

Amendment No. 357

Senate Amendment to Senate Bill No. 419	(BDR 40-748)
<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	

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 419 (§§ 6, 28, 29, 45).
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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.

EWR/AAK



Date: 4/24/2023

S.B. No. 419—Makes revisions relating to public health. (BDR 40-748)





SENATE BILL NO. 419—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

MARCH 27, 2023

Referred to Committee on Health and Human Services

SUMMARY—Makes revisions relating to public health. (BDR 40-748)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 6, 28, 29, 45)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 public health; requiring the adoption of a framework for the electronic transmittal, maintenance and exchange of certain health information; requiring governmental entities, health care providers, insurers and insurance administrators to maintain, transmit and exchange health information electronically; ~~requiring the suspension of the license, certificate, registration or similar credential of~~ **authorizing the imposition of certain discipline against** a health care provider, insurer or insurance administrator that fails to comply with that requirement; removing authorization to establish a statewide health information exchange; clarifying that certain persons are immune from certain criminal and civil liability for transmitting, accessing, utilizing or disclosing electronic health records in accordance with existing law; establishing and prescribing the duties of the Chief Data Officer of the Nevada Innovation Hub, the Nevada Innovation Hub and the Medicaid Outreach Advisory Committee; authorizing a business to receive a partial abatement of certain taxes under certain conditions; ~~authorizing certain persons to enroll in Medicaid;~~ **requiring the establishment of certain programs to make health coverage more accessible to certain persons;** requiring the Joint Interim Standing Committee on Health and Human Services to ~~study the feasibility of providing certain coverage under Medicaid;~~ **conduct certain studies;** requiring the Department of Health and Human Services to evaluate certain issues and take certain actions relating to its workforce; making an appropriation; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Director of the Department of Health and Human Services to adopt regulations governing health information exchanges and the transmittal, ownership, management, use and confidentiality of electronic health records. (NRS 439.587, 439.589) **Section 6** of this bill requires the Director to prescribe by regulation a framework for the electronic maintenance, transmittal and exchange of electronic health records, prescriptions and health-related information. **Section 6** requires that framework to establish standards for networks and technologies to be used to maintain, transmit and exchange health information, including standards that require: (1) the ability for patients to access and forward their records; and (2) the interoperability of such networks and technologies. **Section 60** of this bill requires the Director to convene an advisory group to advise the Director in the adoption of those standards. With certain exceptions, **sections 6, 28, 29, 45 and 63** of this bill require all governmental entities, health care providers, insurers, pharmacy benefit managers and other insurance administrators to maintain, transmit and exchange health information electronically in accordance with those standards and other provisions governing electronic health records, beginning on: (1) July 1, 2024, for hospitals and physician group practices; and (2) July 1, 2025, for governmental entities, other health care providers, insurers, pharmacy benefit managers and other insurance administrators. **Section 57** of this bill appropriates money to award grants to certain providers of health care and health care facilities for the purposes of complying with that requirement. **Sections 2 and 6** of this bill provide that a health care provider, insurer, pharmacy benefit manager or other insurance administrator that fails to comply with that requirement is not guilty of a misdemeanor. Instead, **section 1** of this bill requires the Department ~~to, after notice and the opportunity for a hearing,~~ to notify any regulatory body that has issued a license, certificate, registration, permit or similar credential to a health care provider, insurer, pharmacy benefit manager or other insurance administrator if the holder of the credential fails to comply with that requirement. ~~Sections 15, 49 and 54 of this bill provide that such a suspension is not subject to certain procedure that ordinarily applies to the suspension of the license of a health care facility or the suspension of the certificate of authority of an insurer. Sections 1, 9, 17, 45, 47, 50 and 53 prescribe a similar process to reinstate a suspended credential if the Department determines that the holder has come into compliance with the requirement to maintain, transmit and exchange health information electronically.~~ **After receiving such notice, sections 9, 17, 45, 47, 50 and 53** of this bill ~~require~~ **authorize** a regulatory body to ~~immediately suspend a credential issued to such a provider, insurer, pharmacy benefit manager or other insurance administrator upon receiving such notice.~~ **impose corrective action or an administrative penalty on the health care provider, insurer, pharmacy benefit manager or other insurance administrator.** **Section 1** requires the Department to **notify the relevant regulatory body if a health care provider, insurer, pharmacy benefit manager or other insurance administrator that was previously out of compliance with the requirement to maintain, transmit and exchange health information electronically comes into compliance with that requirement.** **Section 4** of this bill removes ~~the~~ ~~and (2)~~ ~~Section 4.5 of this bill removes~~ authorization for the Director to establish a statewide health information exchange ~~beginning on July 1, 2025.~~ ~~Sections 2-5, 2-4, 5, 8, 10-14, 16, 44, 46, 48, 51, 52, 55 and 56~~ of this bill make conforming changes to indicate the proper placement of **sections 1, 9, 47 and 50** in the Nevada Revised Statutes.

Existing law provides that a health care provider who with reasonable care relies upon an apparently genuine electronic health record accessed from a health information exchange to make a decision concerning the provision of health care to a patient is immune from civil or criminal liability for the decision if: (1) the electronic health record is inaccurate; (2) the inaccuracy was not caused by the health care provider; (3) the inaccuracy resulted in an inappropriate health care decision; and (4) the health care decision was appropriate based upon the information contained in the inaccurate electronic health record. (NRS 439.593) **Section 7** of this bill expands this immunity from liability to also apply to any health care provider who transmits, accesses, utilizes or discloses an apparently genuine electronic health record or provides such an electronic health record to a patient.

Existing law provides that providing information to an electronic health record in accordance with existing law is not an unfair trade practice. (NRS 439.595) **Section 8** of this

58 bill additionally provides that transmitting, accessing, utilizing or disclosing an electronic  
59 health record in accordance with existing law is not an unfair trade practice.

60 **Sections 22-24** of this bill establish the Nevada Innovation Hub within the Department of  
61 Health and Human Services. **Section 23** of this bill creates the position of Chief Data Officer  
62 to: (1) serve as the executive head of the Hub; (2) advise public health agencies regarding best  
63 practices for creating and maintaining data; and (3) coordinate planning concerning data  
64 analytics and transparency for the Department. **Section 24** of this bill requires the Hub to: (1)  
65 obtain information relating to public health from public health agencies and other persons and  
66 entities; and (2) establish and maintain a program to collect, analyze, exchange and make  
67 available such information. **Sections 24 and 27** of this bill provide for the confidentiality of  
68 personally identifiable information maintained by the Hub and information maintained by the  
69 Hub for which disclosure is prohibited by state or federal law. **Section 25** of this bill makes a  
70 conforming change to indicate the proper placement of **sections 22-24** in the Nevada Revised  
71 Statutes. ~~[Section 61 of this bill requires the Chief Data Officer to submit a report to the Joint  
72 Interim Standing Committee on Health and Human Services concerning the policies and  
73 procedures of the Hub.]~~

74 Existing law authorizes the Office of Economic Development to approve an abatement or  
75 partial abatement of certain property taxes, business taxes and sales and use taxes in certain  
76 circumstances. (NRS 274.310-274.330, 360.750-360.754) **Section 31** of this bill authorizes a  
77 person who intends to locate or expand a business ~~[in an academic medical district]~~ **in the**  
78 **health care industry** in this State to apply to the Office for a partial abatement of: (1) local  
79 sales and use taxes imposed on the purchase of tangible personal property used to provide  
80 health care or conduct scientific research; (2) certain property taxes imposed on the business;  
81 and (3) the excise tax on wages paid to employees performing services directly related to  
82 addressing critical medical and scientific needs, as defined by regulations adopted by the  
83 Office. **Section 31** requires the Office to grant such an application if: (1) the applicant enters  
84 into an agreement authorizing the Office to conduct audits of the applicant and to remain in  
85 business in this State for a certain period of time; and (2) the Office finds that the business  
86 meets certain requirements relating to wages and benefits for employees and economic  
87 activity in this State. Additionally, if the applicant is requesting a partial abatement of certain  
88 taxes imposed for the benefit of public schools, **section 31** requires the applicant to obtain the  
89 approval of a supermajority of the Board of Economic Development. **Section 31 requires the**  
90 **Office, when authorizing abatements, to prioritize businesses that will serve certain**  
91 **underserved populations.** ~~Sections [35, 36 and 37]~~ **35-37** of this bill establish the duration  
92 and amount of the abatements. **Sections 18-20, 30 and 32-34** of this bill make various  
93 changes so that a partial abatement granted pursuant to **section 31** is treated in the same  
94 manner as other similar abatements authorized by law.

95 Existing law authorizes a person who maintains or intends to locate a business in this  
96 State to apply to the Office for an abatement on certain taxes imposed on eligible machinery  
97 or equipment used by the business. (NRS 374.357) **Section 38** of this bill provides that  
98 equipment used for medical treatment is not eligible machinery or equipment for that purpose,  
99 thereby authorizing a business to obtain an abatement for certain taxes imposed on such  
100 equipment pursuant to **sections 31 and 35-37**.

101 With certain exceptions, existing federal and state law prohibits a person or governmental  
102 entity from providing a public benefit to an alien who is not legally present in the United  
103 States, except where a state law affirmatively provides for such eligibility. (8 U.S.C. § 1621;  
104 NRS 422.065, 422A.085) **Section 39** of this bill ~~[affirmatively]~~ requires the Director to  
105 ~~[include in the State Plan for Medicaid authorization for any person who otherwise qualifies~~  
106 ~~for Medicaid to enroll in Medicaid, regardless of his or her immigration or citizenship status.]~~  
107 **provide coverage under Medicaid for persons who qualify for the federal Deferred**  
108 **Action for Childhood Arrivals Program and meet all requirements to be eligible for**  
109 **Medicaid, except for the requirements governing immigration status. Section 39 also**  
110 **requires the Director to establish programs to provide coverage for: (1) persons under**  
111 **27 years of age who are not eligible for Medicaid because of their immigration status;**  
112 **and (2) prenatal, labor and delivery and postpartum care for mothers who are not**  
113 **eligible for Medicaid because of their immigration status.** **Section 43** of this bill removes  
114 the requirement that a person who is not a citizen or national of the United States must be a  
115 qualified alien under federal law to receive Medicaid. **Section 26** of this bill makes a

116 conforming change to indicate the proper placement of **section 39** in the Nevada Revised  
117 Statutes.

118 Under existing law, the Division of Welfare and Supportive Services of the Department  
119 administers provisions concerning applications for Medicaid and the Children's Health  
120 Insurance Program. (NRS 422A.3351, 422A.336) **Section 41** of this bill creates the Medicaid  
121 Outreach Advisory Committee within the Division. **Section 42** of this bill requires the  
122 Advisory Committee to: (1) advise the Department, the Division of Health Care Financing and  
123 Policy of the Department and the Division of Welfare and Supportive Services concerning  
124 outreach to, and maximizing enrollment in Medicaid and the Children's Health Insurance  
125 Program of, members of marginalized or underserved communities; and (2) annually post a  
126 report of the activities of the Advisory Committee on the Internet.

127 Existing law establishes the Silver State Health Insurance Exchange to facilitate the  
128 purchase of subsidized health plans by certain small employers and natural persons who  
129 are citizens of the United States or otherwise lawfully present in the United States.  
130 (Chapter 695I of NRS) Section 54.3 of this bill requires Executive Director of the  
131 Exchange, in collaboration with the Director of the Department of Health and Human  
132 Services, to apply for a federal waiver to authorize any natural person to purchase a  
133 qualified health plan on the Exchange, regardless of his or her immigration status, if the  
134 natural person otherwise qualifies to purchase such a plan on the Exchange. Section 54.6  
135 of this bill makes a conforming change to indicate that the waiver authorizes natural  
136 persons who are not lawfully present in the United States to purchase such qualified  
137 health plans.

138 **Section 58** of this bill requires the Joint Interim Standing Committee on Health and  
139 Human Services to study, during the 2023-2024 interim, the feasibility of including in the  
140 State Plan for Medicaid coverage of digital health products and the procedures for and costs of  
141 providing such coverage. Section 58.5 of this bill requires the Joint Interim Standing  
142 Committee to study, during the 2023-2024 interim: (1) the feasibility of and necessary  
143 steps for creating a natural persons index for this State; and (2) procedures governing  
144 data registries and ways to streamline the collection of data and reduce the burden of  
145 reporting requirements applicable to providers of health care. Section 59 of this bill  
146 requires the Department of Health and Human Services, during the 2023-2024 interim, to: (1)  
147 evaluate the workforce of the Department to determine whether adding, eliminating or  
148 revising the salary for any position within the Department would increase the effectiveness or  
149 efficiency of the operations of the Department; and (2) take any action recommended by the  
150 evaluation which does not require legislation unless the Director determines that the action is  
151 not feasible or advisable. **Section 59** also requires the Department to submit to the Legislature  
152 a report concerning the evaluation and actions resulting from the evaluation.

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

1 **Section 1.** Chapter 439 of NRS is hereby amended by adding thereto a new  
2 section to read as follows:

3 *1. The Department shall, ~~after notice and the opportunity for a hearing,~~*  
4 *notify each regulatory body of this State that has issued a current, valid license to*  
5 *a licensed provider or insurer if:*

6 *(a) The Department determines that the licensed provider or insurer is not in*  
7 *compliance with the requirements of subsection 4 of NRS 439.589; and*

8 *(b) The licensed provider or insurer:*

9 *(1) Is not exempt from those requirements pursuant to subsection 5 of*  
10 *NRS 439.589; and*

11 *(2) Has not received a waiver of those requirements pursuant to*  
12 *subsection 6 of NRS 439.589.*

13 *2. If the Department determines that a ~~holder of a license which has been~~*  
14 *~~suspended pursuant to NRS 629.051 or section 9, 17, 47, 50 or 53 of this act~~*

1 licensed provider or insurer for which notice was previously provided pursuant to  
 2 subsection 1 has come into compliance with the requirements of subsection 4 of  
 3 NRS 439.589, the Department shall immediately notify the regulatory body that  
 4 issued the license.

5 ~~3. The Director shall adopt regulations to carry out the provisions of this~~  
 6 ~~section. Those regulations must prescribe:~~

7 ~~—(a) The required contents of any notice provided to subsection 1 to a licensed~~  
 8 ~~provider or insurer;~~

9 ~~—(b) The amount of time after the provision of such a notice within which a~~  
 10 ~~licensed provider or insurer must come into compliance with the requirements of~~  
 11 ~~subsection 4 of NRS 439.589 or request a hearing before the Department will~~  
 12 ~~notify any regulatory body of this State that issued a license to the licensed~~  
 13 ~~provider or insurer; and~~

14 ~~—(c) The process for verifying compliance with requirements of subsection 4~~  
 15 ~~of NRS 439.589 for the purposes of paragraph (b) or subsection 2.~~

16 ~~4. As used in this section:~~

17 (a) “License” means any license, certificate, registration, permit or similar  
 18 type of authorization to practice an occupation or profession or engage in a  
 19 business in this State issued to a licensed provider or insurer.

20 (b) “Licensed provider or insurer” means:

21 (1) A medical facility licensed pursuant to chapter 449 of NRS;

22 (2) The holder of a permit to operate an ambulance, an air ambulance or  
 23 a vehicle of a fire-fighting agency pursuant to chapter 450B of NRS;

24 (3) A provider of health care, as defined in NRS 629.031, who is licensed  
 25 pursuant to title 54 of NRS; or

26 (4) Any person licensed pursuant to title 57 of NRS.

27 (c) “Regulatory body” means any governmental entity that issues a license.

28 **Sec. 2.** NRS 439.580 is hereby amended to read as follows:

29 439.580 1. Any local health officer or a deputy of a local health officer who  
 30 neglects or fails to enforce the provisions of this chapter in his or her jurisdiction, or  
 31 neglects or refuses to perform any of the duties imposed upon him or her by this  
 32 chapter or by the instructions and directions of the Division shall be punished by a  
 33 fine of not more than \$250.

34 2. ~~[Each]~~ Except as otherwise provided in NRS 439.589, each person who  
 35 violates any of the provisions of this chapter or refuses or neglects to obey any  
 36 lawful order, rule or regulation of the:

37 (a) State Board of Health or violates any rule or regulation approved by the  
 38 State Board of Health pursuant to NRS 439.350, 439.366, 439.410 and 439.460; or

39 (b) Director adopted pursuant to NRS 439.538 or 439.581 to 439.595,  
 40 inclusive, and section 1 of this act,

41 is guilty of a misdemeanor.

42 **Sec. 3.** NRS 439.581 is hereby amended to read as follows:

43 439.581 As used in NRS 439.581 to 439.595, inclusive, and section 1 of this  
 44 act, unless the context otherwise requires, the words and terms defined in NRS  
 45 439.582 to 439.585, inclusive, have the meanings ascribed to them in those  
 46 sections.

