

Amendment No. 955

Senate Amendment to Senate Bill No. 419 First Reprint (BDR 40-748)
Proposed by: Senate Committee on Finance
Amends: 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 R1 (§§ 6, 28, 45).

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



Date: 6/4/2023

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; 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~~ **authorizing the Director of the Department of Health and Human Services to contract with multiple health information ~~exchange,~~ exchanges to perform certain functions;** 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;~~ requiring the ~~establishment~~ **provision** of ~~certain programs to make health~~ **certain** coverage ~~more accessible to certain persons;~~ **under the Children's Health Insurance Program;** requiring the Joint Interim Standing Committee on Health and Human Services to 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 large physician group practices; and (2) July 1, 2025, for governmental entities, other large health care providers, practices, 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.~~ and (3) January 1, 2030, for small physician group practices and other small health care practices. **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 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. After receiving such notice, **sections 9, 17, 45, 47, 50 and 53** of this bill authorize a regulatory body to 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 duplicative requirements concerning the adoption of regulations governing electronic health records. ~~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, 4, 5, 8, 10, 14, 16,~~ 2-5, 10-16, 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 authorizes the Director to contract with not more than one health information exchange to be responsible for compiling statewide master indexes of patients, health care providers and payers. (NRS 439.587) Section 4 authorizes the Director to contract with multiple health information exchanges to perform those functions.

Existing law requires that, with certain exceptions, a patient consent before his or her electronic health record is retrieved from a health information exchange. (NRS 439.591) Section 6.5 of this bill requires such consent to be affirmative.

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

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

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

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

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

99 With certain exceptions, existing federal and state law prohibits a person or governmental
100 entity from providing a public benefit to an alien who is not legally present in the United
101 States, except where a state law affirmatively provides for such eligibility. (8 U.S.C. § 1621;
102 NRS 422.065, 422A.085) **Section 39** of this bill requires the Director to ~~provide coverage~~
103 ~~under Medicaid for persons who qualify for the federal Deferred Action for Childhood~~
104 ~~Arrivals Program and meet all requirements to be eligible for Medicaid, except for the~~
105 ~~requirements governing immigration status. Section 39 also requires the Director to establish~~
106 ~~programs} **apply to the Federal Government for authority** to provide coverage **under the**~~
107 ~~**Children's Health Insurance Program** for ~~[(1) persons under 27 years of age who are not~~~~
108 ~~**eligible for Medicaid because of their immigration status; and (2)] prenatal, labor and delivery**~~
109 ~~**[and postpartum] care for [mothers] persons** who are not eligible for Medicaid because of~~
110 ~~their immigration status. **Section 57 of this bill makes an appropriation for the purpose of**~~
111 ~~**providing such coverage.** Section ~~[43 of this bill removes the requirement that a person who~~~~
112 ~~**is not a citizen or national of the United States must be a qualified alien under federal law to**~~
113 ~~**receive Medicaid.] **39 requires the Department to submit a biennial report to the****~~
114 ~~**Legislature concerning the implementation and impacts of such coverage.** Section 26 of~~
115 ~~this bill makes a conforming change to indicate the proper placement of **section 39** in the~~
116 ~~Nevada Revised Statutes.~~

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

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

137 **Section 58** of this bill requires the Joint Interim Standing Committee on Health and
 138 Human Services to study, during the 2023-2024 interim, the feasibility of including in the
 139 State Plan for Medicaid coverage of digital health products and the procedures for and costs of
 140 providing such coverage. **Section 58.5** of this bill requires the Joint Interim Standing
 141 Committee to study, during the 2023-2024 interim: (1) the feasibility of and necessary steps
 142 for creating a natural persons index for this State; ~~and~~ (2) procedures governing data
 143 registries and ways to streamline the collection of data and reduce the burden of reporting
 144 requirements applicable to providers of health care. ~~[Section 59 of this bill requires the~~
 145 ~~Department of Health and Human Services, during the 2023-2024 interim, to: (1) evaluate the~~
 146 ~~workforce of the Department to determine whether adding, eliminating or revising the salary~~
 147 ~~for any position within the Department would increase the effectiveness or efficiency of the~~
 148 ~~operations of the Department; and (2) take any action recommended by the evaluation which~~
 149 ~~does not require legislation unless the Director determines that the action is not feasible or~~
 150 ~~advisable. Section 59 also requires the Department to submit to the Legislature a report~~
 151 ~~concerning the evaluation and actions resulting from the evaluation.]~~ ; (3) the feasibility of
 152 including in the State Plan for Medicaid enhanced rates of reimbursement for providers
 153 of health care in medically underserved areas and rural areas; (4) methods for
 154 increasing the amount of biotechnological and medical research conducted in this State;
 155 and (5) the feasibility of including in the State Plan for Medicaid a program to provide
 156 services through managed care to recipients of Medicaid who are aged, blind or
 157 disabled.

