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FIRST REPRINT

S.B. 192

SENATE BILL NO. 192—SENATORS SPEARMAN, PARKS; DONDERO
LOOP, D. HARRIS, OHRENSCHALL AND WOODHOUSE

FEBRUARY 18, 2019

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to health care.
(BDR 53-781)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 health care; prescribing certain requirements for health benefits for the purpose of determining the minimum wage required to be paid to employees in private employment in this State; requiring a hospital to provide notice to a patient of certain rights; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Section 16 of Article 15 of the Nevada Constitution requires each employer in
2 this State to pay a certain minimum wage to each employee of the employer. Under
3 this provision of the Nevada Constitution, if an employer offers health benefits to
4 an employee and his or her dependents, the minimum wage required to be paid to
5 the employee is lower than the minimum wage otherwise required to be paid to the
6 employee. (Nev. Const. Art. 15, § 16) **Section 1** of this bill establishes the
7 minimum level of health benefits that an employer is required to make available to
8 an employee and his or her dependents for the purpose of determining whether the
9 employer is authorized to pay the lower minimum wage to the employee.

10 Existing law requires a hospital to provide certain information, including notice
11 of certain rights of a patient, notice of the existence of the Bureau for Hospital
12 Patients and an explanation of the services offered by the Bureau, to a patient upon
13 admission. (NRS 449A.118) **Section 18.5** of this bill additionally requires a
14 hospital to provide notice of the patient's right to: (1) make a complaint to certain
15 persons and entities; and (2) designate a caregiver to whom the hospital must
16 provide instructions concerning aftercare. (NRS 449A.300-449A.330)



* S B 1 9 2 R 1 *

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

1 **Section 1.** Chapter 608 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *For the purpose of determining the minimum wage that may be*
4 *paid per hour to an employee in private employment pursuant to*
5 *Section 16 of Article 15 of the Nevada Constitution and NRS*
6 *608.250, an employer:*

7 1. *Provides health benefits as described in Section 16 of*
8 *Article 15 of the Nevada Constitution only if the employer makes*
9 *available to the employee and the employee's dependents:*

10 (a) *At least one health benefit plan that provides:*

11 (1) *Coverage for services in each of the following*
12 *categories and the items and services covered within the following*
13 *categories:*

14 (I) *Ambulatory patient services;*

15 (II) *Emergency services;*

16 (III) *Hospitalization;*

17 (IV) *Maternity and newborn care;*

18 (V) *Mental health and substance use disorder services,*
19 *including, without limitation, behavioral health treatment;*

20 (VI) *Prescription drugs;*

21 (VII) *Rehabilitative and habilitative services and*
22 *devices;*

23 (VIII) *Laboratory services;*

24 (IX) *Preventative and wellness services and chronic*
25 *disease management;*

26 (X) *Pediatric services, which are not required to include*
27 *oral and vision care; and*

28 (XI) *Any other health care service or coverage level*
29 *required to be included in an individual or group health benefit*
30 *plan pursuant to any applicable provision of title 57 of NRS; and*

31 (2) *A level of coverage that is designed to provide benefits*
32 *that are actuarially equivalent to at least 60 percent of the full*
33 *actuarial value of the benefits provided under the plan; or*

34 (b) *Health benefits pursuant to a Taft-Hartley trust which is*
35 *formed pursuant to 29 U.S.C. § 186(c)(5) and qualifies as an*
36 *employee welfare benefit plan pursuant to:*

37 (1) *The Employee Retirement Income Security Act of 1974,*
38 *29 U.S.C. §§ 1001 et seq.; or*

39 (2) *The provisions of the Internal Revenue Code; and*

40 2. *Does not provide health benefits as described in Section 16*
41 *of Article 15 of the Nevada Constitution if the employer makes*
42 *available to the employee and the employee's dependents a*



1 *hospital-indemnity insurance plan or fixed-indemnity insurance*
2 *plan unless the employer separately makes available to the*
3 *employee and the employee's dependents at least one health*
4 *benefit plan that complies with the requirements of*
5 *subsection 1.*

6 3. *As used in this section, "health benefit plan" has the*
7 *meaning ascribed to it in NRS 687B.470.*

8 **Sec. 2.** (Deleted by amendment.)

9 **Sec. 3.** NRS 444.300 is hereby amended to read as follows:

10 444.300 Any person employed by a children's camp on a
11 written contract basis for a specified term longer than 1 week is
12 exempt from the provisions of NRS 608.250 to 608.290, inclusive,
13 *and section 1 of this act* and chapter 609 of NRS relating to daily
14 and weekly hours of labor only if such camp is operated by a
15 nonprofit organization which is exempt from federal income tax
16 under I.R.C. § 501.

17 **Sec. 4.** (Deleted by amendment.)

18 **Sec. 5.** (Deleted by amendment.)

19 **Sec. 6.** (Deleted by amendment.)

20 **Sec. 7.** (Deleted by amendment.)

21 **Sec. 8.** (Deleted by amendment.)

22 **Sec. 9.** (Deleted by amendment.)

23 **Sec. 10.** (Deleted by amendment.)

24 **Sec. 11.** (Deleted by amendment.)