47 **Sec. 4.** NRS 439.587 is hereby amended to read as follows:

48 439.587 1. The Director is the state authority for health information  
 49 technology. ~~[The Director shall:~~

50 ~~—(a) Ensure that a health information exchange complies with the specifications~~  
 51 ~~and protocols for exchanging electronic health records, health related information~~  
 52 ~~and related data prescribed pursuant to the provisions of the Health Information~~

1 ~~Technology for Economic and Clinical Health Act of 2009, 42 U.S.C. §§ 300jj et~~  
2 ~~seq. and 17901 et seq., and other applicable federal and state law;~~

3 ~~—(b) Encourage the use of a health information exchange by health care~~  
4 ~~providers, payers and patients;~~

5 ~~—(c) Prescribe by regulation standards for the electronic transmittal of electronic~~  
6 ~~health records, prescriptions, health related information, electronic signatures and~~  
7 ~~requirements for electronic equivalents of written entries or written approvals in~~  
8 ~~accordance with federal law;~~

9 ~~—(d) Prescribe by regulation rules governing the ownership, management and~~  
10 ~~use of electronic health records, health related information and related data retained~~  
11 ~~or shared by a health information exchange; and~~

12 ~~—(e) Prescribe by regulation, in consultation with the State Board of Pharmacy,~~  
13 ~~standards for the electronic transmission of prior authorizations for prescription~~  
14 ~~medication using a health information exchange.]~~

15 2. ~~The Director may establish or contract with not more than one health~~  
16 ~~information exchange to serve as the statewide health information exchange to be~~  
17 ~~responsible for compiling statewide master indexes of patients, health care~~  
18 ~~providers and payers. The Director may by regulation prescribe the requirements~~  
19 ~~for a statewide health information exchange, including, without limitation, the~~  
20 ~~procedure by which any patient, health care provider or payer master index created~~  
21 ~~pursuant to any contract is transferred to the State upon termination of the contract,~~

22 3. The Director may enter into contracts, apply for and accept available gifts,  
23 grants and donations, and adopt such regulations as are necessary to carry out the  
24 provisions of NRS 439.581 to 439.595, inclusive ~~H~~, and section 1 of this act.

25 **Sec. 4.5. NRS 439.587 is hereby amended to read as follows:**

26 439.587 1. The Director is the state authority for health information  
27 technology.

28 2. ~~[The Director may establish or contract with not more than one health~~  
29 ~~information exchange to serve as the statewide health information exchange to be~~  
30 ~~responsible for compiling statewide master indexes of patients, health care~~  
31 ~~providers and payers. The Director may by regulation prescribe the requirements~~  
32 ~~for a statewide health information exchange, including, without limitation, the~~  
33 ~~procedure by which any patient, health care provider or payer master index created~~  
34 ~~pursuant to any contract is transferred to the State upon termination of the contract.~~

35 ~~3.]~~ The Director may enter into contracts, apply for and accept available gifts,  
36 grants and donations, and adopt such regulations as are necessary to carry out the  
37 provisions of NRS 439.581 to 439.595, inclusive, and section 1 of this act.

38 **Sec. 5. NRS 439.588 is hereby amended to read as follows:**

39 439.588 1. A health information exchange shall not operate in this State  
40 without first obtaining certification as provided in subsection 2.

41 2. The Director shall by regulation establish the manner in which a health  
42 information exchange may apply for certification and the requirements for granting  
43 such certification, which must include, without limitation, that the health  
44 information exchange demonstrate its financial and operational sustainability,  
45 adherence to the privacy, security and patient consent standards adopted pursuant to  
46 NRS 439.589 and capacity for interoperability with any other health information  
47 exchange certified pursuant to this section.

48 3. The Director may deny an application for certification or may suspend or  
49 revoke any certification issued pursuant to subsection 2 for failure to comply with  
50 the provisions of NRS 439.581 to 439.595, inclusive, and section 1 of this act or  
51 the regulations adopted pursuant thereto or any applicable federal or state law.

52 4. When the Director intends to deny, suspend or revoke a certification, he or  
53 she shall give reasonable notice to all parties by certified mail. The notice must



1 contain the legal authority, jurisdiction and reasons for the action to be taken. A  
 2 health information exchange that wishes to contest the action of the Director must  
 3 file an appeal with the Director.

4 5. The Director shall adopt regulations establishing the manner in which a  
 5 person may file a complaint with the Director regarding a violation of the  
 6 provisions of this section.

7 6. The Director may impose an administrative fine against a health  
 8 information exchange which operates in this State without holding a certification in  
 9 an amount established by the Director by regulation. The Director shall afford a  
 10 health information exchange so fined an opportunity for a hearing pursuant to the  
 11 provisions of NRS 233B.121.

12 7. The Director may adopt such regulations as he or she determines are  
 13 necessary to carry out the provisions of this section.

14 **Sec. 6.** NRS 439.589 is hereby amended to read as follows:

15 439.589 1. The Director, *in consultation with health care providers, third*  
 16 *parties and other interested persons and entities*, shall by regulation prescribe *a*  
 17 *framework for the electronic maintenance, transmittal and exchange of*  
 18 *electronic health records, prescriptions, health-related information and electronic*  
 19 *signatures and requirements for electronic equivalents of written entries or*  
 20 *written approvals in accordance with federal law. The regulations must:*

21 (a) Establish standards ~~for~~

22 ~~—(a)~~ *for networks and technologies to be used to maintain, transmit and*  
 23 *exchange health information, including, without limitation, standards:*

24 (1) That require:

25 (I) *The use of networks and technologies that allow patients to access*  
 26 *electronic health records directly from the health care provider of the patient and*  
 27 *forward such electronic health records electronically to other persons and*  
 28 *entities; and*

29 (II) *The interoperability of such networks and technologies in*  
 30 *accordance with the applicable standards for the interoperability of Qualified*  
 31 *Health Information Networks prescribed by the Office of the National*  
 32 *Coordinator for Health Information Technology of the United States Department*  
 33 *of Health and Human Services;*

34 (2) To ensure that electronic health records retained or shared ~~by any~~  
 35 ~~health information exchange~~ are secure;

36 ~~[(b)]~~ (3) To maintain the confidentiality of electronic health records and  
 37 health-related information, including, without limitation, standards to maintain the  
 38 confidentiality of electronic health records relating to a child who has received  
 39 health care services without the consent of a parent or guardian and which ensure  
 40 that a child's right to access such health care services is not impaired;

41 ~~[(c)]~~ (4) To ensure the privacy of individually identifiable health information,  
 42 including, without limitation, standards to ensure the privacy of information  
 43 relating to a child who has received health care services without the consent of a  
 44 parent or guardian;

45 ~~[(d)]~~ (5) For obtaining consent from a patient before retrieving the patient's  
 46 health records from a health information exchange, including, without limitation,  
 47 standards for obtaining such consent from a child who has received health care  
 48 services without the consent of a parent or guardian;

49 ~~[(e)]~~ (6) For making any necessary corrections to information or records  
 50 ~~retained or shared by a health information exchange; and~~  
 51 ~~—(f);~~

52 (7) For notifying a patient if the confidentiality of information contained in  
 53 an electronic health record of the patient is breached ~~[(g)];~~

1           (8) *Governing the ownership, management and use of electronic health*  
2 *records, health-related information and related data; and*

3           (9) *For the electronic transmission of prior authorizations for*  
4 *prescription medication;*

5           (b) *Ensure compliance with the specifications and protocols for exchanging*  
6 *electronic health records, health-related information and related data prescribed*  
7 *pursuant to the provisions of the Health Information Technology for Economic*  
8 *and Clinical Health Act, 42 U.S.C. §§ 300jj et seq. and 17901 et seq., and other*  
9 *applicable federal and state law; and*

10          (c) *Be based on nationally recognized best practices for maintaining,*  
11 *transmitting and exchanging health information electronically.*

12          2. The standards prescribed pursuant to this section must include, without  
13 limitation:

14          (a) Requirements for the creation, maintenance and transmittal of electronic  
15 health records;

16          (b) Requirements for protecting confidentiality, including control over, access  
17 to the collection, organization and maintenance of electronic health records,  
18 health-related information and individually identifiable health information;

19          (c) Requirements for the manner in which a patient may, through a health care  
20 provider who participates in the sharing of health records using a health information  
21 exchange, revoke his or her consent for a health care provider to retrieve the  
22 patient's health records from the health information exchange;

23          (d) A secure and traceable electronic audit system for identifying access points  
24 and trails to electronic health records and health information exchanges; and

25          (e) Any other requirements necessary to comply with all applicable federal  
26 laws relating to electronic health records, health-related information, health  
27 information exchanges and the security and confidentiality of such records and  
28 exchanges.

29          3. *The regulations adopted pursuant to this section must not require any*  
30 *person or entity to use a health information exchange.*

31          4. *Except as otherwise provided in subsections 5 and 6, the Department and*  
32 *the divisions thereof, other state and local governmental entities, health care*  
33 *providers, third parties, pharmacy benefit managers and other entities licensed or*  
34 *certified pursuant to title 57 of NRS shall maintain, transmit and exchange*  
35 *health information in accordance with the regulations adopted pursuant to this*  
36 *section, the provisions of NRS 439.581 to 439.595, inclusive, and section 1 of this*  
37 *act, and any other regulations adopted pursuant thereto.*

38          5. *The Federal Government and employees thereof, a provider of health*  
39 *coverage for federal employees, a provider of health coverage that is subject to*  
40 *the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.,*  
41 *or a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(5) is not required to*  
42 *but may maintain, transmit and exchange electronic information in accordance*  
43 *with the regulations adopted pursuant to this section.*

44          6. *A health care provider may apply to the Department for a waiver from*  
45 *the provisions of subsection 4 on the basis that the health care provider does not*  
46 *have the infrastructure necessary to comply with those provisions, including,*  
47 *without limitation, because the health care provider does not have access to the*  
48 *Internet. The Department shall grant a waiver if it determines that:*

49          (a) *The health care provider does not currently have the infrastructure*  
50 *necessary to comply with the provisions of subsection 4; and*

51          (b) *Obtaining such infrastructure is not reasonably practicable, including,*  
52 *without limitation, because the cost of such infrastructure would make it difficult*  
53 *for the health care provider to continue to operate.*

1           7. A violation of the provisions of this section or any regulations adopted  
2 pursuant thereto is not a misdemeanor.

3           8. As used in this section:

4           (a) “Pharmacy benefit manager” has the meaning ascribed to it in NRS  
5 683A.174.

6           (b) “Third party” means any insurer, governmental entity or other  
7 organization providing health coverage or benefits in accordance with state or  
8 federal law.

9           **Sec. 7.** NRS 439.593 is hereby amended to read as follows:

10          439.593 A health care provider who with reasonable care *transmits, accesses,*  
11 *utilizes, discloses,* relies upon or *provides to a patient* an apparently genuine  
12 electronic health record accessed ~~[from a health information exchange to make a~~  
13 ~~decision concerning the provision of health care to a patient]~~ *in accordance with*  
14 *NRS 439.581 to 439.595, inclusive, and section 1 of this act, and the regulations*  
15 *adopted pursuant thereto* is immune from civil or criminal liability for ~~[the]~~ any  
16 decision *concerning the provision of health care to the patient and any civil or*  
17 *criminal liability resulting from the provision of the record to a patient* if:

- 18           1. The electronic health record is inaccurate;
- 19           2. The inaccuracy was not caused by the health care provider;
- 20           3. The inaccuracy resulted in an inappropriate health care decision; and
- 21           4. The health care decision was appropriate based upon the information  
22 contained in the inaccurate electronic health record.

23           **Sec. 8.** NRS 439.595 is hereby amended to read as follows:

24          439.595 Providing information to , *transmitting, accessing, utilizing or*  
25 *disclosing* an electronic health record or participating in a health information  
26 exchange in accordance with NRS 439.581 to 439.595, inclusive, *and section 1 of*  
27 *this act* does not constitute an unfair trade practice pursuant to chapter 598A or  
28 686A of NRS.

29           **Sec. 9.** Chapter 449 of NRS is hereby amended by adding thereto a new  
30 section to read as follows:

31           1. If the Division receives notification from the Department of Health and  
32 Human Services pursuant to section 1 of this act that ~~+~~

33 ~~—1. A] a medical facility licensed pursuant to this chapter is not in~~  
34 ~~compliance with the requirements of subsection 4 of NRS 439.589, the Division~~  
35 ~~[shall immediately suspend the license of the facility until the license is reinstated~~  
36 ~~pursuant to subsection 2.~~

37 ~~—2. A facility whose license has been suspended pursuant to subsection 1 has~~  
38 ~~come into compliance with the requirements of subsection 4 of NRS 439.589, the~~  
39 ~~Division shall immediately reinstate the license of the facility.] may, after notice~~  
40 ~~and the opportunity for a hearing in accordance with the provisions of this~~  
41 ~~chapter, require corrective action or impose an administrative penalty in the~~  
42 ~~amount prescribed by NRS 449.163.~~

43           2. The Division shall not suspend or revoke a license for failure to comply  
44 with the requirements of subsection 4 of NRS 439.589.

45           **Sec. 10.** NRS 449.029 is hereby amended to read as follows:

46          449.029 As used in NRS 449.029 to 449.240, inclusive, *and section 9 of this*  
47 *act*, unless the context otherwise requires, “medical facility” has the meaning  
48 ascribed to it in NRS 449.0151 and includes a program of hospice care described in  
49 NRS 449.196.

50           **Sec. 11.** NRS 449.0301 is hereby amended to read as follows:

51          449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, *and section*  
52 *9 of this act* do not apply to:

1 1. Any facility conducted by and for the adherents of any church or religious  
2 denomination for the purpose of providing facilities for the care and treatment of  
3 the sick who depend solely upon spiritual means through prayer for healing in the  
4 practice of the religion of the church or denomination, except that such a facility  
5 shall comply with all regulations relative to sanitation and safety applicable to other  
6 facilities of a similar category.

7 2. Foster homes as defined in NRS 424.014.

8 3. Any medical facility, facility for the dependent or facility which is  
9 otherwise required by the regulations adopted by the Board pursuant to NRS  
10 449.0303 to be licensed that is operated and maintained by the United States  
11 Government or an agency thereof.

12 **Sec. 12.** NRS 449.0302 is hereby amended to read as follows:

13 449.0302 1. The Board shall adopt:

14 (a) Licensing standards for each class of medical facility or facility for the  
15 dependent covered by NRS 449.029 to 449.2428, inclusive, *and section 9 of this*  
16 *act* and for programs of hospice care.

17 (b) Regulations governing the licensing of such facilities and programs.

18 (c) Regulations governing the procedure and standards for granting an  
19 extension of the time for which a natural person may provide certain care in his or  
20 her home without being considered a residential facility for groups pursuant to NRS  
21 449.017. The regulations must require that such grants are effective only if made in  
22 writing.

23 (d) Regulations establishing a procedure for the indemnification by the  
24 Division, from the amount of any surety bond or other obligation filed or deposited  
25 by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient  
26 of the facility who has sustained any damages as a result of the bankruptcy of or  
27 any breach of contract by the facility.

28 (e) Regulations that prescribe the specific types of discrimination prohibited by  
29 NRS 449.101.

30 (f) Regulations requiring a hospital or independent center for emergency  
31 medical care to provide training to each employee who provides care to victims of  
32 sexual assault or attempted sexual assault concerning appropriate care for such  
33 persons, including, without limitation, training concerning the requirements of NRS  
34 449.1885.

35 (g) Any other regulations as it deems necessary or convenient to carry out the  
36 provisions of NRS 449.029 to 449.2428, inclusive **H**, *and section 9 of this act.*

37 2. The Board shall adopt separate regulations governing the licensing and  
38 operation of:

39 (a) Facilities for the care of adults during the day; and

40 (b) Residential facilities for groups,  
41 ↪ which provide care to persons with Alzheimer's disease or other severe  
42 dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845.

43 3. The Board shall adopt separate regulations for:

44 (a) The licensure of rural hospitals which take into consideration the unique  
45 problems of operating such a facility in a rural area.

46 (b) The licensure of facilities for refractive surgery which take into  
47 consideration the unique factors of operating such a facility.

48 (c) The licensure of mobile units which take into consideration the unique  
49 factors of operating a facility that is not in a fixed location.

50 4. The Board shall require that the practices and policies of each medical  
51 facility or facility for the dependent provide adequately for the protection of the  
52 health, safety and physical, moral and mental well-being of each person  
53 accommodated in the facility.

1           5. In addition to the training requirements prescribed pursuant to NRS  
2 449.093, the Board shall establish minimum qualifications for administrators and  
3 employees of residential facilities for groups. In establishing the qualifications, the  
4 Board shall consider the related standards set by nationally recognized  
5 organizations which accredit such facilities.

6           6. The Board shall adopt separate regulations regarding the assistance which  
7 may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of  
8 controlled substances or dangerous drugs by employees of residential facilities for  
9 groups. The regulations must require at least the following conditions before such  
10 assistance may be given:

11           (a) The ultimate user's physical and mental condition is stable and is following  
12 a predictable course.

