

Amendment No. 716

Assembly Amendment to Senate Bill No. 192 First Reprint (BDR 40-749)

Proposed by: Assembly Committee on Health and Human Services

Amendment Box: Replaces Amendment No. 649.

Amends: Summary: Yes 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 ~~and~~ and county hospital districts. (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; authorizing the board of trustees of a county hospital district to hold closed meetings under certain circumstances; revising provisions governing meetings of a board of hospital trustees ~~of a county hospital;~~ revising certain provisions related to a hospital advisory board; authorizing a board of hospital trustees or hospital governing board to employ dentists; revises certain exemptions governing unprofessional conduct by a dentist employed by a board of hospital trustees or hospital governing board; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

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

10 Existing law requires a board of hospital trustees of a county hospital to hold meetings
11 and authorizes the board of hospital trustees to hold a closed meeting to discuss providing or
12 expanding a health care service or acquiring or expanding a facility. (NRS 450.140) **Section**
13 ~~1.5~~ 1.5 of this bill also authorizes a board of hospital trustees or a hospital governing board to
14 hold a closed meeting to discuss: (1) privileged or confidential matters before an organized
15 committee of a county hospital in deliberating the character, alleged misconduct, professional
16 competence, or physical or mental health of a provider of health care; and (2) ~~fa report related~~
17 ~~to the compliance of the county hospital with all laws, regulations and rulemaking guidance of~~
18 ~~the Centers for Medicare and Medicaid Services of the United States Department of Health~~
19 ~~and Human Services or a report related to any conditions of participation in the Medicare or~~
20 ~~Medicaid programs.]~~ matters related to a medical audit or the quality assurance
21 programs of the county hospital.

Section 1 of this bill authorizes a board of trustees of a county hospital district to hold a closed meeting for the same purposes as a board of hospital trustees of a county hospital. Section 1 also provides that the records of such a closed meeting become public records 5 years after the date of the meeting or when the board of trustees determines that confidentiality is no longer required, whichever is first, and defines the terms “provider of health care” and “review committee” for purposes of section 1.

Section 3 of this bill makes a conforming change to exempt a closed meeting held pursuant to ~~section 1~~ sections 1 and 1.5 from the Open Meeting Law. Sections 2.7 and 2.9 of this bill make conforming changes to indicate the proper placement of section 1 in the Nevada Revised Statutes.

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~~ 2 to employ dentists and fix their compensation. Section 3.5 of this bill exempts such a dentist from a prohibition against associating with or being employed by certain unlicensed persons under certain circumstances.

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

Section 1. Chapter 450 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of trustees may hold a closed meeting exempt from the provisions of chapter 241 of NRS to discuss:

(a) Providing a new health care service in the county hospital district or materially expanding a health care service that is currently provided in the county hospital district;

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

(c) Matters before a review committee to deliberate the character, alleged misconduct, professional competence or physical or mental health of a provider of health care; or

(d) Matters related to a medical audit or the quality assurance programs of the county hospital district.

2. The provisions of subsection 1 must not be construed to:

(a) Authorize the board of trustees to hold a closed meeting to discuss a change of management or ownership or the dissolution of the county hospital district; or

(b) Prohibit the public from obtaining a report that is otherwise available to the public pursuant to state or federal law.

3. Except as otherwise provided in this subsection, minutes of a closed meeting held pursuant to subsection 1, any supporting material and any recording or transcript of the closed meeting become public records 5 years after the date on which the meeting is held or when the board of trustees determines that the matters discussed no longer require confidentiality, whichever occurs first. Minutes of a closed meeting held pursuant to subsection 1, any supporting material and any recording or transcript of the closed meeting that contains privileged information are not public records. Nothing in this section shall be construed to limit the disclosure of information that is discoverable as part of a legal proceeding or pursuant to court order.

4. As used in this section:

(a) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

1 (b) "Review committee" has the meaning ascribed to it in NRS 49.117.

2 ~~[Section 1.]~~ **Sec. 1.5.** NRS 450.140 is hereby amended to read as follows:

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

5 2. Except as otherwise provided in NRS 241.0355:

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

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

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

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

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

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

23 (c) Matters before a review committee to deliberate the character, alleged
24 misconduct, professional competence or physical or mental health of a provider
25 of health care; or

26 (d) ~~[A report]~~ Matters related to ~~[;]~~

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

30 ~~— (2) Any conditions of participation in the Medicare or Medicaid~~
31 ~~programs.]~~ a medical audit or the quality assurance programs of the county
32 hospital.

33 4. ~~[Subsection]~~ The provisions of subsection 3 must not be construed to
34 ~~[authorize]~~ ;

35 (a) Authorize the board of hospital trustees or the hospital governing board to
36 hold a closed meeting to discuss a change of management or ownership or the
37 dissolution of the county hospital ~~[;]~~ ; or

38 (b) Prohibit the public from obtaining a report that is otherwise available to
39 the public pursuant to state or federal law.

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

51 6. As used in this section:

52 (a) "Provider of health care" has the meaning ascribed to it in NRS 629.031
53 ~~[; and]~~

1 *(b) "Review committee" has the meaning ascribed to it in NRS 49.117.*

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

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

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

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

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

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

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

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

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

25 3. Remove those appointees and employees.