25 **Sec. 12.** (Deleted by amendment.)

26 **Sec. 13.** (Deleted by amendment.)

27 **Sec. 14.** (Deleted by amendment.)

28 **Sec. 15.** (Deleted by amendment.)

29 **Sec. 16.** (Deleted by amendment.)

30 **Sec. 17.** (Deleted by amendment.)

31 **Sec. 18.** (Deleted by amendment.)

32 **Sec. 18.5.** NRS 449A.118 is hereby amended to read as
33 follows:

34 449A.118 1. Every medical facility and facility for the
35 dependent shall inform each patient or the patient's legal
36 representative, upon the admission of the patient to the facility, of
37 the patient's rights as listed in NRS 449A.100 and 449A.106 to
38 449A.115, inclusive.

39 2. In addition to the requirements of subsection 1, if a person
40 with a disability is a patient at a facility, as that term is defined in
41 NRS 449A.218, the facility shall inform the patient of his or her
42 rights pursuant to NRS 449A.200 to 449A.263, inclusive.

43 3. In addition to the requirements of subsections 1 and 2, every
44 hospital shall, upon the admission of a patient to the hospital,
45 provide to the patient or the patient's legal representative **[a]**:



1 (a) *Notice of the right of the patient to:*

2 (1) *Designate a caregiver pursuant to NRS 449A.300 to*
3 *449A.330, inclusive; and*

4 (2) *Express complaints and grievances as described in*
5 *paragraphs (b) to (f), inclusive;*

6 (b) *The name and contact information for persons to whom*
7 *such complaints and grievances may be expressed, including,*
8 *without limitation, a patient representative or hospital social*
9 *worker;*

10 (c) *Instructions for filing a complaint with the Division;*

11 (d) *The name and contact information of any entity*
12 *responsible for accrediting the hospital;*

13 (e) A written disclosure approved by the Director of the
14 Department of Health and Human Services, which written
15 disclosure must set forth:

16 ~~[(a)]~~ (1) Notice of the existence of the Bureau for Hospital
17 Patients created pursuant to NRS 232.462;

18 ~~[(b)]~~ (2) The address and telephone number of the Bureau; and

19 ~~[(e)]~~ (3) An explanation of the services provided by the Bureau,
20 including, without limitation, the services for dispute resolution
21 described in subsection 3 of NRS 232.462 ~~[(h)]~~; and

22 (f) *Contact information for any other state or local entity that*
23 *investigates complaints concerning the abuse or neglect of*
24 *patients.*

25 4. In addition to the requirements of subsections 1, 2 and 3,
26 every hospital shall, upon the discharge of a patient from the
27 hospital, provide to the patient or the patient's legal representative a
28 written disclosure approved by the Director, which written
29 disclosure must set forth:

30 (a) If the hospital is a major hospital:

31 (1) Notice of the reduction or discount available pursuant to
32 NRS 439B.260, including, without limitation, notice of the criteria a
33 patient must satisfy to qualify for a reduction or discount under that
34 section; and

35 (2) Notice of any policies and procedures the hospital may
36 have adopted to reduce charges for services provided to persons or
37 to provide discounted services to persons, which policies and
38 procedures are in addition to any reduction or discount required to
39 be provided pursuant to NRS 439B.260. The notice required by this
40 subparagraph must describe the criteria a patient must satisfy to
41 qualify for the additional reduction or discount, including, without
42 limitation, any relevant limitations on income and any relevant
43 requirements as to the period within which the patient must arrange
44 to make payment.



1 (b) If the hospital is not a major hospital, notice of any policies
2 and procedures the hospital may have adopted to reduce charges for
3 services provided to persons or to provide discounted services to
4 persons. The notice required by this paragraph must describe the
5 criteria a patient must satisfy to qualify for the reduction or
6 discount, including, without limitation, any relevant limitations on
7 income and any relevant requirements as to the period within which
8 the patient must arrange to make payment.

9 ↪ As used in this subsection, “major hospital” has the meaning
10 ascribed to it in NRS 439B.115.

11 5. In addition to the requirements of subsections 1 to 4,
12 inclusive, every hospital shall post in a conspicuous place in each
13 public waiting room in the hospital a legible sign or notice in 14-
14 point type or larger, which sign or notice must:

15 (a) Provide a brief description of any policies and procedures the
16 hospital may have adopted to reduce charges for services provided
17 to persons or to provide discounted services to persons, including,
18 without limitation:

19 (1) Instructions for receiving additional information
20 regarding such policies and procedures; and

21 (2) Instructions for arranging to make payment;

22 (b) Be written in language that is easy to understand; and

23 (c) Be written in English and Spanish.

24 **Sec. 19.** 1. This act becomes effective upon passage and
25 approval for the purpose of adopting regulations and performing any
26 other administrative tasks that are necessary to carry out the
27 provisions of this act and on January 1, 2020, for all other purposes.

28 2. The amendatory provisions of section 1 of this act expire by
29 limitation on November 24, 2020, if the provisions of Senate Joint
30 Resolution No. 6 of the 79th Session of the Nevada Legislature
31 (2017) are agreed to and passed by the 2019 Legislature and
32 approved and ratified by the voters at the 2020 General Election.

