

Nevada Regulation Status for PCA

NRS 629.091 Personal assistant authorized to perform certain services for person with disability if approved by provider of health care; requirements.

1. Except as otherwise provided in subsection 4, a provider of health care may authorize a person to act as a personal assistant to perform specific medical, nursing or home health care services for a person with a disability without obtaining any license required for a provider of health care or his or her assistant to perform the service if:

- (a) The services to be performed are services that a person without a disability usually and customarily would personally perform without the assistance of a provider of health care;
- (b) The provider of health care determines that the personal assistant has the knowledge, skill and ability to perform the services competently;
- (c) The provider of health care determines that the procedures involved in providing the services are simple and the performance of such procedures by the personal assistant does not pose a substantial risk to the person with a disability;
- (d) The provider of health care determines that the condition of the person with a disability is stable and predictable; and
- (e) The personal assistant agrees with the provider of health care to refer the person with a disability to the provider of health care if:
 - (1) The condition of the person with a disability changes or a new medical condition develops;
 - (2) The progress or condition of the person with a disability after the provision of the service is different than expected;
 - (3) An emergency situation develops; or
 - (4) Any other situation described by the provider of health care develops.

2. A provider of health care that authorizes a personal assistant to perform certain services shall note in the medical records of the person with a disability who receives such services:

- (a) The specific services that the provider of health care has authorized the personal assistant to perform; and
- (b) That the requirements of this section have been satisfied.

3. After a provider of health care has authorized a personal assistant to perform specific services for a person with a disability, no further authorization or supervision by the provider is required for the continued provision of those services.

4. A personal assistant shall not:

- (a) Perform services pursuant to this section for a person with a disability who resides in a medical facility.
- (b) Perform any medical, nursing or home health care service for a person with a disability which is not specifically authorized by a provider of health care pursuant to subsection 1.
- (c) Except if the services are provided in an educational setting, perform services for a person with a disability in the absence of the parent or guardian of, or any other person legally responsible for, the person with a disability, if the person with a disability is not able to direct his or her own services.

5. A provider of health care who determines in good faith that a personal assistant has complied with and meets the requirements of this section is not liable for civil damages as a result of any act or omission, not amounting to gross negligence, committed by the provider of health care in making such a determination and is not liable for any act or omission of the personal assistant.

6. As used in this section:

- (a) "Guardian" means a person who has qualified as the guardian of a minor or an adult pursuant to testamentary or judicial appointment, but does not include a guardian ad litem.
- (b) "Parent" means a natural or adoptive parent whose parental rights have not been terminated.
- (c) "Personal assistant" means a person who, for compensation and under the direction of:
 - (1) A person with a disability;
 - (2) A parent or guardian of, or any other person legally responsible for, a person with a disability who is under the age of 18 years; or
 - (3) A parent, spouse, guardian or adult child of a person with a disability who suffers from a cognitive impairment,

È performs services for the person with a disability to help the person with a disability maintain independence, personal hygiene and safety.