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

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

31 **Sec. 2.7.** NRS 450.550 is hereby amended to read as follows:

32 450.550 As used in NRS 450.550 to 450.760, inclusive, and section 1 of this
33 act, unless the context otherwise requires:

34 1. "Board of trustees" means:

35 (a) A board of hospital trustees:

36 (1) Elected pursuant to NRS 450.620 and a physician who is appointed
37 pursuant to subsection 1 of NRS 450.640, if applicable; or

38 (2) Appointed pursuant to NRS 450.625 and a physician who is appointed
39 pursuant to subsection 1 of NRS 450.640, if applicable; or

40 (b) A board of county commissioners, if that board enacts an ordinance which
41 provides that the board of county commissioners is, ex officio, the board of hospital
42 trustees, and a physician who is appointed pursuant to subsection 1 of NRS
43 450.640, if applicable.

44 2. "District hospital" means a hospital constructed, maintained and governed
45 pursuant to NRS 450.550 to 450.760, inclusive.

46 **Sec. 2.9.** NRS 450.590 is hereby amended to read as follows:

47 450.590 1. Except as otherwise provided in subsection 3, if 25 percent or
48 more of the holders of title or evidence of title to lands lying within the proposed
49 district, whose names appear as such upon the last county assessment roll, present a
50 petition to the board of county commissioners of the county in which the land lies,
51 setting forth the exterior boundaries of the proposed district and asking that the
52 district so described be established within a county hospital district pursuant to the
53 provisions of NRS 450.550 to 450.750, inclusive, and section 1 of this act, the

1 board of county commissioners shall adopt a resolution declaring the intention of
2 the board to include the territory within a county hospital district, naming the
3 district and describing its exterior boundaries.

4 2. The resolution must:

5 (a) Fix a time and place for the hearing of the proposed establishment of the
6 district not less than 30 days after its adoption.

7 (b) Direct the clerk of the board of county commissioners to publish:

8 (1) The notice of intention of the board of county commissioners to
9 establish the county hospital district; and

10 (2) The time and place fixed for the hearing.

11 (c) Designate that the notice must be published in a newspaper of general
12 circulation published in the county and circulated in the proposed county hospital
13 district, or if there is no newspaper so published and circulated, then in a newspaper
14 of general circulation circulated in the proposed district.

15 3. The provisions of this section do not apply to a proposed hospital district if
16 it includes territory within more than one county.

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

18 241.016 1. The meetings of a public body that are quasi-judicial in nature
19 are subject to the provisions of this chapter.

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

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

22 (b) Judicial proceedings, including, without limitation, proceedings before the
23 Commission on Judicial Selection and, except as otherwise provided in NRS
24 1.4687, the Commission on Judicial Discipline.

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

28 3. Any provision of law, including, without limitation, NRS 91.270,
29 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690,
30 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220,
31 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495,
32 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671,
33 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774,
34 **450.140**, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635,
35 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725 **and**
36 **section 1 of this act**, which:

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

39 (b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,
40 **↪** prevails over the general provisions of this chapter.

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

45 **Sec. 3.5.** **NRS 631.3465 is hereby amended to read as follows:**

46 631.3465 The following acts, among others, constitute unprofessional
47 conduct:

48 1. Dividing fees or agreeing to divide fees received for services with any
49 person for bringing or referring a patient, without the knowledge of the patient or
50 his or her legal representative, but licensed dentists are not prohibited from:

51 (a) Practicing in a partnership and sharing professional fees;

52 (b) Employing another licensed dentist, dental hygienist or dental therapist; or

1 (c) Rendering services as a member of a nonprofit professional service
2 corporation.

3 2. Associating with or lending his or her name to any person engaged in the
4 illegal practice of dentistry or associating with any person, firm or corporation
5 holding himself, herself or itself out in any manner contrary to the provisions of this
6 chapter.

7 3. Associating with or being employed by a person not licensed pursuant to
8 this chapter if that person exercises control over the services offered by the dentist,
9 owns all or part of the dentist's practice or receives or shares the fees received by
10 the dentist. The provisions of this subsection do not apply to a dentist who
11 ~~associates~~ :

12 (a) Associates with or is employed by a person who owns or controls a dental
13 practice pursuant to NRS 631.385 ~~§~~ ; or

14 (b) Is employed by a board of hospital trustees or a hospital governing board
15 pursuant to NRS 450.180.

16 4. Using the name "clinic," "institute," "referral services" or other title or
17 designation that may suggest a public or semipublic activity.

18 5. Practicing under the name of a dentist who has not been in active practice
19 for more than 1 year.

20 **Sec. 4.** 1. Any administrative regulations adopted by an officer, agency or
21 other entity whose name has changed or whose responsibilities have been
22 transferred pursuant to the provisions of this act to another officer, agency or other
23 entity to which the responsibility for the adoption of the regulations has been
24 transferred.

25 2. Any contracts or other agreements entered into by an officer, agency or
26 other entity whose name has been changed or whose responsibilities have been
27 transferred pursuant to the provisions of this act to another officer, agency or entity
28 are binding upon the officer, agency or other entity to which the responsibility for
29 the administration of the provisions of the contract or other agreement have been
30 transferred. Such contracts and other agreements may be enforced by the officer,
31 agency, or other entity to which the responsibility for enforcement of the provisions
32 of the contract or other agreement has been transferred.

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

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

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

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