

Amendment No. 353

Senate Amendment to Senate Bill No. 192	(BDR 40-749)
<b>Proposed by:</b> Senate Committee on Health and Human Services	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.





SENATE BILL NO. 192—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

FEBRUARY 22, 2023

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to county hospitals. (BDR 40-749)

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 county hospitals; revising provisions governing meetings of a board of hospital trustees; revising certain provisions related to a hospital advisory board; authorizing a board of hospital trustees or hospital governing board to employ dentists; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes a county or group of counties to establish a public hospital. (NRS 450.020) Existing law also: (1) provides for a board of hospital trustees for a public hospital, which has general powers and duties relating to establishing and maintaining a public hospital; (2) authorizes the appointment of a hospital advisory board in counties where the board of county commissioners is the board of hospital trustees; and (3) requires such a hospital advisory board to exercise the powers and duties delegated to it by the board of hospital trustees. (NRS 450.070, 450.150, 450.175) **Section 2** of this bill changes the name of a “hospital advisory board” to a “hospital governing board” and requires such a board to adopt bylaws and related policies and procedures.

Existing law requires a board of hospital trustees to hold meetings and authorizes the board of hospital trustees to hold a closed meeting to discuss providing or expanding a health care service or acquiring or expanding a facility. (NRS 450.140) **Section 1** of this bill also authorizes a board of hospital trustees or a hospital governing board to hold a closed meeting to discuss: (1) privileged or confidential matters before an organized committee of a county hospital ~~[, including, without limitation, deliberations of]~~ in deliberating the character, alleged misconduct, professional competence, or physical or mental health of a provider of health care; and (2) a report related to the compliance of the county hospital with all laws, regulations and rulemaking guidance of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services or a report related to any conditions of participation in the Medicare or Medicaid programs. **Section 3** of this bill makes a conforming change to exempt a closed meeting held pursuant to **section 1** from the Open Meeting Law.

Existing law authorizes a board of hospital trustees of a public hospital to employ physicians and interns on a full-time or part-time basis, and fix their compensations. (NRS 450.180) Section 2.5 of this bill authorizes a board of hospital trustees or any hospital governing board appointed pursuant to section 1 to employ dentists and fix their compensation.

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

1       **Section 1.** NRS 450.140 is hereby amended to read as follows:

2       450.140 1. The board of hospital trustees shall hold meetings at least once  
3 each month, and shall keep a complete record of all its transactions.

4       2. Except as otherwise provided in NRS 241.0355:

5       (a) In counties where three county commissioners are not members of the  
6 board, three members of the board constitute a quorum for the transaction of  
7 business.

8       (b) And except as otherwise provided in paragraph (c), in counties where three  
9 county commissioners are members of the board, any five of the members  
10 constitute a quorum for the transaction of business.

11       (c) In counties where the board of county commissioners is the board of  
12 hospital trustees, a majority of the board constitutes a quorum for the transaction of  
13 business.

14       3. The board of hospital trustees *or any hospital governing board appointed*  
15 *pursuant to NRS 450.175* may hold a closed meeting *exempt from the provisions*  
16 *of chapter 241 of NRS* to discuss:

17       (a) Providing a new health care service at the county hospital or materially  
18 expanding a health care service that is currently provided by the county hospital;  
19 ~~or~~

20       (b) The acquisition of an additional facility by the county hospital or the  
21 material expansion of an existing facility of the county hospital ~~or~~;

22       (c) ~~Matters before a review committee, including, without limitation,~~  
23 ~~deliberations of~~ *to deliberate the character, alleged misconduct, professional*  
24 *competence or physical or mental health of a provider of health care; or*

25       (d) *A report related to:*

26       (1) *The compliance of the county hospital with all laws, regulations and*  
27 *rulemaking guidance of the Centers for Medicare and Medicaid Services of the*  
28 *United States Department of Health and Human Services; or*

29       (2) *Any conditions of participation in the Medicare or Medicaid*  
30 *programs.*

31       4. Subsection 3 must not be construed to authorize the board of hospital  
32 trustees *or the hospital governing board* to hold a closed meeting to discuss a  
33 change of management or ownership or the dissolution of the county hospital.

34       5. ~~Minutes~~ *Except as otherwise provided in this subsection, minutes* of a  
35 closed meeting held pursuant to subsection 3, any supporting material and any  
36 recording or transcript of the closed meeting become public records 5 years after  
37 the date on which the meeting is held or when the board of hospital trustees *or*  
38 *hospital governing board, as applicable,* determines that the matters discussed no  
39 longer require confidentiality, whichever occurs first. *Minutes of a closed meeting*  
40 *held pursuant to subsection 3, any supporting material and any recording or*  
41 *transcript of the closed meeting that contains privileged information are not*  
42 *public records. Nothing in this section shall be construed to limit the disclosure of*  
43 *information that is discoverable as part of a legal proceeding or pursuant to court*  
44 *order.*

45       6. *As used in this section:*

46       (a) *“Provider of health care” has the meaning ascribed to it in NRS 629.031;*  
47 *and*