13           (b) The amount of the medication prescribed is at a maintenance level and does  
14 not require a daily assessment.

15           (c) A written plan of care by a physician or registered nurse has been  
16 established that:

17               (1) Addresses possession and assistance in the administration of the  
18 medication; and

19               (2) Includes a plan, which has been prepared under the supervision of a  
20 registered nurse or licensed pharmacist, for emergency intervention if an adverse  
21 condition results.

22           (d) Except as otherwise authorized by the regulations adopted pursuant to NRS  
23 449.0304, the prescribed medication is not administered by injection or  
24 intravenously.

25           (e) The employee has successfully completed training and examination  
26 approved by the Division regarding the authorized manner of assistance.

27           7. The Board shall adopt separate regulations governing the licensing and  
28 operation of residential facilities for groups which provide assisted living services.  
29 The Board shall not allow the licensing of a facility as a residential facility for  
30 groups which provides assisted living services and a residential facility for groups  
31 shall not claim that it provides "assisted living services" unless:

32           (a) Before authorizing a person to move into the facility, the facility makes a  
33 full written disclosure to the person regarding what services of personalized care  
34 will be available to the person and the amount that will be charged for those  
35 services throughout the resident's stay at the facility.

36           (b) The residents of the facility reside in their own living units which:

37               (1) Except as otherwise provided in subsection 8, contain toilet facilities;

38               (2) Contain a sleeping area or bedroom; and

39               (3) Are shared with another occupant only upon consent of both occupants.

40           (c) The facility provides personalized care to the residents of the facility and  
41 the general approach to operating the facility incorporates these core principles:

42               (1) The facility is designed to create a residential environment that actively  
43 supports and promotes each resident's quality of life and right to privacy;

44               (2) The facility is committed to offering high-quality supportive services  
45 that are developed by the facility in collaboration with the resident to meet the  
46 resident's individual needs;

47               (3) The facility provides a variety of creative and innovative services that  
48 emphasize the particular needs of each individual resident and the resident's  
49 personal choice of lifestyle;

50               (4) The operation of the facility and its interaction with its residents  
51 supports, to the maximum extent possible, each resident's need for autonomy and  
52 the right to make decisions regarding his or her own life;

1 (5) The operation of the facility is designed to foster a social climate that  
2 allows the resident to develop and maintain personal relationships with fellow  
3 residents and with persons in the general community;

4 (6) The facility is designed to minimize and is operated in a manner which  
5 minimizes the need for its residents to move out of the facility as their respective  
6 physical and mental conditions change over time; and

7 (7) The facility is operated in such a manner as to foster a culture that  
8 provides a high-quality environment for the residents, their families, the staff, any  
9 volunteers and the community at large.

10 8. The Division may grant an exception from the requirement of subparagraph  
11 (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential  
12 facility for groups on or before July 1, 2005, and which is authorized to have 10 or  
13 fewer beds and was originally constructed as a single-family dwelling if the  
14 Division finds that:

15 (a) Strict application of that requirement would result in economic hardship to  
16 the facility requesting the exception; and

17 (b) The exception, if granted, would not:

18 (1) Cause substantial detriment to the health or welfare of any resident of  
19 the facility;

20 (2) Result in more than two residents sharing a toilet facility; or

21 (3) Otherwise impair substantially the purpose of that requirement.

22 9. The Board shall, if it determines necessary, adopt regulations and  
23 requirements to ensure that each residential facility for groups and its staff are  
24 prepared to respond to an emergency, including, without limitation:

25 (a) The adoption of plans to respond to a natural disaster and other types of  
26 emergency situations, including, without limitation, an emergency involving fire;

27 (b) The adoption of plans to provide for the evacuation of a residential facility  
28 for groups in an emergency, including, without limitation, plans to ensure that  
29 nonambulatory patients may be evacuated;

30 (c) Educating the residents of residential facilities for groups concerning the  
31 plans adopted pursuant to paragraphs (a) and (b); and

32 (d) Posting the plans or a summary of the plans adopted pursuant to paragraphs

33 (a) and (b) in a conspicuous place in each residential facility for groups.

34 10. The regulations governing the licensing and operation of facilities for  
35 transitional living for released offenders must provide for the licensure of at least  
36 three different types of facilities, including, without limitation:

37 (a) Facilities that only provide a housing and living environment;

38 (b) Facilities that provide or arrange for the provision of supportive services for  
39 residents of the facility to assist the residents with reintegration into the community,  
40 in addition to providing a housing and living environment; and

41 (c) Facilities that provide or arrange for the provision of programs for alcohol  
42 and other substance use disorders, in addition to providing a housing and living  
43 environment and providing or arranging for the provision of other supportive  
44 services.

45 ➤ The regulations must provide that if a facility was originally constructed as a  
46 single-family dwelling, the facility must not be authorized for more than eight beds.

47 11. The Board shall adopt regulations applicable to providers of community-  
48 based living arrangement services which:

49 (a) Except as otherwise provided in paragraph (b), require a natural person  
50 responsible for the operation of a provider of community-based living arrangement  
51 services and each employee of a provider of community-based living arrangement  
52 services who supervises or provides support to recipients of community-based  
53 living arrangement services to complete training concerning the provision of

1 community-based living arrangement services to persons with mental illness and  
2 continuing education concerning the particular population served by the provider;

3 (b) Exempt a person licensed or certified pursuant to title 54 of NRS from the  
4 requirements prescribed pursuant to paragraph (a) if the Board determines that the  
5 person is required to receive training and continuing education substantially  
6 equivalent to that prescribed pursuant to that paragraph;

7 (c) Require a natural person responsible for the operation of a provider of  
8 community-based living arrangement services to receive training concerning the  
9 provisions of title 53 of NRS applicable to the provision of community-based living  
10 arrangement services; and

11 (d) Require an applicant for a license to provide community-based living  
12 arrangement services to post a surety bond in an amount equal to the operating  
13 expenses of the applicant for 2 months, place that amount in escrow or take another  
14 action prescribed by the Division to ensure that, if the applicant becomes insolvent,  
15 recipients of community-based living arrangement services from the applicant may  
16 continue to receive community-based living arrangement services for 2 months at  
17 the expense of the applicant.

18 12. The Board shall adopt separate regulations governing the licensing and  
19 operation of freestanding birthing centers. Such regulations must:

20 (a) Align with the standards established by the American Association of Birth  
21 Centers, or its successor organization, the accrediting body of the Commission for  
22 the Accreditation of Birth Centers, or its successor organization, or another  
23 nationally recognized organization for accrediting freestanding birthing centers; and

24 (b) Allow the provision of supervised training to providers of health care, as  
25 appropriate, at a freestanding birthing center.

26 13. As used in this section, "living unit" means an individual private  
27 accommodation designated for a resident within the facility.

28 **Sec. 13.** NRS 449.160 is hereby amended to read as follows:

29 449.160 1. The Division may deny an application for a license or may  
30 suspend or revoke any license issued under the provisions of NRS 449.029 to  
31 449.2428, inclusive, *and section 9 of this act* upon any of the following grounds:

32 (a) Violation by the applicant or the licensee of any of the provisions of NRS  
33 439B.410 or 449.029 to 449.245, inclusive, *and section 9 of this act*, or of any  
34 other law of this State or of the standards, rules and regulations adopted thereunder.

35 (b) Aiding, abetting or permitting the commission of any illegal act.

36 (c) Conduct inimical to the public health, morals, welfare and safety of the  
37 people of the State of Nevada in the maintenance and operation of the premises for  
38 which a license is issued.

39 (d) Conduct or practice detrimental to the health or safety of the occupants or  
40 employees of the facility.

41 (e) Failure of the applicant to obtain written approval from the Director of the  
42 Department of Health and Human Services as required by NRS 439A.100 or as  
43 provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive,  
44 *and section 9 of this act*, and 449.435 to 449.531, inclusive, and chapter 449A of  
45 NRS if such approval is required.

46 (f) Failure to comply with the provisions of NRS 441A.315 and any  
47 regulations adopted pursuant thereto or NRS 449.2486.

48 (g) Violation of the provisions of NRS 458.112.

49 2. In addition to the provisions of subsection 1, the Division may revoke a  
50 license to operate a facility for the dependent if, with respect to that facility, the  
51 licensee that operates the facility, or an agent or employee of the licensee:

52 (a) Is convicted of violating any of the provisions of NRS 202.470;

1 (b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360,  
2 244.3603 or 268.4124; or

3 (c) Is ordered by the appropriate governmental agency to correct a violation of  
4 a building, safety or health code or regulation but fails to correct the violation.

5 3. The Division shall maintain a log of any complaints that it receives relating  
6 to activities for which the Division may revoke the license to operate a facility for  
7 the dependent pursuant to subsection 2. The Division shall provide to a facility for  
8 the care of adults during the day:

9 (a) A summary of a complaint against the facility if the investigation of the  
10 complaint by the Division either substantiates the complaint or is inconclusive;

11 (b) A report of any investigation conducted with respect to the complaint; and

12 (c) A report of any disciplinary action taken against the facility.

13 ➤ The facility shall make the information available to the public pursuant to NRS  
14 449.2486.

15 4. On or before February 1 of each odd-numbered year, the Division shall  
16 submit to the Director of the Legislative Counsel Bureau a written report setting  
17 forth, for the previous biennium:

18 (a) Any complaints included in the log maintained by the Division pursuant to  
19 subsection 3; and

20 (b) Any disciplinary actions taken by the Division pursuant to subsection 2.

21 **Sec. 14.** NRS 449.163 is hereby amended to read as follows:

22 449.163 1. In addition to the payment of the amount required by NRS  
23 449.0308, if a medical facility, facility for the dependent or facility which is  
24 required by the regulations adopted by the Board pursuant to NRS 449.0303 to be  
25 licensed violates any provision related to its licensure, including any provision of  
26 NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 9 of this act* or any  
27 condition, standard or regulation adopted by the Board, the Division, in accordance  
28 with the regulations adopted pursuant to NRS 449.165, may:

29 (a) Prohibit the facility from admitting any patient until it determines that the  
30 facility has corrected the violation;

31 (b) Limit the occupancy of the facility to the number of beds occupied when  
32 the violation occurred, until it determines that the facility has corrected the  
33 violation;

34 (c) If the license of the facility limits the occupancy of the facility and the  
35 facility has exceeded the approved occupancy, require the facility, at its own  
36 expense, to move patients to another facility that is licensed;

37 (d) Impose an administrative penalty of not more than \$5,000 per day for each  
38 violation, together with interest thereon at a rate not to exceed 10 percent per  
39 annum; and

40 (e) Appoint temporary management to oversee the operation of the facility and  
41 to ensure the health and safety of the patients of the facility, until:

42 (1) It determines that the facility has corrected the violation and has  
43 management which is capable of ensuring continued compliance with the  
44 applicable statutes, conditions, standards and regulations; or

45 (2) Improvements are made to correct the violation.

46 2. If the facility fails to pay any administrative penalty imposed pursuant to  
47 paragraph (d) of subsection 1, the Division may:

48 (a) Suspend the license of the facility until the administrative penalty is paid;  
49 and

50 (b) Collect court costs, reasonable attorney's fees and other costs incurred to  
51 collect the administrative penalty.

52 3. The Division may require any facility that violates any provision of NRS  
53 439B.410 or 449.029 to 449.2428, inclusive, *and section 9 of this act* or any



1 condition, standard or regulation adopted by the Board to make any improvements  
2 necessary to correct the violation.

3 4. Any money collected as administrative penalties pursuant to paragraph (d)  
4 of subsection 1 must be accounted for separately and used to administer and carry  
5 out the provisions of NRS 449.001 to 449.430, inclusive, *and section 9 of this act*,  
6 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health,  
7 safety, well-being and property of the patients and residents of facilities in  
8 accordance with applicable state and federal standards or for any other purpose  
9 authorized by the Legislature.

10 **Sec. 15.** ~~NRS 449.170 is hereby amended to read as follows:~~

11 ~~449.170 1. [When] *Except where immediate suspension is required by*~~  
12 ~~*section 9 of this act, when the Division intends to deny, suspend or revoke a*~~  
13 ~~*license, or impose any sanction prescribed by NRS 449.163, it shall give reasonable*~~  
14 ~~*notice to all parties by certified mail. The notice must contain the legal authority,*~~  
15 ~~*jurisdiction and reasons for the action to be taken. Notice is not required if the*~~  
16 ~~*Division finds that the public health requires immediate action. In that case, it may*~~  
17 ~~*order a summary suspension of a license pursuant to this section and NRS*~~  
18 ~~*233B.127 or impose any sanction prescribed by NRS 449.163, pending proceedings*~~  
19 ~~*for revocation or other action.*~~

20 ~~2. If a person wants to contest the action of the Division, the person must file~~  
21 ~~an appeal pursuant to regulations adopted by the Board.~~

22 ~~3. Upon receiving notice of an appeal, the Division shall hold a hearing~~  
23 ~~pursuant to regulations adopted by the Board.~~

24 ~~4. The Board shall adopt such regulations as are necessary to carry out the~~  
25 ~~provisions of this section.] **(Deleted by amendment.)**~~

26 **Sec. 16.** NRS 449.240 is hereby amended to read as follows:

27 449.240 The district attorney of the county in which the facility is located  
28 shall, upon application by the Division, institute and conduct the prosecution of any  
29 action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~§~~,  
30 *and section 9 of this act.*

31 **Sec. 17.** Chapter 450B of NRS is hereby amended by adding thereto a new  
32 section to read as follows:

33 1. If the health authority receives notification from the Department of  
34 Health and Human Services pursuant to section 1 of this act that ~~§~~

35 ~~1. The] the holder of a permit to operate an ambulance, air ambulance or~~  
36 ~~vehicle of a fire-fighting agency is not in compliance with the requirements of~~  
37 ~~subsection 4 of NRS 439.589, the health authority [shall immediately suspend the~~  
38 ~~permit until the permit is reinstated pursuant to subsection 2.~~

39 ~~2. The holder of a permit to operate an ambulance, air ambulance or~~  
40 ~~vehicle of a fire fighting agency which has been suspended pursuant to~~  
41 ~~subsection 1 has come into compliance with the requirements of subsection 4 of~~  
42 ~~NRS 439.589, the health authority shall immediately reinstate the permit.] may,~~  
43 ~~after notice and the opportunity for a hearing in accordance with the provisions~~  
44 ~~of this chapter, require corrective action or impose an administrative penalty in~~  
45 ~~an amount established by regulation of the board.~~

46 2. The health authority shall not suspend or revoke a permit for failure to  
47 comply with the requirements of subsection 4 of NRS 439.589.

48 **Sec. 18.** NRS 218D.355 is hereby amended to read as follows:

49 218D.355 1. Except as otherwise provided in NRS 360.753, 360.754,  
50 360.893 and 360.965 ~~§~~ *and section 31 of this act*, any state legislation enacted on  
51 or after July 1, 2012, which authorizes or requires the Office of Economic  
52 Development to approve any abatement of taxes or increases the amount of any  
53 abatement of taxes which the Office is authorized or required to approve:

1 (a) Expires by limitation 10 years after the effective date of that legislation.

2 (b) Does not apply to:

3 (1) Any taxes imposed pursuant to NRS 374.110 and 374.111 or 374.190  
4 and 374.191; or

5 (2) Any entity that receives:

6 (I) Any funding from a governmental entity, other than any private  
7 activity bonds as defined in 26 U.S.C. § 141; or

8 (II) Any real or personal property from a governmental entity at no  
9 cost or at a reduced cost.

10 (c) Requires each recipient of the abatement to submit to the Department of  
11 Taxation, on or before the last day of each even-numbered year, a report on whether  
12 the recipient is in compliance with the terms of the abatement. The Department of  
13 Taxation shall establish a form for the report and may adopt such regulations as it  
14 determines to be appropriate to carry out this paragraph. The report must include,  
15 without limitation:

16 (1) The date the recipient commenced operation in this State;

17 (2) The number of employees actually employed by the recipient and the  
18 average hourly wage of those employees;

19 (3) An accounting of any fees paid by the recipient to the State and to local  
20 governmental entities;

21 (4) An accounting of the property taxes paid by the recipient and the  
22 amount of those taxes that would have been due if not for the abatement;

23 (5) An accounting of the sales and use taxes paid by the recipient and the  
24 amount of those taxes that would have been due if not for the abatement;

25 (6) An accounting of the total capital investment made in connection with  
26 the project to which the abatement applies; and

27 (7) An accounting of the total investment in personal property made in  
28 connection with the project to which the abatement applies.

29 2. On or before January 15 of each odd-numbered year, the Department of  
30 Taxation shall:

31 (a) Based upon the information submitted to the Department of Taxation  
32 pursuant to paragraph (c) of subsection 1, prepare a written report of its findings  
33 regarding whether the costs of the abatement exceed the benefits of the abatement;  
34 and

35 (b) Submit the report to the Director for transmittal to the Legislature.

