.985 to 439.994, inclusive.

38 7. The court may grant probation to or suspend the sentence of
39 a person convicted of violating this section.

40 8. If a person fulfills the terms and conditions imposed for a
41 violation of subsection 4, the court shall, without a hearing, order
42 sealed all documents, papers and exhibits in that person's record,
43 minute book entries and entries on dockets, and other documents
44 relating to the case in the custody of such other agencies and
45 officers as are named in the court's order. The court shall cause a



1 copy of the order to be sent to each agency or officer named in the
2 order. Each such agency or officer shall notify the court in writing
3 of its compliance with the order.

4 9. As used in this section:

5 (a) "Controlled substance" includes flunitrazepam, gamma-
6 hydroxybutyrate and each substance for which flunitrazepam or
7 gamma-hydroxybutyrate is an immediate precursor.

8 (b) "Marijuana" does not include concentrated cannabis.

9 (c) "Sterile hypodermic device program" has the meaning
10 ascribed to it in NRS 439.986.

11 **Sec. 14.** NRS 453.381 is hereby amended to read as follows:

12 453.381 1. In addition to the limitations imposed by NRS
13 453.256 and 453.3611 to 453.3648, inclusive, a physician, physician
14 assistant, dentist, advanced practice registered nurse, *certified*
15 *registered nurse anesthetist* or podiatric physician may prescribe or
16 administer controlled substances only for a legitimate medical
17 purpose and in the usual course of his or her professional practice,
18 and he or she shall not prescribe, administer or dispense a controlled
19 substance listed in schedule II for himself or herself, his or her
20 spouse or his or her children except in cases of emergency.

21 2. A veterinarian, in the course of his or her professional
22 practice only, and not for use by a human being, may prescribe,
23 possess and administer controlled substances, and the veterinarian
24 may cause them to be administered by a veterinary technician under
25 the direction and supervision of the veterinarian.

26 3. A euthanasia technician, within the scope of his or her
27 license, and not for use by a human being, may possess and
28 administer sodium pentobarbital.

29 4. A pharmacist shall not fill an order which purports to be a
30 prescription if the pharmacist has reason to believe that it was not
31 issued in the usual course of the professional practice of a physician,
32 physician assistant, dentist, advanced practice registered nurse,
33 *certified registered nurse anesthetist*, podiatric physician or
34 veterinarian.

35 5. Any person who has obtained from a physician, physician
36 assistant, dentist, advanced practice registered nurse, *certified*
37 *registered nurse anesthetist*, podiatric physician or veterinarian any
38 controlled substance for administration to a patient during the
39 absence of the physician, physician assistant, dentist, advanced
40 practice registered nurse, *certified registered nurse anesthetist*,
41 podiatric physician or veterinarian shall return to him or her any
42 unused portion of the substance when it is no longer required by the
43 patient.

44 6. A manufacturer, wholesale supplier or other person legally
45 able to furnish or sell any controlled substance listed in schedule II



1 shall not provide samples of such a controlled substance to
2 registrants.

3 7. A salesperson of any manufacturer or wholesaler of
4 pharmaceuticals shall not possess, transport or furnish any
5 controlled substance listed in schedule II.

6 8. A person shall not dispense a controlled substance in
7 violation of a regulation adopted by the Board.

8 **Sec. 15.** NRS 453.391 is hereby amended to read as follows:

9 453.391 A person shall not:

10 1. Unlawfully take, obtain or attempt to take or obtain a
11 controlled substance or a prescription for a controlled substance
12 from a manufacturer, wholesaler, pharmacist, physician, physician
13 assistant, dentist, advanced practice registered nurse, *certified*
14 *registered nurse anesthetist*, veterinarian or any other person
15 authorized to administer, dispense or possess controlled substances.

16 2. While undergoing treatment and being supplied with any
17 controlled substance or a prescription for any controlled substance
18 from one practitioner, knowingly obtain any controlled substance or
19 a prescription for a controlled substance from another practitioner
20 without disclosing this fact to the second practitioner.

21 **Sec. 16.** NRS 454.00958 is hereby amended to read as
22 follows:

23 454.00958 "Practitioner" means:

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

26 2. A pharmacy, hospital or other institution licensed or
27 registered to distribute, dispense, conduct research with respect to or
28 to administer a dangerous drug in the course of professional practice
29 in this State.

30 3. When relating to the prescription of poisons, dangerous
31 drugs and devices:

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

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

38 4. An optometrist who is certified to prescribe and administer
39 pharmaceutical agents pursuant to NRS 636.288 when the
40 optometrist prescribes or administers dangerous drugs which are
41 within the scope of his or her certification.

42 5. *A certified registered nurse anesthetist who orders,*
43 *prescribes, possesses or administers poisons, dangerous drugs or*
44 *devices in accordance with section 3 of this act.*



1 **Sec. 17.** 1. This section becomes effective upon passage and
2 approval.

3 2. Sections 1 to 16, inclusive, of this act become effective:

4 (a) Upon passage and approval for the purpose of adopting any
5 regulations and performing any other preparatory administrative
6 tasks that are necessary to carry out the provisions of this act; and

7 (b) On January 1, 2024, for all other purposes.

⑩