48       (b) *“Review committee” has the meaning ascribed to it in NRS 49.117.*

1       **Sec. 2.** NRS 450.175 is hereby amended to read as follows:

2       450.175 1. In counties where the board of county commissioners is the  
3 board of hospital trustees, the board of hospital trustees may appoint a hospital  
4 ~~advisory~~ **governing** board which shall exercise *only the* powers and duties  
5 delegated to the ~~advisory~~ **governing** board by the board of hospital trustees. *In*  
6 *counties in which the board of hospital trustees appoints a hospital governing*  
7 *board, the governing board is the governing body of the county hospital when*  
8 *exercising powers and duties delegated to the governing board pursuant to this*  
9 *chapter.*

10       2. Members of a hospital ~~advisory~~ **governing** board must be appointed by a  
11 majority vote of the board of hospital trustees and shall serve at the pleasure of the  
12 board.

13       3. Members of the hospital ~~advisory~~ **governing** board may receive  
14 compensation for their services in an amount not to exceed \$500 per month.

15       4. *The hospital governing board shall adopt bylaws and related policies and*  
16 *procedures consistent with this chapter and all applicable ordinances.*

17       **Sec. 2.5.** NRS 450.180 is hereby amended to read as follows:

18       450.180 The board of hospital trustees or any hospital governing board  
19 appointed pursuant to NRS 450.175 may:

20       1. Appoint a chief executive officer and necessary assistants, and fix their  
21 compensations.

22       2. Employ physicians, ~~and~~ interns ~~and~~ **dentists**, either full-time or part-  
23 time, as the board determines necessary, and fix their compensations.

24       3. Remove those appointees and employees.

25       4. Control the admission of physicians and interns to the staff by  
26 promulgating appropriate rules, regulations and standards governing those  
27 appointments.

28       5. Contract with individual physicians or private medical associations for the  
29 provision of certain medical services as may be required by the hospital.

30       **Sec. 3.** NRS 241.016 is hereby amended to read as follows:

31       241.016 1. The meetings of a public body that are quasi-judicial in nature  
32 are subject to the provisions of this chapter.

33       2. The following are exempt from the requirements of this chapter:

34       (a) The Legislature of the State of Nevada.

35       (b) Judicial proceedings, including, without limitation, proceedings before the  
36 Commission on Judicial Selection and, except as otherwise provided in NRS  
37 1.4687, the Commission on Judicial Discipline.

38       (c) Meetings of the State Board of Parole Commissioners when acting to grant,  
39 deny, continue or revoke the parole of a prisoner or to establish or modify the terms  
40 of the parole of a prisoner.

41       3. Any provision of law, including, without limitation, NRS 91.270,  
42 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690,  
43 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220,  
44 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495,  
45 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671,  
46 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774,  
47 **450.140**, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635,  
48 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:

49       (a) Provides that any meeting, hearing or other proceeding is not subject to the  
50 provisions of this chapter; or

51       (b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,  
52       ↳ prevails over the general provisions of this chapter.

1           4. The exceptions provided to this chapter, and electronic communication,  
2 must not be used to circumvent the spirit or letter of this chapter to deliberate or act,  
3 outside of an open and public meeting, upon a matter over which the public body  
4 has supervision, control, jurisdiction or advisory powers.

5           **Sec. 4.** 1. Any administrative regulations adopted by an officer, agency or  
6 other entity whose name has changed or whose responsibilities have been  
7 transferred pursuant to the provisions of this act to another officer, agency or other  
8 entity to which the responsibility for the adoption of the regulations has been  
9 transferred.

10           2. Any contracts or other agreements entered into by an officer, agency or  
11 other entity whose name has been changed or whose responsibilities have been  
12 transferred pursuant to the provisions of this act to another officer, agency or entity  
13 are binding upon the officer, agency or other entity to which the responsibility for  
14 the administration of the provisions of the contract or other agreement have been  
15 transferred. Such contracts and other agreements may be enforced by the officer,  
16 agency, or other entity to which the responsibility for enforcement of the provisions  
17 of the contract or other agreement has been transferred.

18           3. Any action taken by an officer, agency or other entity whose name has  
19 been changed or whose responsibilities have been transferred pursuant to the  
20 provisions of this act to another officer, agency or entity remains in effect as if  
21 taken by the officer, agency or other entity to which the responsibility for the  
22 enforcement of such actions has been transferred.

23           **Sec. 5.** The Legislative Counsel shall:

24           1. In preparing the reprint and supplements to the Nevada Revised Statutes,  
25 appropriately change any references to an officer, agency or other entity whose  
26 name is changed or whose responsibilities are transferred pursuant to the provisions  
27 of this act to refer to the appropriate officer, agency or entity.

28           2. In preparing supplements to the Nevada Administrative Code,  
29 appropriately change only references to an officer, agency or other entity whose  
30 name is changed or whose responsibilities are transferred pursuant to the provisions  
31 of this act to refer to the appropriate officer, agency or other entity.