36 **Sec. 19.** NRS 231.0685 is hereby amended to read as follows:

37 231.0685 The Office shall, on or before January 15 of each odd-numbered  
38 year, prepare and submit to the Director of the Legislative Counsel Bureau for  
39 transmission to the Legislature a report concerning the abatements from taxation  
40 that the Office approved pursuant to NRS 274.310, 274.320, 274.330, 360.750,  
41 360.752, 360.753 or 360.754 ~~§~~ *or section 31 of this act*. The report must set forth,  
42 for each abatement from taxation that the Office approved during the fiscal years  
43 which are 3 fiscal years and 6 fiscal years immediately preceding the submission of  
44 the report:

45 1. The dollar amount of the abatement;

46 2. The location of the business for which the abatement was approved;

47 3. The value of infrastructure included as an incentive for the business;

48 4. If applicable, the number of employees that the business for which the  
49 abatement was approved employs or will employ;

50 5. Whether the business for which the abatement was approved is a new  
51 business or an existing business;

1           6. The economic sector in which the business operates, the number of primary  
2 jobs related to the business, the average wage paid to employees of the business and  
3 the assessed values of personal property and real property of the business;

4           7. Any information concerning whether the business for which the abatement  
5 was approved participates or has participated in a program of workforce  
6 development, as defined in NRS 231.146, implemented by the Executive Director;  
7 and

8           8. Any other information that the Office determines to be useful.

9           **Sec. 20.** NRS 231A.170 is hereby amended to read as follows:

10          231A.170 1. For the purpose of NRS 231A.110, a qualified active low-  
11 income community business is limited to those businesses meeting the Small  
12 Business Administration size eligibility standards established in 13 C.F.R. §§  
13 121.101 to 201, inclusive, at the time the qualified low-income community  
14 investment is made. A business must be considered a qualified active low-income  
15 community business for the duration of the qualified community development  
16 entity's investment in, or loan to, the business if the entity reasonably expects,  
17 at the time it makes the investment or loan, that the business will continue to satisfy  
18 the requirements for being a qualified active low-income community business,  
19 other than the Small Business Administration size standards, throughout the entire  
20 period of the investment or loan.

21          2. Except as otherwise provided in this subsection, the businesses limited by  
22 this section do not include any business that derives or projects to derive 15 percent  
23 or more of its annual revenue from the rental or sale of real estate. This exclusion  
24 does not apply to a business that is controlled by, or under common control with,  
25 another business if the second business:

26           (a) Does not derive or project to derive 15 percent or more of its annual  
27 revenue from the rental or sale of real estate; and

28           (b) Is the primary tenant of the real estate leased from the first business.

29          3. Except as otherwise provided in subsection 4, the following businesses are  
30 not qualified active low-income community businesses:

31           (a) A business that has received an abatement from taxation pursuant to NRS  
32 274.310, 274.320, 274.330, 360.750, 360.753 or 360.754 **or section 31 of this**  
33 **act.**

34           (b) An entity that has liability for insurance premium tax on a premium tax  
35 report filed pursuant to NRS 680B.030.

36           (c) A business engaged in banking or lending.

37           (d) A massage parlor.

38           (e) A bath house.

39           (f) A tanning salon.

40           (g) A country club.

41           (h) A business operating under a nonrestricted license for gaming issued  
42 pursuant to NRS 463.170.

43           (i) A liquor store.

44           (j) A golf course.

45          4. A business that has received an abatement from taxation pursuant to NRS  
46 274.310, 274.320, 274.330, 360.750, 360.753 or 360.754 **or section 31 of this act** is  
47 a qualified active low-income community business if the business elects to waive  
48 the abatement and provides written notice of the waiver of the abatement to the  
49 Office of Economic Development not later than the due date of the first payment of  
50 any tax which would be abated if the abatement became effective. If the business  
51 provides the written notice to the Office of Economic Development:

52           (a) Within the period required by this subsection:

1 (1) Any agreement entered into by the business and the Office of  
2 Economic Development pursuant to NRS 274.310, 274.320, 274.330, 360.750,  
3 360.753 or 360.754 *or section 31 of this act* is void; and

4 (2) The Office of Economic Development must forward a copy of the  
5 written notice to the Department and each governmental entity or official to whom  
6 a copy of the certificate of eligibility for the abatement was forwarded.

7 (b) After the period required by this subsection has expired, the Office of  
8 Economic Development must provide written notice to the Department and the  
9 business that the abatement has not been waived and the business is not a qualified  
10 active low-income community business.

11 **Sec. 21.** Chapter 232 of NRS is hereby amended by adding thereto the  
12 provisions set forth as sections 22, 23 and 24 of this act.

13 **Sec. 22.** *As used in this section and sections 23 and 24 of this act, unless*  
14 *the context otherwise requires, "Hub" means the Nevada Innovation Hub*  
15 *established by section 23 of this act.*

16 **Sec. 23.** *1. The Nevada Innovation Hub is hereby established within the*  
17 *Department.*

18 *2. The Director shall appoint the Chief Data Officer to serve as the*  
19 *executive head of the Hub. The Chief Data Officer is in the unclassified service*  
20 *of the State and serves at the pleasure of the Director.*

21 *3. The Chief Data Officer shall:*

22 *(a) Oversee the operations of the Hub;*

23 *(b) Advise the Department, the divisions of the Department and county, city*  
24 *and district boards of health and health departments regarding best practices*  
25 *concerning the creation and maintenance of data; and*

26 *(c) Coordinate planning concerning data analytics and transparency for the*  
27 *Department.*

28 *4. The Department shall provide any additional personnel, facilities,*  
29 *equipment and supplies required by the Hub to carry out the provisions of this*  
30 *section and section 24 of this act.*

31 **Sec. 24.** *1. The Hub shall:*

32 *(a) Obtain information relating to public health from:*

33 *(1) The Department and its divisions;*

34 *(2) County, city and district boards of health and health departments;*

35 *and*

36 *(3) Persons and entities who provide such information pursuant to*  
37 *subsection 2.*

38 *(b) Establish and maintain a program to:*

39 *(1) Collect, analyze and exchange the information described in*  
40 *paragraph (a); and*

41 *(2) Make the information described in paragraph (a) available to state*  
42 *agencies, political subdivisions of this State, educational institutions, researchers,*  
43 *nongovernmental organizations and the general public in accordance with the*  
44 *regulations adopted pursuant to paragraph (c).*

45 *(c) Adopt regulations prescribing:*

46 *(1) The information that must be submitted to the Hub by the*  
47 *Department, its divisions and county, city and district boards of health and health*  
48 *departments;*

49 *(2) The procedure for submitting information to the Hub; and*

50 *(3) Procedures by which state agencies, political subdivisions of this*  
51 *State, educational institutions, researchers, nongovernmental organizations and*  
52 *the general public may request the information described in paragraph (a).*

1           (d) *Establish policies to protect the privacy of the information described in*  
2 *paragraph (a) in accordance with all applicable state and federal law.*

3           (e) *Maintain the security of the information described in paragraph (a).*

4           (f) *Conduct operational and procedural audits of the Department and its*  
5 *divisions.*

6           (g) *Perform financial planning for and design and implement projects to*  
7 *improve the efficiency of the Department and its divisions.*

8           (h) *Advise and assist the Department and its divisions to identify and*  
9 *improve procedures to continuously improve processes.*

10          (i) *Perform any other duties assigned by the Director or the Chief Data*  
11 *Officer appointed pursuant to section 23 of this act.*

12          2. *The Hub may accept information relating to public health from any*  
13 *person or entity.*

14          3. *Except as otherwise provided in this subsection, the Department, a*  
15 *division thereof and a county, city or district board of health or health department*  
16 *shall submit to the Hub any information required by the regulations adopted*  
17 *pursuant to paragraph (c) of subsection 1 using the procedures prescribed by*  
18 *those regulations and provide any technical assistance necessary to facilitate the*  
19 *sharing of such information. The Department, a division thereof, or a county, city*  
20 *or district board of health or health department is not required to submit such*  
21 *information if the submission of the information may compromise an ongoing*  
22 *criminal or civil investigation.*

23          4. *The Hub shall not:*

24           (a) *Make information available where prohibited by federal or state law; or*

25           (b) *Make personally identifiable information available to an educational*  
26 *institution, researcher, nongovernmental organization or the general public.*  
27 *Such information in the possession of the Hub is confidential and is not a public*  
28 *record.*

29          5. *The Hub shall be deemed the agent of any person or entity when sharing*  
30 *information submitted to the Hub in accordance with this section.*

31          6. *The sharing of information by the Hub with any agency or political*  
32 *subdivision of this State does not constitute a disclosure of the information for*  
33 *any purpose.*

34          **Sec. 25.** NRS 232.290 is hereby amended to read as follows:

35          232.290 As used in NRS 232.290 to 232.4983, inclusive, **and sections 22, 23**  
36 **and 24 of this act**, unless the context requires otherwise:

37           1. "Department" means the Department of Health and Human Services.

38           2. "Director" means the Director of the Department.

39          **Sec. 26.** NRS 232.320 is hereby amended to read as follows:

40          232.320 1. The Director:

41           (a) Shall appoint, with the consent of the Governor, administrators of the  
42 divisions of the Department, who are respectively designated as follows:

43               (1) The Administrator of the Aging and Disability Services Division;

44               (2) The Administrator of the Division of Welfare and Supportive Services;

45               (3) The Administrator of the Division of Child and Family Services;

46               (4) The Administrator of the Division of Health Care Financing and  
47 Policy; and

48               (5) The Administrator of the Division of Public and Behavioral Health.

49           (b) Shall administer, through the divisions of the Department, the provisions of  
50 chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A  
51 and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410,  
52 inclusive, **and section 39 of this act**, 422.580, 432.010 to 432.133, inclusive,  
53 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to

1 445A.055, inclusive, and all other provisions of law relating to the functions of the  
2 divisions of the Department, but is not responsible for the clinical activities of the  
3 Division of Public and Behavioral Health or the professional line activities of the  
4 other divisions.

5 (c) Shall administer any state program for persons with developmental  
6 disabilities established pursuant to the Developmental Disabilities Assistance and  
7 Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

8 (d) Shall, after considering advice from agencies of local governments and  
9 nonprofit organizations which provide social services, adopt a master plan for the  
10 provision of human services in this State. The Director shall revise the plan  
11 biennially and deliver a copy of the plan to the Governor and the Legislature at the  
12 beginning of each regular session. The plan must:

13 (1) Identify and assess the plans and programs of the Department for the  
14 provision of human services, and any duplication of those services by federal, state  
15 and local agencies;

16 (2) Set forth priorities for the provision of those services;

17 (3) Provide for communication and the coordination of those services  
18 among nonprofit organizations, agencies of local government, the State and the  
19 Federal Government;

20 (4) Identify the sources of funding for services provided by the Department  
21 and the allocation of that funding;

22 (5) Set forth sufficient information to assist the Department in providing  
23 those services and in the planning and budgeting for the future provision of those  
24 services; and

25 (6) Contain any other information necessary for the Department to  
26 communicate effectively with the Federal Government concerning demographic  
27 trends, formulas for the distribution of federal money and any need for the  
28 modification of programs administered by the Department.

29 (e) May, by regulation, require nonprofit organizations and state and local  
30 governmental agencies to provide information regarding the programs of those  
31 organizations and agencies, excluding detailed information relating to their budgets  
32 and payrolls, which the Director deems necessary for the performance of the duties  
33 imposed upon him or her pursuant to this section.

34 (f) Has such other powers and duties as are provided by law.

35 2. Notwithstanding any other provision of law, the Director, or the Director's  
36 designee, is responsible for appointing and removing subordinate officers and  
37 employees of the Department.

38 **Sec. 27.** NRS 239.010 is hereby amended to read as follows:

39 239.010 1. Except as otherwise provided in this section and NRS 1.4683,  
40 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440,  
41 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100,  
42 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515,  
43 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,  
44 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,  
45 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677,  
46 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161,  
47 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090,  
48 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,  
49 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,  
50 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604,  
51 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521,  
52 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,  
53 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,

1 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473,  
2 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030,  
3 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,  
4 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,  
5 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095,  
6 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,  
7 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086,  
8 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855,  
9 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908,  
10 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,  
11 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775,  
12 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,  
13 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.857,  
14 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,  
15 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513,  
16 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925,  
17 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,  
18 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,  
19 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535,  
20 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280,  
21 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,  
22 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,  
23 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360,  
24 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754,  
25 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.335,  
26 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245,  
27 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055,  
28 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,  
29 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935,  
30 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,  
31 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070,  
32 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,  
33 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210,  
34 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,  
35 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,  
36 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,  
37 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327,  
38 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405,  
39 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303,  
40 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085,  
41 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570,  
42 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580,  
43 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225,  
44 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262,  
45 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,  
46 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060,  
47 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,  
48 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,  
49 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,  
50 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340,  
51 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124,  
52 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440,  
53 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170,

1 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,  
2 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,  
3 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196,  
4 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 24 of this act*,  
5 sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of  
6 chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be  
7 confidential, all public books and public records of a governmental entity must be  
8 open at all times during office hours to inspection by any person, and may be fully  
9 copied or an abstract or memorandum may be prepared from those public books  
10 and public records. Any such copies, abstracts or memoranda may be used to  
11 supply the general public with copies, abstracts or memoranda of the records or  
12 may be used in any other way to the advantage of the governmental entity or of the  
13 general public. This section does not supersede or in any manner affect the federal  
14 laws governing copyrights or enlarge, diminish or affect in any other manner the  
15 rights of a person in any written book or record which is copyrighted pursuant to  
16 federal law.

17 2. A governmental entity may not reject a book or record which is  
18 copyrighted solely because it is copyrighted.

19 3. A governmental entity that has legal custody or control of a public book or  
20 record shall not deny a request made pursuant to subsection 1 to inspect or copy or  
21 receive a copy of a public book or record on the basis that the requested public  
22 book or record contains information that is confidential if the governmental entity  
23 can redact, delete, conceal or separate, including, without limitation, electronically,  
24 the confidential information from the information included in the public book or  
25 record that is not otherwise confidential.

26 4. If requested, a governmental entity shall provide a copy of a public record  
27 in an electronic format by means of an electronic medium. Nothing in this  
28 subsection requires a governmental entity to provide a copy of a public record in an  
29 electronic format or by means of an electronic medium if:

30 (a) The public record:

31 (1) Was not created or prepared in an electronic format; and

32 (2) Is not available in an electronic format; or

33 (b) Providing the public record in an electronic format or by means of an  
34 electronic medium would:

35 (1) Give access to proprietary software; or

36 (2) Require the production of information that is confidential and that  
37 cannot be redacted, deleted, concealed or separated from information that is not  
38 otherwise confidential.

39 5. An officer, employee or agent of a governmental entity who has legal  
40 custody or control of a public record:

41 (a) Shall not refuse to provide a copy of that public record in the medium that  
42 is requested because the officer, employee or agent has already prepared or would  
43 prefer to provide the copy in a different medium.

44 (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare  
45 the copy of the public record and shall not require the person who has requested the  
46 copy to prepare the copy himself or herself.

47 **Sec. 28.** NRS 287.010 is hereby amended to read as follows:

48 287.010 1. The governing body of any county, school district, municipal  
49 corporation, political subdivision, public corporation or other local governmental  
50 agency of the State of Nevada may:

51 (a) Adopt and carry into effect a system of group life, accident or health  
52 insurance, or any combination thereof, for the benefit of its officers and employees,  
53 and the dependents of officers and employees who elect to accept the insurance and



1 who, where necessary, have authorized the governing body to make deductions  
2 from their compensation for the payment of premiums on the insurance.

3 (b) Purchase group policies of life, accident or health insurance, or any  
4 combination thereof, for the benefit of such officers and employees, and the  
5 dependents of such officers and employees, as have authorized the purchase, from  
6 insurance companies authorized to transact the business of such insurance in the  
7 State of Nevada, and, where necessary, deduct from the compensation of officers  
8 and employees the premiums upon insurance and pay the deductions upon the  
9 premiums.

10 (c) Provide group life, accident or health coverage through a self-insurance  
11 reserve fund and, where necessary, deduct contributions to the maintenance of the  
12 fund from the compensation of officers and employees and pay the deductions into  
13 the fund. The money accumulated for this purpose through deductions from the  
14 compensation of officers and employees and contributions of the governing body  
15 must be maintained as an internal service fund as defined by NRS 354.543. The  
16 money must be deposited in a state or national bank or credit union authorized to  
17 transact business in the State of Nevada. Any independent administrator of a fund  
18 created under this section is subject to the licensing requirements of chapter 683A  
19 of NRS, and must be a resident of this State. Any contract with an independent  
20 administrator must be approved by the Commissioner of Insurance as to the  
21 reasonableness of administrative charges in relation to contributions collected and  
22 benefits provided. The provisions of NRS *439.581 to 439.595, inclusive, and*  
23 *section 1 of this act*, 686A.135, 687B.352, 687B.408, 687B.723, 687B.725,  
24 689B.030 to 689B.050, inclusive, 689B.265, 689B.287 and 689B.500 apply to  
25 coverage provided pursuant to this paragraph, except that the provisions of NRS  
26 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers  
27 and employees of the governing body, or the dependents of such officers and  
28 employees.

