

ASSEMBLY BILL NO. 296—ASSEMBLYWOMEN KOIVISTO,  
SMITH AND MCCLAIN

MARCH 21, 2005

Referred to Committee on Health and Human Services

SUMMARY—Requires certain major hospitals to accept certain payments for provision of emergency services and care to certain patients as payment in full. (BDR 40-790)

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.

AN ACT relating to health care; requiring certain major hospitals to accept certain payments for the provision of emergency services and care to certain patients as payment in full; providing a penalty; 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 439B of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3     ***1. A major hospital shall accept payment for the provision of***  
4 ***emergency services and care to a patient in accordance with***  
5 ***subsection 2 if the patient:***

6     ***(a) Was transported to the major hospital for the provision of***  
7 ***emergency services and care:***

8     ***(1) By an ambulance, air ambulance or vehicle of a fire-***  
9 ***fighting agency which has received a permit to operate pursuant to***  
10 ***chapter 450B of NRS; and***

11     ***(2) Pursuant to:***

12     ***(I) A policy or protocol followed by the operator of the***  
13 ***ambulance or air ambulance or the fire-fighting agency that was***  
14 ***issued by the county or district board of health and which required***



1 *the patient to be transported to that major hospital, regardless of*  
2 *whether the patient was admitted to the hospital; or*

3 *(II) The request of the patient to be transported to the*  
4 *nearest hospital, if the patient was admitted to the hospital; and*

5 *(b) Has a policy of health insurance or other contractual*  
6 *provision with a third party:*

7 *(1) That provides coverage for emergency services and care*  
8 *through a contract between the entity that issues the policy of*  
9 *health insurance and at least 50 percent of the hospital systems in*  
10 *the county or through a contract between the third party and at*  
11 *least 50 percent of the hospital systems in the county;*

12 *(2) That does not provide coverage for emergency services*  
13 *and care provided by the major hospital to which the patient was*  
14 *transported through a contract between the entity that issues the*  
15 *policy of health insurance and the major hospital or through a*  
16 *contract between the third party and the major hospital; and*

17 *(3) That provided coverage for emergency services and care*  
18 *provided by the major hospital to which the patient was*  
19 *transported through a contract between the entity that issues the*  
20 *policy of health insurance and the major hospital which*  
21 *terminated within 18 months before the patient was transported or*  
22 *through a contract between the third party and the major hospital*  
23 *which terminated within 18 months before the patient was*  
24 *transported.*

25 *2. A major hospital that provides emergency services and care*  
26 *to a patient described in subsection 1:*

27 *(a) Shall accept as payment in full for such emergency services*  
28 *and care that are provided to the patient before the patient's*  
29 *condition has been stabilized to a degree that allows the transfer of*  
30 *the patient to another hospital without an additional risk to the*  
31 *patient the product of:*

32 *(1) One hundred and twenty-five percent of the overall*  
33 *payment rate for billed charges provided for in the most recent*  
34 *contract between the entity that issued the policy of health*  
35 *insurance of the patient and the major hospital or provided for in*  
36 *the most recent contract between the third party that provides*  
37 *coverage for the patient and the major hospital; and*

38 *(2) The amount of billed charges of the hospital for such*  
39 *emergency services and care on the date on which the most recent*  
40 *contract between the entity that issued the policy of health*  
41 *insurance of the patient and the major hospital or the contract*  
42 *between the third party that provides coverage for the patient and*  
43 *the major hospital expired or was terminated; and*

44 *(b) May require the patient to pay the same deductible or*  
45 *copayment or to satisfy other such conditions for coverage that are*



1 *required pursuant to any policy of insurance or other contractual*  
2 *provision between the third party and any other hospital in this*  
3 *State for the provision of emergency services and care.*

4 3. As used in this section:

5 (a) "Air ambulance" has the meaning ascribed to it in  
6 NRS 450B.030.

7 (b) "Ambulance" has the meaning ascribed to it in  
8 NRS 450B.040.

9 (c) "Emergency services and care" means medical screening,  
10 examination and evaluation by a physician or, to the extent  
11 permitted by a specific statute, by a person under the supervision  
12 of a physician to determine if an emergency medical condition or  
13 active labor exists and, if it does, the care, treatment and surgery  
14 by a physician necessary to relieve or eliminate the emergency  
15 medical condition or active labor, within the capability of the  
16 hospital, regardless of the area of the hospital in which the  
17 services and care are provided. As used in this paragraph:

18 (I) "Active labor" means, in relation to childbirth, labor  
19 that occurs when:

20 (I) There is inadequate time before delivery to transfer  
21 the patient safely to another hospital; or

22 (II) A transfer may pose a threat to the health and safety  
23 of the patient or the unborn child.

24 (2) "Emergency medical condition" means the presence of  
25 acute symptoms of sufficient severity, including severe pain, such  
26 that the absence of immediate medical attention could reasonably  
27 be expected to result in:

28 (I) Placing the health of the patient in serious jeopardy;

29 (II) Serious impairment of bodily functions; or

30 (III) Serious dysfunction of any bodily organ or part.

31 (d) "Fire-fighting agency" has the meaning ascribed to it in  
32 NRS 450B.072.

33 (e) "Health insurance" means insurance offered pursuant to  
34 chapter 689A, 689B, 689C, 695A, 695B, 695C or 695G of NRS.

35 (f) "Hospital system" means a business entity or governmental  
36 entity that owns or operates one or more hospitals in a county, at  
37 least one of which has 100 or more beds.

38 (g) "Major hospital" means a hospital with 100 or more beds  
39 in a county whose population is 400,000 or more which has an  
40 emergency room or which has been designated as a center for the  
41 treatment of trauma by the Administrator of the Health Division of  
42 the Department pursuant to NRS 450B.237.

43 (h) "Third party" includes, without limitation:

44 (I) An entity that offers policies of health insurance;



1           (2) *An employee health benefit plan which provides*  
2 *coverage for emergency services and care at a major hospital;*

3           (3) *A participating public agency, as that term is defined in*  
4 *NRS 287.04052 and any other local governmental agency of the*  
5 *State of Nevada which provides a system of health insurance for*  
6 *the benefit of its officers and employees, and the dependents of*  
7 *officers and employees pursuant to chapter 287 of NRS; and*

8           (4) *Any other health insurer or organization providing*  
9 *comprehensive health coverage or benefits in accordance with*  
10 *state or federal law.*

11       ↪ *The term “third party” does not include an insurer or*  
12 *organization that provides coverage for emergency services and*  
13 *care only incidentally to providing other coverage, including,*  
14 *without limitation, coverage issued as a supplement to liability*  
15 *insurance and automobile medical payment insurance.*

16       **Sec. 2.** 1. The Legislative Committee on Health Care shall:

17       (a) Include in any comprehensive plan concerning the provision  
18 of health care in this State that it develops during the interim a  
19 review of the coverage of and payment for emergency services and  
20 care provided in this State; and

21       (b) Determine whether any legislation is needed to address  
22 issues concerning the coverage of and payment for emergency  
23 services and care provided in this State and submit any  
24 recommendations for such legislation to the 74th Session of the  
25 Nevada Legislature.

26       2. As used in this section, “emergency services and care” has  
27 the meaning ascribed to it in paragraph (c) of subsection 3 of section  
28 1 of this act.

29       **Sec. 3.** This act becomes effective on July 1, 2005.

