

ASSEMBLY BILL NO. 236—ASSEMBLYMEN BUCKLEY, PERKINS, GOLDWATER, KOIVISTO, GIBBONS, ANGLE, ARBERRY, ATKINSON, BEERS, CARPENTER, CHOWNING, CLABORN, COLLINS, GEDDES, GIUNCHIGLIANI, GOICOECHEA, GRADY, GRIFFIN, GUSTAVSON, HETTRICK, KNECHT, MABEY, MANENDO, MARVEL, MCCLAIN, MCCLEARY, MORTENSON, PIERCE AND WEBER

MARCH 4, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Directs Office for Consumer Health Assistance to assist consumers in gaining information regarding certain prescription drug programs. (BDR 18-203)

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

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

AN ACT relating to the Office for Consumer Health Assistance; requiring the Office to assist consumers in gaining information regarding certain prescription drug programs; authorizing the Office to accept gifts, grants and donations to support this service; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 223 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 ***“Prescription drug program” means a program:***
4 ***1. Sponsored or conducted by a manufacturer of prescription***
5 ***drugs at no charge; or***
6 ***2. Offered by the State of Nevada or a political subdivision***
7 ***thereof.***



1 **Sec. 2.** NRS 223.500 is hereby amended to read as follows:
2 223.500 As used in NRS 223.500 to 223.580, inclusive, *and*
3 *section 1 of this act*, unless the context otherwise requires, the
4 words and terms defined in NRS 223.510, 223.520 and 223.530 *and*
5 *section 1 of this act* have the meanings ascribed to them in those
6 sections.

7 **Sec. 3.** NRS 223.510 is hereby amended to read as follows:
8 223.510 “Consumer” means a natural person who has or is in
9 need of coverage under a health care plan ~~[-]~~ *or who is in need of*
10 *information or other assistance regarding a prescription drug*
11 *program.*

12 **Sec. 4.** NRS 223.550 is hereby amended to read as follows:
13 223.550 1. The Office for Consumer Health Assistance is
14 hereby established in the Office of the Governor. The Governor
15 shall appoint the Director. The Director must:

- 16 (a) Be:
17 (1) A physician, as that term is defined in NRS 0.040;
18 (2) A registered nurse, as that term is defined in
19 NRS 632.019;
20 (3) An advanced practitioner of nursing, as that term is
21 defined in NRS 453.023; or
22 (4) A physician assistant, as that term is defined in
23 NRS 630.015; and

24 (b) Have expertise and experience in the field of advocacy.
25 2. The cost of carrying out the provisions of NRS 223.500 to
26 223.580, inclusive, must be paid as follows:

27 (a) That portion of the cost related to providing assistance to
28 consumers and injured employees concerning workers’
29 compensation must be paid from the assessments levied pursuant to
30 NRS 232.680.

31 (b) That portion of the cost related to the operation of the
32 Bureau for Hospital Patients created pursuant to NRS 223.575 must
33 be paid from the assessments levied pursuant to that section.

34 (c) *That portion of the cost related to providing assistance to*
35 *consumers in need of information or other facilitation regarding a*
36 *prescription drug program may, to the extent money is available*
37 *from this source, be paid from the proceeds of any gifts, grants or*
38 *donations that are received by the Director for this purpose.*

39 (d) The remaining cost must be provided by direct legislative
40 appropriation from the State General Fund and be paid out on claims
41 as other claims against the State are paid.

42 **Sec. 5.** NRS 223.560 is hereby amended to read as follows:
43 223.560 The Director shall:



- 1 1. Respond to written and telephonic inquiries received from
2 consumers and injured employees regarding concerns and problems
3 related to health care and workers' compensation;
- 4 2. Assist consumers and injured employees in understanding
5 their rights and responsibilities under health care plans and policies
6 of industrial insurance;
- 7 3. Identify and investigate complaints of consumers and
8 injured employees regarding their health care plans and policies of
9 industrial insurance and assist those consumers and injured
10 employees to resolve their complaints, including, without limitation:
11 (a) Referring consumers and injured employees to the
12 appropriate agency, department or other entity that is responsible for
13 addressing the specific complaint of the consumer or injured
14 employee; and
15 (b) Providing counseling and assistance to consumers and
16 injured employees concerning health care plans and policies of
17 industrial insurance;
- 18 4. Provide information to consumers and injured employees
19 concerning health care plans and policies of industrial insurance in
20 this state;
- 21 5. Establish and maintain a system to collect and maintain
22 information pertaining to the written and telephonic inquiries
23 received by the Office;
- 24 6. Take such actions as are necessary to ensure public
25 awareness of the existence and purpose of the services provided by
26 the director pursuant to this section; ~~and~~
- 27 7. In appropriate cases and pursuant to the direction of the
28 Governor, refer a complaint or the results of an investigation to the
29 Attorney General for further action ~~;~~; *and*
- 30 *8. Provide information to and applications for prescription*
31 *drug programs for consumers without insurance coverage for*
32 *prescription drugs or pharmaceutical services.*
- 33 **Sec. 6.** NRS 223.570 is hereby amended to read as follows:
34 223.570 1. The Director may:
35 (a) Within the limits of available money, employ:
36 (1) Such persons in the unclassified service of the State as he
37 determines to be necessary to carry out the provisions of this section
38 and NRS 223.560 and 223.580, including, without limitation, a
39 provider of health care, as that term is defined in NRS 449.581.
40 (2) Such additional personnel as may be required to carry out
41 the provisions of this section and NRS 223.560 and 223.580, who
42 must be in the classified service of the state.
43 A person employed pursuant to the authority set forth in this
44 subsection must be qualified by training and experience to perform
45 the duties for which the Director employs him.



1 (b) To the extent not otherwise prohibited by law, obtain such
2 information from consumers, injured employees, health care plans ,
3 *prescription drug programs* and policies of industrial insurance as
4 he determines to be necessary to carry out the provisions of this
5 section and NRS 223.560 and 223.580.

6 (c) Adopt such regulations as he determines to be necessary to
7 carry out the provisions of this section and NRS 223.560 and
8 223.580.

9 (d) *Apply for any available grants, accept any gifts, grants or*
10 *donations and use any such gifts, grants or donations to aid the*
11 *Office in carrying out its duties pursuant to subsection 8 of*
12 *NRS 223.560.*

13 2. The Director and his employees shall not have any conflict
14 of interest relating to the performance of their duties pursuant to this
15 section and NRS 223.560 and 223.580. For the purposes of this
16 subsection, a conflict of interest shall be deemed to exist if the
17 Director or employee, or any person affiliated with the Director or
18 employee:

19 (a) Has direct involvement in the licensing, certification or
20 accreditation of a health care facility, insurer or provider of health
21 care;

22 (b) Has a direct ownership interest or investment interest in a
23 health care facility, insurer or provider of health care;

24 (c) Is employed by, or participating in, the management of a
25 health care facility, insurer or provider of health care; or

26 (d) Receives or has the right to receive, directly or indirectly,
27 remuneration pursuant to any arrangement for compensation with a
28 health care facility, insurer or provider of health care.