29 (d) Defray part or all of the cost of maintenance of a self-insurance fund or of  
30 the premiums upon insurance. The money for contributions must be budgeted for in  
31 accordance with the laws governing the county, school district, municipal  
32 corporation, political subdivision, public corporation or other local governmental  
33 agency of the State of Nevada.

34 2. If a school district offers group insurance to its officers and employees  
35 pursuant to this section, members of the board of trustees of the school district must  
36 not be excluded from participating in the group insurance. If the amount of the  
37 deductions from compensation required to pay for the group insurance exceeds the  
38 compensation to which a trustee is entitled, the difference must be paid by the  
39 trustee.

40 3. In any county in which a legal services organization exists, the governing  
41 body of the county, or of any school district, municipal corporation, political  
42 subdivision, public corporation or other local governmental agency of the State of  
43 Nevada in the county, may enter into a contract with the legal services organization  
44 pursuant to which the officers and employees of the legal services organization, and  
45 the dependents of those officers and employees, are eligible for any life, accident or  
46 health insurance provided pursuant to this section to the officers and employees,  
47 and the dependents of the officers and employees, of the county, school district,  
48 municipal corporation, political subdivision, public corporation or other local  
49 governmental agency.

50 4. If a contract is entered into pursuant to subsection 3, the officers and  
51 employees of the legal services organization:

52 (a) Shall be deemed, solely for the purposes of this section, to be officers and  
53 employees of the county, school district, municipal corporation, political

1 subdivision, public corporation or other local governmental agency with which the  
2 legal services organization has contracted; and

3 (b) Must be required by the contract to pay the premiums or contributions for  
4 all insurance which they elect to accept or of which they authorize the purchase.

5 5. A contract that is entered into pursuant to subsection 3:

6 (a) Must be submitted to the Commissioner of Insurance for approval not less  
7 than 30 days before the date on which the contract is to become effective.

8 (b) Does not become effective unless approved by the Commissioner.

9 (c) Shall be deemed to be approved if not disapproved by the Commissioner  
10 within 30 days after its submission.

11 6. As used in this section, "legal services organization" means an organization  
12 that operates a program for legal aid and receives money pursuant to NRS 19.031.

13 **Sec. 29.** NRS 287.04335 is hereby amended to read as follows:

14 287.04335 If the Board provides health insurance through a plan of self-  
15 insurance, it shall comply with the provisions of NRS *439.581 to 439.595,*  
16 *inclusive, and section 1 of this act,* 686A.135, 687B.352, 687B.409, 687B.723,  
17 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160,  
18 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675,  
19 695G.170 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230,  
20 inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as  
21 an insurer that is licensed pursuant to title 57 of NRS is required to comply with  
22 those provisions.

23 **Sec. 30.** NRS 353.207 is hereby amended to read as follows:

24 353.207 1. The Chief shall:

25 (a) Require the Office of Economic Development and the Office of Energy  
26 each periodically to conduct an analysis of the relative costs and benefits of each  
27 incentive for economic development previously approved by the respective office  
28 and in effect during the immediately preceding 2 fiscal years, including, without  
29 limitation, any abatement of taxes approved by the Office of Economic  
30 Development pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.752,  
31 360.753, 360.754, 360.890, 360.950, 361.0687, 374.357 or 701A.210, *or section 31*  
32 *of this act,* to assist the Governor and the Legislature in determining whether the  
33 economic benefits of the incentive have accomplished the purposes of the statute  
34 pursuant to which the incentive was approved and warrant additional incentives of  
35 that kind;

36 (b) Require each office to report in writing to the Chief the results of the  
37 analysis conducted by the office pursuant to paragraph (a); and

38 (c) Establish a schedule for performing and reporting the results of the analysis  
39 required by paragraph (a) which ensures that the results of the analysis reported by  
40 each office are included in the proposed budget prepared pursuant to NRS 353.205,  
41 as required by that section.

42 2. Each report prepared for the Chief pursuant to this section is a public  
43 record and is open to inspection pursuant to the provisions of NRS 239.010.

44 **Sec. 31.** Chapter 360 of NRS is hereby amended by adding thereto a new  
45 section to read as follows:

46 *1. A person who intends to locate or expand a business in ~~an academic~~*  
47 *medical district, the industry of health care in this State may apply to the Office*  
48 *of Economic Development pursuant to this section for a partial abatement of one*  
49 *or more of:*

50 (a) *The local sales and use taxes imposed on the purchase of eligible*  
51 *machinery, equipment and supplies, as defined in section 37 of this act.*

52 (b) *The taxes imposed on the business pursuant to chapter 361 of NRS.*

1 (c) *The taxes imposed pursuant to chapter 363B of NRS on the wages paid*  
2 *by the business to employees of the business who perform services directly related*  
3 *to addressing a critical medical or scientific need, as defined by regulation of the*  
4 *Office of Economic Development.*

5 2. *Notwithstanding the provisions of any law to the contrary and except as*  
6 *otherwise provided in subsection 3, the Office of Economic Development shall*  
7 *approve an application for a partial abatement if the Office makes the following*  
8 *determinations:*

9 (a) *Not later than 1 year after the date on which the application was received*  
10 *by the Office, the applicant has executed an agreement with the Office which:*

11 (1) *Complies with the requirements of NRS 360.755;*

12 (2) *States the date on which the abatement becomes effective, as agreed*  
13 *to by the applicant and the Office, which must not be earlier than the date on*  
14 *which the Office received the application and not later than 1 year after the date*  
15 *on which the Office approves the application;*

16 (3) *States that the business will, after the date on which a certificate of*  
17 *eligibility for the partial abatement is issued pursuant to subsection 4, continue in*  
18 *operation in this State for a period specified by the Office, which must be not less*  
19 *than 5 years, and will continue to meet the eligibility requirements set forth in*  
20 *this subsection; and*

21 (4) *Binds any successor in interest of the applicant for the specified*  
22 *period;*

23 (b) *The business is registered pursuant to the laws of this State or the*  
24 *applicant commits to obtaining a valid business license and all other permits*  
25 *required by the county, city or town in which the business operates;*

26 (c) *The average hourly wage that will be paid by the business to its employees*  
27 *in this State during the period of partial abatement is not less than 100 percent of*  
28 *the average statewide hourly wage as established by the Employment Security*  
29 *Division of the Department of Employment, Training and Rehabilitation on July*  
30 *1 of each fiscal year;*

31 (d) *The business will, by the eighth calendar quarter following the calendar*  
32 *quarter in which the abatement becomes effective, offer a health insurance plan*  
33 *for all employees that includes an option for health insurance coverage for*  
34 *dependents of the employees, and the health care benefits the business offers to*  
35 *its employees in this State will meet the minimum requirements for health care*  
36 *benefits established by the Office;*

37 (e) *The business offers all employees at least 10 days of paid leave each*  
38 *calendar year, which may be used by employees of the business in accordance*  
39 *with a policy adopted by the business;*

40 (f) *The business will make a new capital investment of at least \$3,000,000 in*  
41 *this State within 1 year after receiving a certificate of eligibility for a partial*  
42 *abatement;*

43 (g) *The business engages in qualified research in the field of health care ~~for~~*  
44 *~~a location within an academic medical district]~~ or provides health care services in*  
45 *this State; and*

46 (h) *If the application is for the partial abatement of the taxes imposed by the*  
47 *Local School Support Tax Law, the application has been approved by a vote of at*  
48 *least two-thirds of the members of the Board of Economic Development created*  
49 *by NRS 231.033.*

50 3. *The Office of Economic Development:*

51 (a) *In considering applications submitted pursuant to this section, shall*  
52 *prioritize applications which propose to serve rural areas, areas with a high ratio*

1 of patients to physicians and areas otherwise underserved by providers of health  
2 care;

3 (b) Shall approve or deny an application submitted pursuant to this section  
4 and notify the applicant of its decision not later than 45 days after receiving the  
5 application.

6 ~~[(b)]~~ (c) Must not:

7 (1) Consider an application for a partial abatement unless the Office has  
8 requested a letter of acknowledgment of the request for the partial abatement  
9 from any affected county, school district, city or town and has complied with the  
10 requirements of NRS 360.757; or

11 (2) Approve a partial abatement for any applicant for a period of more  
12 than 10 years.

13 4. If the Office of Economic Development approves an application for a  
14 partial abatement pursuant to this section, the Office shall immediately forward a  
15 certificate of eligibility for the partial abatement to:

16 (a) The Department;

17 (b) The Nevada Tax Commission; and

18 (c) If the partial abatement is from personal property taxes, the appropriate  
19 county treasurer.

20 5. An applicant for a partial abatement pursuant to this section or an  
21 existing business whose partial abatement is in effect shall, upon the request of  
22 the Executive Director of the Office of Economic Development, furnish the  
23 Executive Director with copies of all records necessary to verify that the applicant  
24 meets the requirements of subsection 2.

25 6. If an applicant for a partial abatement pursuant to this section fails to  
26 execute the agreement described in paragraph (a) of subsection 2 within 1 year  
27 after the date on which the application was received by the Office, the applicant  
28 must not be approved for a partial abatement pursuant to this section unless the  
29 applicant submits a new application.

30 7. If a business whose partial abatement has been approved pursuant to this  
31 section and whose partial abatement is in effect ceases:

32 (a) To meet the requirements set forth in subsection 2; or

33 (b) Operation before the time specified in the agreement described in  
34 paragraph (a) of subsection 2,

35 ↳ the business shall repay to the Department the amount of the partial  
36 abatement that was allowed pursuant to this section before the failure of the  
37 business to comply, unless the Nevada Tax Commission determines that the  
38 business has substantially complied with the requirements of this section. Except  
39 as otherwise provided in NRS 360.232 and 360.320, the business shall, in  
40 addition to the amount of the partial abatement required to be repaid pursuant to  
41 this subsection, pay interest on the amount due at the rate most recently  
42 established pursuant to NRS 99.040 for each month, or portion thereof, from the  
43 last day of the month following the period for which the payment would have  
44 been made had the partial abatement not been approved until the date of payment  
45 of the tax.

46 8. The Office of Economic Development may adopt such regulations as the  
47 Office determines to be necessary to carry out the provisions of this section.

48 9. The Nevada Tax Commission may adopt such regulations as the  
49 Commission determines are necessary to carry out the provisions of this section.

50 10. An applicant for a partial abatement who is aggrieved by a final  
51 decision of the Office of Economic Development may petition a court of  
52 competent jurisdiction to review the decision in the manner provided in chapter  
53 233B of NRS.

1 **11. As used in this section:**

2 (a) ~~["Academic medical district" means an area defined by an ordinance~~  
 3 ~~enacted by a county or incorporated city that contains within its boundaries an~~  
 4 ~~educational institution that:~~

5 ~~(1) Includes an allopathic medical school that is accredited by the~~  
 6 ~~Liaison Committee on Medical Education of the American Medical Association~~  
 7 ~~and the Association of American Medical Colleges or their respective successor~~  
 8 ~~organizations, or a school of osteopathic medicine that is accredited by the~~  
 9 ~~Commission on Osteopathic College Accreditation;~~

10 ~~(2) Includes at least one allied health professional school; and~~

11 ~~(3) Either owns or is affiliated with a teaching hospital or health care~~  
 12 ~~system.~~

13 ~~(b)~~ **(b)** "Local sales and use taxes" means any taxes imposed on the gross  
 14 receipts of any retailer from the sale of tangible personal property sold at retail,  
 15 or stored, used or otherwise consumed, in any political subdivision of this State,  
 16 except the taxes imposed by the Sales and Use Tax Act.

17 ~~(c)~~ **(b)** "Qualified research" has the meaning ascribed to it in 26 U.S.C. §  
 18 41(d).

19 **Sec. 32.** NRS 360.755 is hereby amended to read as follows:

20 360.755 1. If the Office of Economic Development approves an application  
 21 by a business for an abatement of taxes pursuant to NRS 360.950 or a partial  
 22 abatement pursuant to NRS 360.750, 360.752, 360.753, 360.754 or 360.890, **or**  
 23 **section 31 of this act**, the agreement with the Office must provide that the business:

24 (a) Agrees to allow the Department to conduct audits of the business to  
 25 determine whether the business is in full compliance with the requirements for the  
 26 abatement or partial abatement; and

27 (b) Consents to the disclosure of the audit reports in the manner set forth in this  
 28 section.

29 2. If the Department conducts an audit of the business to determine whether  
 30 the business is in full compliance with the requirements for the abatement or partial  
 31 abatement, the Department shall, upon request, provide the audit report to the  
 32 Office of Economic Development.

33 3. Until the business has exhausted all appeals to the Department and the  
 34 Nevada Tax Commission relating to the audit, the information contained in the  
 35 audit report provided to the Office of Economic Development:

36 (a) Is confidential proprietary information of the business;

37 (b) Is not a public record; and

38 (c) Must not be disclosed to any person who is not an officer or employee of  
 39 the Office of Economic Development unless the business consents to the disclosure.

40 4. After the business has exhausted all appeals to the Department and the  
 41 Nevada Tax Commission relating to the audit:

42 (a) The audit report provided to the Office of Economic Development is a  
 43 public record; and

44 (b) Upon request by any person, the Executive Director of the Office of  
 45 Economic Development shall disclose the audit report to the person who made the  
 46 request, except for any information in the audit report that is protected from  
 47 disclosure pursuant to subsection 5.

48 5. Before the Executive Director of the Office of Economic Development  
 49 discloses the audit report to the public, the business may submit a request to the  
 50 Executive Director to protect from disclosure any information in the audit report  
 51 which, under generally accepted business practices, would be considered a trade  
 52 secret or other confidential proprietary information of the business. After consulting  
 53 with the business, the Executive Director shall determine whether to protect the

1 information from disclosure. The decision of the Executive Director is final and is  
2 not subject to judicial review. If the Executive Director determines to protect the  
3 information from disclosure, the protected information:

- 4 (a) Is confidential proprietary information of the business;
- 5 (b) Is not a public record;
- 6 (c) Must be redacted by the Executive Director from any audit report that is  
7 disclosed to the public; and
- 8 (d) Must not be disclosed to any person who is not an officer or employee of  
9 the Office of Economic Development unless the business consents to the disclosure.

10 **Sec. 33.** NRS 360.757 is hereby amended to read as follows:

11 360.757 1. The Office of Economic Development shall not take any action  
12 on an application for any abatement of taxes pursuant to NRS 274.310, 274.320,  
13 274.330, 360.750, 360.753 or 360.754 *or section 31 of this act* or any other specific  
14 statute unless the Office:

- 15 (a) Takes that action at a public meeting conducted for that purpose; and
- 16 (b) At least 30 days before the meeting, provides notice of the application to:
  - 17 (1) The governing body of the county, the board of trustees of the school  
18 district and the governing body of the city or town, if any, in which the pertinent  
19 business is or will be located;
  - 20 (2) The governing body of any other political subdivision that could be  
21 affected by the abatement; and
  - 22 (3) The general public.

23 2. The notice required by this section must set forth the date, time and  
24 location of the meeting at which the Office of Economic Development will consider  
25 the application.

26 3. The Office of Economic Development shall adopt regulations relating to  
27 the notice required by this section.

28 **Sec. 34.** NRS 360.7575 is hereby amended to read as follows:

29 360.7575 1. If the Office of Economic Development approves an  
30 application for an abatement of sales and use taxes pursuant to NRS 360.950 or a  
31 partial abatement of any sales and use taxes pursuant to NRS 274.310, 274.320,  
32 274.330, 360.750, 360.753, 360.754 or 360.890, *or section 31 of this act*, the  
33 Department shall issue to the business a document certifying the abatement or  
34 partial abatement which can be presented to retailers at the time of purchase. The  
35 document must clearly state that the business is not required to pay sales and use  
36 taxes or the rate of sales and use tax that the business is required to pay.

37 2. If the Department has issued to a business a document pursuant to  
38 subsection 1 and the business pays an amount of sales and use taxes for which the  
39 business was entitled to an abatement because the business fails to present the  
40 document, the business may apply to the Department for a refund of the amount of  
41 sales and use tax paid for which the business was entitled to an abatement. If the  
42 Department has issued to a business a document pursuant to subsection 1 and the  
43 failure of the business to present the document results in the business paying the  
44 full amount of sales and use tax on 50 percent or more of the purchases for which  
45 the business was eligible for the abatement, the Department shall impose on the  
46 business a penalty equal to 10 percent of the total amount of the abatement. The  
47 Department shall distribute the proceeds of any penalty imposed pursuant to this  
48 subsection to each local government affected by a refund issued pursuant to this  
49 subsection in proportion to the amount of the refunds for which the affected local  
50 government is responsible.

