

ASSEMBLY JOINT RESOLUTION NO. 9—
ASSEMBLYWOMAN KIRKPATRICK

MAY 21, 2013

Referred to Committee on Health and Human Services

SUMMARY—Proposes to amend the Nevada Constitution to ensure access to affordable health care in an emergency to all persons in this State. (BDR C-1227)

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

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

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to ensure access to affordable health care in an emergency to all persons in this State.

Legislative Counsel’s Digest:

1 Existing federal law requires hospitals to provide certain services to persons
2 who go to the emergency department of a hospital or who have an emergency
3 medical condition, regardless of the ability of the person to pay and regardless of
4 whether the person has health insurance. (42 U.S.C. § 1395dd) Existing state law
5 requires a hospital in this State to provide emergency services and care to patients,
6 regardless of their financial status. Existing state law further makes it a crime to: (1)
7 refuse to treat a patient in need of emergency services and care; (2) transfer a
8 patient to another hospital or health facility in certain circumstances; or (3) order
9 testing of a patient to be performed at another hospital if the hospital from which
10 the orders are issued is capable of providing the testing. (NRS 439B.410) Existing
11 state law further requires certain major hospitals to reduce the total billed charges
12 by at least 30 percent for hospital services provided to certain patients who do not
13 have insurance or any other contractual agreement with a third party for the
14 payment of the charges. (NRS 439B.260) This resolution proposes to amend the
15 Nevada Constitution to guarantee persons in this State the right to receive medical
16 care and services needed as a result of an emergency, regardless of the ability of the
17 patient to pay and regardless of whether the patient has insurance. In addition, this
18 resolution provides persons in this State a right to receive emergency medical care
19 and services at a reasonable cost and guarantees that a hospital will not charge for
20 any treatment, service or medication or other product provided to a person who
21 arrives at the emergency department of the hospital as a result of an emergency
22 more than 200 percent of the amount that the hospital has agreed to accept from a
23 federal public insurer for the treatment, service, medication or other product



24 received by the patient. This resolution makes the provisions self-executing but
25 allows the Legislature by law to establish a different rate if the Legislature
26 determines that a different rate is appropriate and ensures that emergency care and
27 services will be provided at a reasonable cost. The resolution further authorizes the
28 Legislature to enact other laws in furtherance of the provisions of the resolution.

1 WHEREAS, The charges for health care services rendered as a
2 result of an emergency are often exorbitant; and

3 WHEREAS, Persons who are not indigent but who do not have
4 health insurance or are underinsured are often made to pay highly
5 inflated prices for health care services received as a result of an
6 emergency; and

7 WHEREAS, Such exorbitant pricing discourages persons from
8 seeking necessary care and can be devastating financially to those
9 who do seek such care; and

10 WHEREAS, It is of the utmost importance that all persons in this
11 State have access to affordable health care services when needed as
12 a result of an emergency; and

13 WHEREAS, It is unconscionable for hospitals to charge inflated
14 rates for health care services provided as a result of an emergency to
15 middle and lower income persons to subsidize the lower rates paid
16 by public and private insurers; now, therefore, be it

17 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF
18 NEVADA, JOINTLY, That a new section, designated Section 17, be
19 added to Article 15 of the Nevada Constitution to read as follows:

20 *Sec. 17. 1. No hospital shall deny treatment or*
21 *services to a person who arrives at the emergency*
22 *department of the hospital as a result of an emergency,*
23 *regardless of whether the person has health insurance and*
24 *regardless of the ability of the person to pay for such*
25 *services.*

26 *2. All persons in this State have a right to receive*
27 *emergency medical care and services at a reasonable cost,*
28 *and no hospital shall charge for any treatment, service or*
29 *medication or other product provided to a person who*
30 *arrives at the emergency department of the hospital as a*
31 *result of an emergency, whether or not the person has*
32 *insurance, an amount which is greater than 200 percent of*
33 *the lowest rate which the hospital has agreed to accept from*
34 *a federal public insurer for the treatment, service or*
35 *medication or other product.*

36 *3. The provisions of subsections 1 and 2 are self-*
37 *executing. The Legislature may provide by law for a*
38 *different rate than provided in subsection 2 if the*
39 *Legislature determines that a different rate is appropriate*



1 *and ensures that emergency medical care and services will*
2 *be provided at a reasonable cost, and may further provide by*
3 *law for the imposition of a penalty or fine, or both a penalty*
4 *and fine, for failure to comply with this section and any*
5 *additional requirements and restrictions on hospitals*
6 *regarding the amount charged for any treatment, service or*
7 *medication or other product provided to a person who*
8 *arrives at the emergency department of a hospital as a result*
9 *of an emergency.*

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