51 3. If, after submitting an application for an abatement of sales and use taxes  
52 pursuant to NRS 360.950 or a partial abatement of any sales and use taxes pursuant  
53 to NRS 360.750, 360.753, 360.754 or 360.890 *or section 31 of this act* and before

1 receiving the document issued pursuant to subsection 1, a business pays an amount  
2 of sales and use tax for which the business is entitled to an abatement, the business  
3 may apply to the Department for a refund of the amount of sales and use tax which  
4 the applicant paid for which the business is entitled to an abatement.

5 4. Notwithstanding any other provision of law, no interest is allowed on a  
6 refund made pursuant to subsection 2 or 3.

7 **Sec. 35.** Chapter 361 of NRS is hereby amended by adding thereto a new  
8 section to read as follows:

9 *1. A person who intends to locate or expand a business in the industry of  
10 health care in this State may, pursuant to section 31 of this act, apply to the  
11 Office of Economic Development for a partial abatement from the taxes imposed  
12 by this chapter.*

13 *2. If a partial abatement from the taxes imposed by this chapter on personal*  
14 *property located at the business is approved by the Office of Economic*  
15 *Development pursuant to section 31 of this act:*

16 *(a) The partial abatement must:*

17 *(1) Be for a duration of 10 years but not more than 20 years; and*

18 *(2) Equal 50 percent of the taxes imposed on the real property of the*  
19 *business each year pursuant to this chapter and 50 percent of the taxes imposed*  
20 *on the personal property of the business that is eligible machinery, equipment*  
21 *and supplies; and*

22 *(3) Be administered and carried out in the manner set forth in section 31*  
23 *of this act.*

24 *(b) The Executive Director of the Office of Economic Development shall*  
25 *notify the county assessor of each county in which the business is located of the*  
26 *approval of the partial abatement, including, without limitation, the duration and*  
27 *percentage of the partial abatement that the Office granted. The Executive*  
28 *Director shall, on or before April 15 of each year, advise the county assessor of*  
29 *each county in which a business qualifies for a partial abatement during the*  
30 *current fiscal year as to whether the business is still eligible for the partial*  
31 *abatement in the next succeeding fiscal year.*

32 *3. As used in this section:*

33 *(a) "Eligible machinery, equipment and supplies" means machinery,*  
34 *equipment and supplies necessary to and specifically related to qualified*  
35 *research. The term does not include vehicles, buildings or the structural*  
36 *components of buildings.*

37 *(b) "Qualified research" has the meaning ascribed to it in 26 U.S.C. § 41(d).*

38 **Sec. 36.** Chapter 363B of NRS is hereby amended by adding thereto a new  
39 section to read as follows:

40 *1. An employer that qualifies pursuant to the provisions of section 31 of this*  
41 *act is entitled to an abatement of the amount of tax otherwise due pursuant to*  
42 *NRS 363B.110.*

43 *2. The abatement must:*

44 *(a) Be for a duration of 10 years; and*

45 *(b) Equal the amount of tax otherwise due pursuant to NRS 363B.110 on the*  
46 *wages of employees of the business who perform services directly related to*  
47 *addressing a critical medical or scientific need, as defined by regulations adopted*  
48 *by the Office of Economic Development pursuant to section 31 of this act.*

49 *3. If a partial abatement from the taxes otherwise due pursuant to NRS*  
50 *363B.110 is approved by the Office of Economic Development pursuant to NRS*  
51 *360.750, the partial abatement must be administered and carried out in the*  
52 *manner set forth in NRS 360.750.*

1       **Sec. 37.** Chapter 374 of NRS is hereby amended by adding thereto a new  
2 section to read as follows:

3       1. *A person who intends to locate or expand a business in the industry of*  
4 *health care in this State may, pursuant to section 31 of this act, apply to the*  
5 *Office of Economic Development for a partial abatement from the taxes imposed*  
6 *by this chapter on the gross receipts from the sale, and the storage, use or other*  
7 *consumption, of eligible machinery, equipment and supplies for use at the*  
8 *business which has been approved for a partial abatement pursuant to section 31*  
9 *of this act.*

10       2. *If an application for a partial abatement is approved:*

11       (a) *The business is eligible for an abatement from the tax imposed by this*  
12 *chapter for a period of 10 years.*

13       (b) *The abatement must be administered and carried out in the manner set*  
14 *forth in section 31 of this act.*

15       3. *As used in this section:*

16       (a) *“Eligible machinery, equipment and supplies” means machinery,*  
17 *equipment and supplies necessary to and specifically related to qualified*  
18 *research. The term does not include vehicles, buildings or the structural*  
19 *components of buildings.*

20       (b) *“Qualified research” has the meaning ascribed to it in 26 U.S.C. § 41(d).*

21       **Sec. 38.** NRS 374.357 is hereby amended to read as follows:

22       374.357 1. A person who maintains a business or intends to locate a  
23 business in this State may, pursuant to NRS 360.750, apply to the Office of  
24 Economic Development for an abatement from the taxes imposed by this chapter on  
25 the gross receipts from the sale, and the storage, use or other consumption, of  
26 eligible machinery or equipment for use by a business which has been approved for  
27 an abatement pursuant to NRS 360.750.

28       2. If an application for an abatement is approved pursuant to NRS 360.750:

29       (a) The taxpayer is eligible for an abatement from the tax imposed by this  
30 chapter for not more than 2 years.

31       (b) The abatement must be administered and carried out in the manner set forth  
32 in NRS 360.750.

33       3. As used in this section, unless the context otherwise requires, “eligible  
34 machinery or equipment” means machinery or equipment for which a deduction is  
35 authorized pursuant to 26 U.S.C. § 179. The term does not include:

36       (a) Buildings or the structural components of buildings;

37       (b) Equipment used by a public utility;

38       (c) ~~Equipment used for medical treatment;~~

39       — ~~(d)~~ Machinery or equipment used in mining; or

40       ~~(e)~~ (d) Machinery or equipment used in gaming.

41       **Sec. 39.** Chapter 422 of NRS is hereby amended by adding thereto a new  
42 section to read as follows:

43       1. *The Legislature hereby finds and declares that it is the public policy of*  
44 *this State that each resident of this State who otherwise qualifies for enrollment*  
45 *in Medicaid, regardless of his or her immigration or citizenship status, is eligible*  
46 *to receive the benefits ~~[of enrolling in Medicaid pursuant to 8 U.S.C. § 1621(d)]~~*  
47 *provided for by subsection 2.*

48       2. *The Director shall ~~[include in the State Plan for Medicaid authorization~~*  
49 *~~for any person who otherwise qualifies for Medicaid to enroll in Medicaid,~~*  
50 *~~regardless of his or her immigration or citizenship status. Such authorization~~*  
51 *~~must be included regardless of whether federal financial participation is available~~*  
52 *~~to pay the costs of covering the persons authorized by this subsection to enroll in~~*  
53 *~~Medicaid.~~*



~~3. To the extent that federal financial participation is available to pay the costs of covering the persons authorized by subsection 2 to enroll in Medicaid, the Director shall apply for any federal waivers or take any other action necessary to obtain such federal financial participation. ]:~~

(a) Establish a program to provide coverage, to the same extent as coverage provided under Medicaid, to persons who:

(1) Are less than 27 years of age;

(2) Are not eligible for coverage under the State Plan for Medicaid because of their immigration status; and

(3) Would otherwise be eligible for Medicaid.

(b) Apply to the Secretary of Health and Human Services for any waiver, amendment of the State Plan for Medicaid or other federal authority necessary to provide coverage under Medicaid for persons who:

(1) Qualify for the federal Deferred Action for Childhood Arrivals Program established by the memorandum of the Secretary of Homeland Security issued on June 15, 2012; and

(2) Meet the requirements to be eligible for Medicaid, except for requirements concerning immigration status.

(c) Apply to the Secretary of Health and Human Services for any federal authority necessary to provide coverage under the Children's Health Insurance Program for the costs of prenatal care and labor and delivery for persons who:

(1) Are not eligible for coverage under the State Plan for Medicaid because of their immigration status; and

(2) Would otherwise be eligible for Medicaid.

(d) Establish a program to provide coverage, to the same extent as coverage provided under Medicaid, for postpartum care for persons who:

(1) Are not eligible for coverage under the State Plan for Medicaid because of their immigration status; and

(2) Would otherwise be eligible for Medicaid.

3. The Department shall:

(a) Cooperate with the Federal Government in obtaining any federal authority pursuant to paragraph (b) or (c) of subsection 2;

(b) If the Federal Government provides the authority necessary to provide the coverage described in paragraphs (b) and (c) of subsection 2, take any measures necessary to provide such coverage; and

(c) Implement the provisions of paragraphs (b) and (c) of subsection 2 only to the extent authorized by the Federal Government.

**Sec. 40.** Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections 41 and 42 of this act.

**Sec. 41. 1. The Medicaid Outreach Advisory Committee is hereby established within the Division of Welfare and Supportive Services.**

**2. The Advisory Committee consists of such members as are appointed by the Administrator. The members appointed by the Administrator must be persons with experience conducting outreach to persons described in subsection 1 of section 42 of this act.**

**3. Except as otherwise provided in this section, the members of the Advisory Committee must be appointed to terms of 4 years. The terms must be staggered in such a manner that, to the extent possible, the terms of one-half of the members will expire every 2 years. The initial members of the Advisory Committee shall, at the first meeting of the board after their appointment, draw lots to determine which members will initially serve terms of 2 years and which will serve terms of 4 years. A member of the Advisory Committee may be reappointed.**

1           4. A vacancy in the membership of the Advisory Committee must be filled in  
2 *the same manner as the initial appointment.*

3           5. *The members of the Advisory Committee serve without compensation and*  
4 *are not entitled to the per diem and travel expenses provided for state officers and*  
5 *employees generally.*

6           6. *Each member of the Advisory Committee who is an officer or employee*  
7 *of this State or a political subdivision of this State must be relieved from his or*  
8 *her duties without loss of regular compensation so that the officer or employee*  
9 *may prepare for and attend meetings of the Advisory Committee and perform any*  
10 *work necessary to carry out the duties of the Advisory Committee in the most*  
11 *timely manner practicable. A state agency or political subdivision of this State*  
12 *shall not require an officer or employee who is a member of the Advisory*  
13 *Committee to make up the time the officer or employee is absent from work to*  
14 *carry out duties as a member of the Advisory Committee or use annual leave or*  
15 *compensatory time for the absence.*

16           7. *The Division shall provide such administrative support to the Advisory*  
17 *Committee as is necessary to carry out the duties of the Advisory Committee.*

18           8. *The Advisory Committee shall:*

19           (a) *Annually elect a Chair from among its members; and*

20           (b) *Meet at least once every 3 months at the times and places specified by a*  
21 *call of the Chair and may meet at such further times as deemed necessary by the*  
22 *Chair.*

23           9. *A majority of the voting members of the Advisory Committee constitutes a*  
24 *quorum for the transaction of business, and the affirmative vote of a majority of*  
25 *the members of the Advisory Committee is required to take action.*

26           **Sec. 42.** *1. The Medicaid Outreach Advisory Committee created by*  
27 *section 41 of this act shall advise the Department, the Division of Health Care*  
28 *Financing and Policy and the Division of Welfare and Supportive Services*  
29 *concerning outreach to, and maximizing enrollment in Medicaid and the*  
30 *Children's Health Insurance Program of, members of marginalized or*  
31 *underserved communities, including, without limitation:*

32           (a) *Racial and ethnic minorities;*

33           (b) *Persons who reside in rural areas;*

34           (c) *Persons with disabilities;*

35           (d) *Persons with mental illness;*

36           (e) *Persons with substance use disorders;*

37           (f) *Persons experiencing homelessness; and*

38           (g) *Parents or guardians of children who are persons described in*  
39 *paragraphs (a) to (f), inclusive.*

40           2. *The Advisory Committee shall annually compile a report of its activities*  
41 *and post the report on an Internet website maintained by the Division.*

42           **Sec. 43.** NRS 422A.372 is hereby amended to read as follows:

43           422A.372 1. The Department shall provide public assistance pursuant to:

44           (a) The program established to provide Temporary Assistance for Needy  
45 Families; *or*

46           (b) ~~Medicaid; or~~

47           ~~(c)~~ Any program for which a grant has been provided to this State pursuant to  
48 U.S.C. §§ 1397 et seq.,

49           ↳ to a qualified person who is not a citizen or national of the United States who  
50 complies with the requirements established by the Department pursuant to federal  
51 law and this chapter for the receipt of benefits pursuant to that program.

1           2. A person who is not a citizen or national of the United States is considered  
2 “qualified” for the purposes of subsection 1 if the person meets the requirements of  
3 8 U.S.C. § 1641(b).

4           **Sec. 44.** NRS 603A.100 is hereby amended to read as follows:

5           603A.100 1. The provisions of NRS 603A.010 to 603A.290, inclusive, do  
6 not apply to the maintenance or transmittal of information in accordance with NRS  
7 439.581 to 439.595, inclusive, *and section 1 of this act* and the regulations adopted  
8 pursuant thereto.

9           2. A data collector who is also an operator, as defined in NRS 603A.330, shall  
10 comply with the provisions of NRS 603A.300 to 603A.360, inclusive.

11           3. Any waiver of the provisions of NRS 603A.010 to 603A.290, inclusive, is  
12 contrary to public policy, void and unenforceable.

13           **Sec. 45.** NRS 629.051 is hereby amended to read as follows:

14           629.051 1. Except as otherwise provided in this section and in regulations  
15 adopted by the State Board of Health pursuant to NRS 652.135 with regard to the  
16 records of a medical laboratory and unless a longer period is provided by federal  
17 law, each custodian of health care records shall retain the health care records of  
18 patients as part of the regularly maintained records of the custodian for 5 years after  
19 their receipt or production. Health care records may be retained in written form, or  
20 by microfilm or any other recognized form of size reduction, including, without  
21 limitation, microfiche, computer disc, magnetic tape and optical disc, which does  
22 not adversely affect their use for the purposes of NRS 629.061. Health care records  
23 ~~may~~:

24           (a) *Must, except as otherwise provided in subsections 5 and 6 of NRS*  
25 *439.589, be created, maintained, transmitted and exchanged electronically as*  
26 *required by subsection 4 of NRS 439.589; and*

27           (b) *May* be created, authenticated and stored in a ~~computer system~~ *health*  
28 *information exchange* which meets the requirements of NRS 439.581 to 439.595,  
29 inclusive, *and section 1 of this act*, and the regulations adopted pursuant thereto.

30           2. A provider of health care shall post, in a conspicuous place in each location  
31 at which the provider of health care performs health care services, a sign which  
32 discloses to patients that their health care records may be destroyed after the period  
33 set forth in subsection 1.

34           3. When a provider of health care performs health care services for a patient  
35 for the first time, the provider of health care shall deliver to the patient a written  
36 statement which discloses to the patient that the health care records of the patient  
37 may be destroyed after the period set forth in subsection 1.

38           4. If a provider of health care fails to deliver the written statement to the  
39 patient pursuant to subsection 3, the provider of health care shall deliver to the  
40 patient the written statement described in subsection 3 when the provider of health  
41 care next performs health care services for the patient.

42           5. In addition to delivering a written statement pursuant to subsection 3 or 4, a  
43 provider of health care may deliver such a written statement to a patient at any  
44 other time.

45           6. A written statement delivered to a patient pursuant to this section may be  
46 included with other written information delivered to the patient by a provider of  
47 health care.

48           7. A custodian of health care records shall not destroy the health care records  
49 of a person who is less than 23 years of age on the date of the proposed destruction  
50 of the records. The health care records of a person who has attained the age of 23  
51 years may be destroyed in accordance with this section for those records which  
52 have been retained for at least 5 years or for any longer period provided by federal  
53 law.

1 8. *If a health care licensing board receives notification from the*  
 2 *Department of Health and Human Services pursuant to section 1 of this act that*  
 3 ~~it~~

4 ~~—(a) A provider of health care to which the health care licensing board has~~  
 5 ~~issued a license is not in compliance with the requirements of subsection 4 of~~  
 6 ~~NRS 439.589, the health care licensing board shall immediately suspend the~~  
 7 ~~license until the license is reinstated pursuant to paragraph (b).~~

8 ~~—(b) A provider of health care whose license has been suspended pursuant to~~  
 9 ~~paragraph (a) has come into compliance with the requirements of subsection 4 of~~  
 10 ~~NRS 439.589, the Division shall immediately reinstate the license.~~ may, after  
 11 notice and the opportunity for a hearing in accordance with the provisions of this  
 12 title, require corrective action or impose an administrative penalty in an amount  
 13 not to exceed the maximum penalty that the health care licensing board is  
 14 authorized to impose for other violations. The health care licensing board shall  
 15 not suspend or revoke a license for failure to comply with the requirements of  
 16 subsection 4 of NRS 439.589.

17 9. The provisions of this section, *except for the provisions of paragraph (a)*  
 18 *of subsection 1 and subsection 8*, do not apply to a pharmacist.

19 ~~¶9~~ 10. The State Board of Health shall adopt:

20 (a) Regulations prescribing the form, size, contents and placement of the signs  
 21 and written statements required pursuant to this section; and

22 (b) Any other regulations necessary to carry out the provisions of this section.

23 11. *As used in this section:*

24 (a) *“Health care licensing board” means:*

25 (1) *A board created pursuant to chapter 630, 630A, 631, 632, 633, 634,*  
 26 *634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B, 641C*  
 27 *or 641D of NRS.*

28 (2) *The Division of Public and Behavioral Health of the Department of*  
 29 *Health and Human Services.*

30 (3) *The State Board of Health with respect to licenses issued pursuant to*  
 31 *chapter 640D or 640E of NRS.*

32 (b) *“License” has the meaning ascribed to it in section 1 of this act.*

33 **Sec. 46.** NRS 654.190 is hereby amended to read as follows:

34 654.190 1. The Board may, after notice and an opportunity for a hearing as  
 35 required by law, impose an administrative fine of not more than \$10,000 for each  
 36 violation on, recover reasonable investigative fees and costs incurred from,  
 37 suspend, revoke, deny the issuance or renewal of or place conditions on the license  
 38 of, and place on probation or impose any combination of the foregoing on any  
 39 licensee who:

40 (a) Is convicted of a felony relating to the practice of administering a nursing  
 41 facility or residential facility or of any offense involving moral turpitude.

42 (b) Has obtained his or her license by the use of fraud or deceit.

43 (c) Violates any of the provisions of this chapter.

44 (d) Aids or abets any person in the violation of any of the provisions of NRS  
 45 449.029 to 449.2428, inclusive, *and section 9 of this act*, as those provisions  
 46 pertain to a facility for skilled nursing, facility for intermediate care or residential  
 47 facility for groups.

48 (e) Violates any regulation of the Board prescribing additional standards of  
 49 conduct for licensees, including, without limitation, a code of ethics.

50 (f) Engages in conduct that violates the trust of a patient or resident or exploits  
 51 the relationship between the licensee and the patient or resident for the financial or  
 52 other gain of the licensee.

1           2. If a licensee requests a hearing pursuant to subsection 1, the Board shall  
2 give the licensee written notice of a hearing pursuant to NRS 233B.121 and  
3 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

4           3. The Board may compel the attendance of witnesses or the production of  
5 documents or objects by subpoena. The Board may adopt regulations that set forth a  
6 procedure pursuant to which the Chair of the Board may issue subpoenas on behalf  
7 of the Board. Any person who is subpoenaed pursuant to this subsection may  
8 request the Board to modify the terms of the subpoena or grant additional time for  
9 compliance.

10          4. An order that imposes discipline and the findings of fact and conclusions of  
11 law supporting that order are public records.

12          5. The expiration of a license by operation of law or by order or decision of  
13 the Board or a court, or the voluntary surrender of a license, does not deprive the  
14 Board of jurisdiction to proceed with any investigation of, or action or disciplinary  
15 proceeding against, the licensee or to render a decision suspending or revoking the  
16 license.

17          **Sec. 47.** Chapter 680A of NRS is hereby amended by adding thereto a new  
18 section to read as follows:

19          1. If the Commissioner receives notification from the Department of Health  
20 and Human Services pursuant to section 1 of this act that ~~is~~

21 ~~— 1. An an insurer is not in compliance with the requirements of subsection~~  
22 ~~4 of NRS 439.589, the Commissioner ~~shall immediately suspend the insurer's~~~~  
23 ~~certificate of authority until the certificate of authority is reinstated pursuant to~~  
24 ~~subsection 2.~~

25 ~~— 2. An insurer whose certificate of authority has been suspended pursuant to~~  
26 ~~subsection 1 has come into compliance with the requirements of subsection 4 of~~  
27 ~~NRS 439.589, the Commissioner shall immediately reinstate the certificate of~~  
28 ~~authority.] may, after notice and the opportunity for a hearing in accordance with~~  
29 ~~the provisions of this title, require corrective action or impose an administrative~~  
30 ~~fine in the amount prescribed by NRS 680A.200.~~

31          2. The Commissioner shall not suspend or revoke the certificate of  
32 authority of an insurer for failure to comply with the requirements of subsection  
33 4 of NRS 439.589.

34          **Sec. 48.** NRS 680A.095 is hereby amended to read as follows:

35          680A.095 1. Except as otherwise provided in subsection 3, an insurer which  
36 is not authorized to transact insurance in this State may not transact reinsurance  
37 with a domestic insurer in this State, by mail or otherwise, unless the insurer holds  
38 a certificate of authority as a reinsurer in accordance with the provisions of NRS  
39 680A.010 to 680A.150, inclusive, 680A.160 to 680A.280, inclusive, and section 47  
40 of this act, 680A.320 and 680A.330.

41          2. To qualify for authority only to transact reinsurance, an insurer must meet  
42 the same requirements for capital and surplus as are imposed on an insurer which is  
43 authorized to transact insurance in this State.

44          3. This section does not apply to the joint reinsurance of title insurance risks  
45 or to reciprocal insurance authorized pursuant to chapter 694B of NRS.

46          **Sec. 49.** ~~[NRS 680A.220 is hereby amended to read as follows:~~

47 ~~— 680A.220 1. [Suspension] Except as otherwise provided in section 47 of~~  
48 ~~this act, suspension of an insurer's certificate of authority must be for such period~~  
49 ~~as the Commissioner specifies in the order of suspension, but not to exceed 1 year.~~  
50 ~~During the suspension period the Commissioner may rescind or shorten the~~  
51 ~~suspension by further order.~~

52 ~~— 2. During the suspension period the insurer shall not solicit or write any new~~  
53 ~~business in this state, but must file its annual statement, pay fees, licenses and taxes~~

1 as required under this Code, and may service its business already in force in this  
 2 state, as if the certificate of authority had continued in full force.

3 ~~2. Upon expiration of the suspension period, if within such period the~~  
 4 ~~certificate of authority has not terminated, the insurer's certificate of authority is~~  
 5 ~~automatically reinstated unless the Commissioner finds that the causes of the~~  
 6 ~~suspension, being other than a past event, are continuing, or that the insurer is~~  
 7 ~~otherwise not in compliance with the requirements of this Code, and of which the~~  
 8 ~~Commissioner shall give the insurer notice not less than 30 days in advance of~~  
 9 ~~expiration of the suspension period.~~

10 ~~4. Upon reinstatement of the insurer's certificate of authority, the authority of~~  
 11 ~~its agents in this state to represent the insurer is also reinstated. The Commissioner~~  
 12 ~~shall promptly notify the insurer and its agents in this state, of record in the~~  
 13 ~~Division, of such reinstatement.] (Deleted by amendment.)~~

14 **Sec. 50.** Chapter 683A of NRS is hereby amended by adding thereto a new  
 15 section to read as follows:

16 1. If the Commissioner receives notification from the Department of Health  
 17 and Human Services pursuant to section 1 of this act that ~~f~~

18 ~~1. An] an administrator is not in compliance with the requirements of~~  
 19 ~~subsection 4 of NRS 439.589, the Commissioner [shall immediately suspend the~~  
 20 ~~registration of the administrator until the registration is reinstated pursuant to~~  
 21 ~~subsection 2.~~

22 ~~2. An administrator whose registration has been suspended pursuant to~~  
 23 ~~subsection 1 has come into compliance with the requirements of subsection 4 of~~  
 24 ~~NRS 439.589, the Commissioner shall immediately reinstate the registration.]~~  
 25 may, after notice and the opportunity for a hearing in accordance with the  
 26 provisions of this chapter, require corrective action or impose an administrative  
 27 fine in the amount prescribed by NRS 683A.461.

28 2. The Commissioner shall not suspend or revoke the certificate of  
 29 registration of an administrator for failure to comply with the requirements of  
 30 subsection 4 of NRS 439.589.

31 **Sec. 51.** NRS 683A.3683 is hereby amended to read as follows:

32 683A.3683 A producer of limited lines travel insurance and each travel  
 33 retailer, or employee or authorized representative of a travel retailer, who offers or  
 34 disseminates travel insurance under the license of a producer of limited lines travel  
 35 insurance shall be subject to the provisions of NRS 683A.451 to 683A.520,  
 36 inclusive, **and section 50 of this act** and chapter 686A of NRS.

37 **Sec. 52.** NRS 692A.270 is hereby amended to read as follows:

38 692A.270 The provisions of NRS 683A.321, 683A.331, 683A.341,  
 39 683A.400, 683A.451 to 683A.490, inclusive, **and section 50 of this act** and  
 40 683A.520 apply to title insurers, title agents and escrow officers.

41 **Sec. 53.** Chapter 695C of NRS is hereby amended by adding thereto a new  
 42 section to read as follows:

43 1. If the Commissioner receives notification from the Department of Health  
 44 and Human Services pursuant to section 1 of this act that ~~f~~

45 ~~1. A] a health maintenance organization is not in compliance with the~~  
 46 ~~requirements of subsection 4 of NRS 439.589, the Commissioner [shall~~  
 47 ~~immediately suspend the health maintenance organization's certificate of~~  
 48 ~~authority until the certificate of authority is reinstated pursuant to subsection 2.~~

49 ~~2. A health maintenance organization whose certificate of authority has~~  
 50 ~~been suspended pursuant to subsection 1 has come into compliance with the~~  
 51 ~~requirements of subsection 4 of NRS 439.589, the Commissioner shall~~  
 52 ~~immediately reinstate the certificate of authority.] may, after notice and the~~  
 53 opportunity for a hearing in accordance with the provisions of this chapter,

1 require corrective action or impose an administrative fine in the amount  
2 prescribed by NRS 695C.350.

3 2. The Commissioner shall not suspend or revoke the certificate of  
4 authority of a health maintenance organization for failure to comply with the  
5 requirements of subsection 4 of NRS 439.589.

6 **Sec. 54.** ~~NRS 695C.330 is hereby amended to read as follows:~~

7 ~~695C.330 1. The Commissioner may suspend or revoke any certificate of~~  
8 ~~authority issued to a health maintenance organization pursuant to the provisions of~~  
9 ~~this chapter if the Commissioner finds that any of the following conditions exist:~~

10 ~~(a) The health maintenance organization is operating significantly in~~  
11 ~~contravention of its basic organizational document, its health care plan or in a~~  
12 ~~manner contrary to that described in and reasonably inferred from any other~~  
13 ~~information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless~~  
14 ~~any amendments to those submissions have been filed with and approved by the~~  
15 ~~Commissioner;~~

16 ~~(b) The health maintenance organization issues evidence of coverage or uses a~~  
17 ~~schedule of charges for health care services which do not comply with the~~  
18 ~~requirements of NRS 695C.1691 to 695C.200, inclusive, or 695C.207;~~

19 ~~(c) The health care plan does not furnish comprehensive health care services as~~  
20 ~~provided for in NRS 695C.060;~~

21 ~~(d) The Commissioner certifies that the health maintenance organization:~~

22 ~~(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or~~

23 ~~(2) Is unable to fulfill its obligations to furnish health care services as~~  
24 ~~required under its health care plan;~~

25 ~~(e) The health maintenance organization is no longer financially responsible~~  
26 ~~and may reasonably be expected to be unable to meet its obligations to enrollees or~~  
27 ~~prospective enrollees;~~

28 ~~(f) The health maintenance organization has failed to put into effect a~~  
29 ~~mechanism affording the enrollees an opportunity to participate in matters relating~~  
30 ~~to the content of programs pursuant to NRS 695C.110;~~

31 ~~(g) The health maintenance organization has failed to put into effect the system~~  
32 ~~required by NRS 695C.260 for:~~

33 ~~(1) Resolving complaints in a manner reasonably to dispose of valid~~  
34 ~~complaints; and~~

35 ~~(2) Conducting external reviews of adverse determinations that comply~~  
36 ~~with the provisions of NRS 695C.241 to 695C.310, inclusive;~~

37 ~~(h) The health maintenance organization or any person on its behalf has~~  
38 ~~advertised or merchandised its services in an untrue, misrepresentative, misleading,~~  
39 ~~deceptive or unfair manner;~~

40 ~~(i) The continued operation of the health maintenance organization would be~~  
41 ~~hazardous to its enrollees or creditors or to the general public;~~

42 ~~(j) The health maintenance organization fails to provide the coverage required~~  
43 ~~by NRS 695C.1691; or~~

44 ~~(k) The health maintenance organization has otherwise failed to comply~~  
45 ~~substantially with the provisions of this chapter.~~

46 ~~2. [A] Except as otherwise provided in section 53 of this act, a certificate of~~  
47 ~~authority must be suspended or revoked only after compliance with the~~  
48 ~~requirements of NRS 695C.340.~~

49 ~~3. If the certificate of authority of a health maintenance organization is~~  
50 ~~suspended, the health maintenance organization shall not, during the period of that~~  
51 ~~suspension, enroll any additional groups or new individual contracts, unless those~~  
52 ~~groups or persons were contracted for before the date of suspension.~~

~~4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.] (Deleted by amendment.)~~

**Sec. 54.3. Chapter 695I of NRS is hereby amended by adding thereto a new section to read as follows:**

**1. The Legislature hereby finds and declares that it is the public policy of this State that each natural person who otherwise qualifies to purchase a qualified health plan on the Exchange, regardless of his or her immigration or citizenship status, is eligible to receive the benefits of purchasing a qualified health plan on the Exchange.**

**2. The Executive Director, in collaboration with the Director of the Department of Health and Human Services, shall apply to the Secretary of Health and Human Services for a waiver pursuant to 42 U.S.C. § 18052 to authorize any natural person to purchase a qualified health plan on the Exchange, regardless of his or her immigration status, if the natural person would otherwise be a qualified individual.**

**Sec. 54.6. NRS 695I.210 is hereby amended to read as follows:**

695I.210 1. The Exchange shall:

- (a) Create and administer a health insurance exchange;
- (b) Facilitate the purchase and sale of qualified health plans consistent with established patterns of care within the State;
- (c) Provide for the establishment of a program to assist qualified small employers in Nevada in facilitating the enrollment of their employees in qualified health plans offered in the small group market;
- (d) Except as otherwise authorized by a waiver obtained pursuant to NRS 695I.505 ~~or~~ **or section 54.3 of this act**, make only qualified health plans available to qualified individuals and qualified small employers; and
- (e) Unless the Federal Act is repealed or is held to be unconstitutional or otherwise invalid or unlawful, perform all duties that are required of the Exchange to implement the requirements of the Federal Act.

2. The Exchange may:

- (a) Enter into contracts with any person, including, without limitation, a local government, a political subdivision of a local government and a governmental agency, to assist in carrying out the duties and powers of the Exchange or the Board; and
- (b) Apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties and powers of the Exchange or the Board.

3. The Exchange is subject to the provisions of chapter 333 of NRS.

**Sec. 55. NRS 719.200 is hereby amended to read as follows:**

719.200 1. Except as otherwise provided in subsection 2, the provisions of this chapter apply to electronic records and electronic signatures relating to a transaction.

2. The provisions of this chapter do not apply to a transaction to the extent it is governed by:

- (a) Except as otherwise specifically provided by law, a law governing the creation and execution of wills, codicils or testamentary trusts;



1 (b) The Uniform Commercial Code other than NRS 104.1306, 104.2101 to  
2 104.2725, inclusive, and 104A.2101 to 104A.2532, inclusive; or

3 (c) The provisions of NRS 439.581 to 439.595, inclusive, *and section 1 of this*  
4 *act* and the regulations adopted pursuant thereto.

5 3. The provisions of this chapter apply to an electronic record or electronic  
6 signature otherwise excluded from the application of this chapter under subsection  
7 2 to the extent it is governed by a law other than those specified in subsection 2.

8 4. A transaction subject to the provisions of this chapter is also subject to  
9 other applicable substantive law.

10 **Sec. 56.** NRS 720.140 is hereby amended to read as follows:

11 720.140 1. Except as otherwise provided in this subsection, the provisions  
12 of this chapter apply to any transaction for which a digital signature is used to sign  
13 an electronic record. The provisions of this chapter do not apply to a digital  
14 signature that is used to sign an electronic health record in accordance with NRS  
15 439.581 to 439.595, inclusive, *and section 1 of this act* and the regulations adopted  
16 pursuant thereto.

17 2. As used in this section, “electronic record” has the meaning ascribed to it in  
18 NRS 719.090.

19 **Sec. 57.** 1. There is hereby appropriated from the State General Fund to the  
20 Department of Health and Human Services the sum of \$3,000,000 for the purpose  
21 of awarding grants to providers of health care and facilities licensed pursuant to  
22 chapter 449 of NRS for the purposes of complying with the requirements of  
23 subsection 4 of NRS 439.589, as amended by section 6 of this act, and paragraph  
24 (a) of subsection 1 of NRS 629.051, as amended by section 45 of this act. To  
25 receive such a grant, a provider of health care or facility must:

26 (a) Have a staff of less than 50 persons or work for an entity that has a staff of  
27 less than 50 persons, as applicable; or

28 (b) Be located in a county whose population is less than 100,000, a health  
29 professional shortage area or an area with a medically underserved population in  
30 this State, or work in such a county or area, as applicable.

31 2. Any remaining balance of the appropriation made by subsection 1 must not  
32 be committed for expenditure after June 30, 2025, by the entity to which the  
33 appropriation is made or any entity to which money from the appropriation is  
34 granted or otherwise transferred in any manner, and any portion of the appropriated  
35 money remaining must not be spent for any purpose after September 19, 2025, by  
36 either the entity to which the money was appropriated or the entity to which the  
37 money was subsequently granted or transferred, and must be reverted to the State  
38 General Fund on or before September 19, 2025.

39 3. As used in this section:

40 (a) “Area with a medically underserved population” means an area designated  
41 as such by the United States Secretary of Health and Human Services pursuant to  
42 42 U.S.C. § 254c; and

43 (b) “Health professional shortage area” means a geographic area designated as  
44 such by the United States Secretary of Health and Human Services pursuant to 42  
45 U.S.C. § 254e; and

46 (c) “Provider of health care” has the meaning ascribe to it in NRS 629.031.

47 **Sec. 58.** 1. During the 2023-2024 interim, the Joint Interim Standing  
48 Committee on Health and Human Services shall study:

49 (a) The feasibility of including in the State Plan for Medicaid coverage of  
50 digital health products, including, without limitation:

51 (1) Remote patient monitoring;

52 (2) Health products that use artificial intelligence;

53 (3) Digital therapeutics; and

1 (4) Health information technology;

2 (b) Procedures for providing the coverage described in paragraph (a),  
3 including, without limitation, procedures and criteria for determining whether a  
4 digital health product is suitable for coverage;

5 (c) Any waivers of federal law necessary to obtain federal financial  
6 participation in the provision of the coverage described in paragraph (a); and

7 (d) The estimated potential costs of providing the coverage described in  
8 paragraph (a).

9 2. On or before February 1, 2025, the Joint Interim Standing Committee on  
10 Health and Human Services shall submit a report of its findings and any  
11 recommendations for legislation to the Director of the Legislative Counsel Bureau  
12 for transmittal to the 83rd Session of the Legislature.

13 3. As used in this section, “digital therapeutic” means a product, device,  
14 Internet application or other technology that uses software primarily to prevent,  
15 manage or treat a medical condition, disease or disorder.

16 **Sec. 58.5. 1. During the 2023-2024 interim, the Joint Interim Standing**  
17 **Committee on Health and Human Services shall study:**

18 **(a) The feasibility of creating a natural persons index for this State and the**  
19 **steps necessary to create such an index. The study must include, without**  
20 **limitation, an analysis of the capabilities of providers of health care in this**  
21 **State concerning the exchange of health information.**

22 **(b) Procedures governing data registries and ways to streamline the**  
23 **collection of data and reduce the burden of reporting requirements applicable**  
24 **to providers of health care to improve collaboration between providers of**  
25 **health care and public health agencies in this State.**

26 **2. On or before February 1, 2025, the Joint Interim Standing Committee**  
27 **on Health and Human Services shall submit a report of its findings and any**  
28 **recommendations for legislation to the Director of the Legislative Counsel**  
29 **Bureau for transmittal to the 83rd Session of the Legislature.**

30 **3. As used in this section:**

31 **(a) “Data registry” includes, without limitation:**

32 **(1) The system for the reporting of information on sickle cell disease**  
33 **and its variants established pursuant to NRS 439.4976.**

34 **(2) The system for the reporting of information on lupus and its**  
35 **variants established pursuant to NRS 439.4929.**

36 **(3) The system for the reporting of information on cancer and other**  
37 **neoplasms established pursuant to NRS 457.230.**

38 **(b) “Natural persons index” means a database of health information**  
39 **concerning natural persons who reside in this State to be used by providers of**  
40 **health care and public health agencies in this State to maintain and access**  
41 **accurate health information concerning such natural persons.**

42 **(c) “Provider of health care” means:**

43 **(1) A medical facility licensed pursuant to chapter 449 of NRS;**

44 **(2) The holder of a permit to operate an ambulance, an air ambulance**  
45 **or a vehicle of a fire-fighting agency pursuant to chapter 450B of NRS; or**

46 **(3) A provider of health care, as defined in NRS 629.031, who is**  
47 **licensed pursuant to title 54 of NRS.**

48 **Sec. 59. 1. During the 2023-2024 Interim, the Department of Health and**  
49 **Human Services shall:**

50 (a) Evaluate the workforce of the Department, including, without limitation,  
51 each division thereof, and determine, for each position, whether adding,  
52 eliminating, reclassifying or revising the salary for any position within the

1 Department would increase the effectiveness or efficiency of the operations of the  
2 Department and its divisions; and

3 (b) Take any action recommended by the evaluation conducted pursuant to  
4 paragraph (a) that does not require legislation unless the Director of the Department  
5 determines that such action is not feasible or advisable.

6 2. On or before February 1, 2025, the Department of Health and Human  
7 Services shall submit to the Director of the Legislative Counsel Bureau for  
8 transmittal to the 83rd Session of the Legislature a report of:

9 (a) The results of the evaluation conducted pursuant to paragraph (a) of  
10 subsection 1;

11 (b) Any action taken pursuant to paragraph (b) of subsection 1;

12 (c) Any action recommended by the evaluation conducted pursuant to  
13 paragraph (a) of subsection 1 which requires legislation and the legislation that  
14 would be required to carry out the recommendation; and

15 (d) Any action recommended by the evaluation conducted pursuant to  
16 paragraph (a) of subsection 1 which the Director of the Department determined  
17 pursuant to paragraph (b) of subsection 1 to be infeasible or inadvisable, and the  
18 reasons for that determination.

19 **Sec. 60.** 1. On or before July 1, 2023, the Director of the Department shall  
20 convene an advisory group to advise the Director of the Department in the adoption  
21 of regulations pursuant to NRS 439.589, as amended by section 6 of this act. The  
22 advisory group shall consist of:

23 (a) The following ex officio members:

24 (1) The Director of the Department;

25 (2) The Administrator of the Division of Public and Behavioral Health of  
26 the Department;

27 (3) The Administrator of the Division of Health Care Financing and Policy  
28 of the Department;

29 (4) The Administrator of the Division of Welfare and Supportive Services  
30 of the Department;

31 (5) The Commissioner of Insurance;

32 (6) Each district health officer appointed pursuant to NRS 439.368 or  
33 439.400;

34 (7) The Executive Officer of the Public Employees' Benefits Program; and

35 (8) The Executive Director of the Silver State Health Insurance Exchange;  
36 and

37 (b) The following members appointed by the Director:

38 (1) Representatives of third parties, as defined in NRS 439.589, as  
39 amended by section 6 of this act, that provide health coverage in this State;

40 (2) Representatives of hospitals, as defined in NRS 449.012, other medical  
41 facilities, as defined in NRS 449.0151, and facilities for the dependent, as defined  
42 in NRS 449.0045;

43 (3) Representatives of consumers of health care;

44 (4) Representatives of labor organizations;

45 (5) Professionals in the field of information privacy and security;

46 (6) Professionals in the field of health information technology;

47 (7) Representatives of community-based organizations whose work relates  
48 to health information;

49 (8) Representatives of county and city health departments;

50 (9) Representatives of social services agencies; and

51 (10) Representatives of community-based organizations whose work  
52 relates to social services.

1           2. Members appointed to the advisory group pursuant to paragraph (b) of  
2 subsection 1 serve at the pleasure of the Director of the Department. If a vacancy  
3 occurs, the Director shall appoint a person similarly qualified to replace that  
4 member.

5           3. Members of the advisory group serve without compensation or per diem  
6 but are entitled to receive reimbursement for travel expenses in the same amount  
7 provided for state officers and employees generally.

8           4. The Director of the Department shall serve as the Chair of the advisory  
9 group.

10          5. A majority of the voting members of the advisory group constitutes a  
11 quorum for the transaction of business, and a majority of the members of a quorum  
12 present at any meeting is sufficient for any official action taken by the advisory  
13 group.

14          6. Each member of the advisory group who is an officer or employee of this  
15 State or a political subdivision of this State must be relieved from his or her duties  
16 without loss of regular compensation so that the officer or employee may prepare  
17 for and attend meetings of the advisory group and perform any work necessary to  
18 carry out the duties of the advisory group in the most timely manner practicable. A  
19 state agency or political subdivision of this State shall not require an officer or  
20 employee who is a member of the advisory group to make up the time the officer or  
21 employee is absent from work to carry out duties as a member of the advisory  
22 group or use annual leave or compensatory time for the absence.

23          7. The advisory group may establish subcommittees and working groups  
24 consisting of members of the advisory group or other persons to assist the advisory  
25 group in the performance of its duties.

26          8. The advisory group shall advise the Department on the development and  
27 implementation of the regulations adopted pursuant to NRS 439.589, as amended  
28 by section 6 of this act.

29          9. The Department shall:

30           (a) On or before August 1, 2024, present at a meeting of the Joint Interim  
31 Standing Committee on Health and Human Services concerning the progress of the  
32 Department in developing and implementing the regulations adopted pursuant to  
33 NRS 439.589, as amended by section 6 of this act; and

34           (b) On or before December 31, 2024, submit to the Director of the Legislative  
35 Counsel Bureau for transmittal to the 83rd Regular Session of the Legislature a  
36 report concerning the progress of the Department in developing and implementing  
37 the regulations adopted pursuant to NRS 439.589, as amended by section 6 of this  
38 act.

39          10. As used in this section, "Department" means the Department of Health  
40 and Human Services.

41          **Sec. 61.** ~~[1. — On or before April 1, 2024, the Chief Data Officer of the Hub~~  
42 ~~shall:~~

43          ~~— (a) Compile a report concerning:~~

44           ~~(1) Policies and practices to ensure the privacy, security, quality and~~  
45 ~~confidentiality of the information collected, analyzed and maintained by the Hub,~~  
46 ~~including, without limitation, policies and practices to protect personally~~  
47 ~~identifiable information and other sensitive information;~~

48           ~~(2) Organizational structures, policies and practices for:~~

49           ~~(i) Making information collected, analyzed and maintained by the Hub~~  
50 ~~available to state agencies, political subdivisions of this State, educational~~  
51 ~~institutions, researchers, nongovernmental organizations and the general public; and~~

1 ~~— (H) Ensuring ongoing and continuous communication between the Hub~~  
2 ~~and governmental and nongovernmental users of information collected, analyzed~~  
3 ~~and maintained by the Hub; and~~

4 ~~— (3) Policies and procedures to ensure that information collected, analyzed~~  
5 ~~and maintained by the Hub is relevant and readily available to educational~~  
6 ~~institutions, researchers, nongovernmental organizations and the general public.~~

7 ~~— (b) Submit the report to the Director of the Legislative Counsel Bureau for~~  
8 ~~transmittal to the Joint Interim Standing Committee on Health and Human Services.~~

9 ~~— 2. The Chief Data Officer of the Hub appointed pursuant to section 23 of this~~  
10 ~~act shall appoint and serve as the Chair of an advisory group to assist in developing~~  
11 ~~the report described in subsection 1. The advisory group must consist of:~~

12 ~~— (a) The Director of the Department of Health and Human Services;~~

13 ~~— (b) The Chief Data Officer of the Hub;~~

14 ~~— (c) At least two representatives of nonprofit entities engaged in research~~  
15 ~~relating to public health, the provision of health care, social determinants of health~~  
16 ~~or similar topics; and~~

17 ~~— (d) At least two representatives of organizations that, in the regular course of~~  
18 ~~business, use information relating to public health, the provision of health care,~~  
19 ~~social determinants of health or similar topics.~~

20 ~~— 3. Members of the advisory group appointed pursuant to subsection 2 serve~~  
21 ~~without compensation and are not entitled to the per diem and travel expenses~~  
22 ~~provided for state officers and employees generally.~~

23 ~~— 4. A member of the advisory group appointed pursuant to subsection 2 who is~~  
24 ~~an officer or employee of this State or a political subdivision of this State must be~~  
25 ~~relieved from his or her duties without loss of regular compensation so that the~~  
26 ~~person may prepare for and attend meetings of the advisory group and perform any~~  
27 ~~work necessary to carry out the duties of the advisory group in the most timely~~  
28 ~~manner practicable. A state agency or political subdivision of this State shall not~~  
29 ~~require an officer or employee who is a member of the advisory group to make up~~  
30 ~~the time he or she is absent from work to carry out his or her duties as a member of~~  
31 ~~the advisory group or use annual vacation or compensatory time for the absence.~~

32 ~~— 5. As used in this section, “Hub” means the Nevada Innovation Hub~~  
33 ~~established by section 23 of this act.] (Deleted by amendment.)~~

34 **Sec. 62.** 1. ~~[Notwithstanding the provisions of subsection 2 of NRS~~  
35 ~~439.587, as that section exists on the effective date of this section, the Director of~~  
36 ~~the Department of Health and Human Services shall not enter into a contract~~  
37 ~~pursuant to that subsection with a health information exchange to serve as the~~  
38 ~~statewide health information exchange on or after the effective date of this section.~~

39 ~~— 2.] Notwithstanding the amendatory provisions of section [4] 4.5 of this act, if~~  
40 ~~the Director of the Department of Health and Human Services has contracted with a~~  
41 ~~health information exchange to serve as the statewide health information exchange~~  
42 ~~pursuant to subsection 2 of NRS 439.587, as that section exists on [the effective~~  
43 ~~date of this section,] June 30, 2025, and that contract is effective on July 1, [2024,]~~  
44 ~~2025, the contract remains valid until the expiration of the contract but may not be~~  
45 ~~renewed.~~

46 ~~[3] 2.~~ As used in this section, “health information exchange” has the  
47 meaning ascribed to it in NRS 439.584.

48 **Sec. 63.** 1. Notwithstanding the amendatory provisions of sections 1, 6, 9  
49 and 45 of this act, persons and entities subject to the provisions of subsection 4 of  
50 NRS 439.589, as amended by section 6 of this act, other than hospitals and  
51 physician group practices, are not required to comply with those provisions until  
52 July 1, 2025.

53 2. As used in this section:

1 (a) "Hospital" has the meaning ascribed to it in NRS 449.012.

2 (b) "Physician group practice" means any business entity organized for the  
3 purpose of the practice of medicine or osteopathic medicine by more than one  
4 physician.

5 **Sec. 64.** The provisions of subsection 1 of NRS 218D.380 do not apply to  
6 any provision of this act which adds or revises a requirement to submit a report to  
7 the Legislature.

8 **Sec. 65.** The provisions of NRS 354.599 do not apply to any additional  
9 expenses of a local government that are related to the provisions of this act.

10 **Sec. 66.** The Legislature hereby finds that each abatement provided by this  
11 act from any ad valorem tax on property or excise tax on the sale, storage, use or  
12 other consumption of tangible personal property sold at retail:

13 1. Will achieve a bona fide social or economic purpose and the benefits of the  
14 abatement are expected to exceed any adverse effect of the abatement on the  
15 provision of services to the public by the State or a local government that would  
16 otherwise receive revenue from the tax from which the abatement would be  
17 granted; and

18 2. Will not impair adversely the ability of the State or a local government to  
19 pay, when due, all interest and principal on any outstanding bonds or any other  
20 obligations for which revenue from the tax from which the abatement would be  
21 granted was pledged.

22 **Sec. 67.** 1. This section and sections 7, ~~4~~ and 8 ~~and 62~~ of this act become  
23 effective upon passage and approval.

24 2. Sections 18, 19, 20, 30 to 38, inclusive, 40, 41, 42, 57 to 60, inclusive, 64  
25 and 66 of this act become effective on July 1, 2023.

26 3. Sections 21 to 27, inclusive, 39, 43, 54.3, 54.6 and 61 of this act become  
27 effective:

28 (a) Upon passage and approval for the purpose of adopting any regulations and  
29 performing any other preparatory administrative tasks that are necessary to carry  
30 out the provisions of this act; and

31 (b) On January 1, 2024, for all other purposes.

32 4. Sections 1 to ~~4, 6~~ inclusive, 5, 6, 9 to 16, inclusive, 44, 45, 46, 55, 56 and  
33 63 of this act become effective:

34 (a) Upon passage and approval for the purpose of adopting any regulations and  
35 performing any other preparatory administrative tasks that are necessary to carry  
36 out the provisions of this act; and

37 (b) On July 1, 2024, for all other purposes.

38 5. Sections 17, 28, 29, 47 to 54, inclusive, and 65 of this act become effective:

39 (a) Upon passage and approval for the purpose of adopting any regulations and  
40 performing any other preparatory administrative tasks that are necessary to carry  
41 out the provisions of this act; and

42 (b) On July 1, 2025, for all other purposes.

43 6. Sections 4.5 and 62 of this act becomes effective on July 1, 2025.

44 7. Sections 31 to 38, inclusive, of this act expire by limitation on July 1, 2053.

45 ~~7~~ 8. Section 60 of this act expires by limitation on January 1, 2025.