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 notify each regulatory body of this State that has*
 4 *issued a current, valid license to a licensed provider or insurer if:*
 5 *(a) The Department determines that the licensed provider or insurer is not in*
 6 *compliance with the requirements of subsection 4 of NRS 439.589; and*
 7 *(b) The licensed provider or insurer:*
 8 *(1) Is not exempt from those requirements pursuant to subsection 5 of*
 9 *NRS 439.589; and*
 10 *(2) Has not received a waiver of those requirements pursuant to*
 11 *subsection 6 of NRS 439.589.*

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

5 3. *As used in this section:*

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

9 (b) *“Licensed provider or insurer” means:*

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

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

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

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

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

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

18 439.580 1. Any local health officer or a deputy of a local health officer who
19 neglects or fails to enforce the provisions of this chapter in his or her jurisdiction, or
20 neglects or refuses to perform any of the duties imposed upon him or her by this
21 chapter or by the instructions and directions of the Division shall be punished by a
22 fine of not more than \$250.

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

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

28 (b) Director adopted pursuant to NRS 439.538 or 439.581 to 439.595,
29 inclusive, *and section 1 of this act,*
30 ~~is guilty of a misdemeanor.~~

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

32 439.581 As used in NRS 439.581 to 439.595, inclusive, *and section 1 of this*
33 *act,* unless the context otherwise requires, the words and terms defined in NRS
34 439.582 to 439.585, inclusive, have the meanings ascribed to them in those
35 sections.

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

37 439.587 1. The Director is the state authority for health information
38 technology. ~~[The Director shall:~~

39 ~~—(a) Ensure that a health information exchange complies with the specifications~~
40 ~~and protocols for exchanging electronic health records, health related information~~
41 ~~and related data prescribed pursuant to the provisions of the Health Information~~
42 ~~Technology for Economic and Clinical Health Act of 2009, 42 U.S.C. §§ 300jj et~~
43 ~~seq. and 17901 et seq., and other applicable federal and state law;~~

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

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

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

1 ~~— (c) Prescribe by regulation, in consultation with the State Board of Pharmacy,~~
2 ~~standards for the electronic transmission of prior authorizations for prescription~~
3 ~~medication using a health information exchange.]~~

4 2. The Director may establish or contract with ~~[not more than] one~~ *or more*
5 health information ~~{exchange to serve as the statewide health information~~
6 ~~exchange}~~ *exchanges* to be responsible for compiling statewide master indexes of
7 patients, health care providers and payers. The Director may by regulation prescribe
8 the requirements for *such a* ~~[statewide]~~ health information exchange, including,
9 without limitation, the procedure by which any patient, health care provider or
10 payer master index created pursuant to any contract is transferred to the State upon
11 termination of the contract.

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

15 **Sec. 4.5.** ~~[NRS 439.587 is hereby amended to read as follows:~~

16 ~~439.587 1. The Director is the state authority for health information~~
17 ~~technology.~~

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

25 ~~3.] The Director may enter into contracts, apply for and accept available gifts,~~
26 ~~grants and donations, and adopt such regulations as are necessary to carry out the~~
27 ~~provisions of NRS 439.581 to 439.595, inclusive, and section 1 of this act.]~~
28 **(Deleted by amendment.)**

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

30 439.588 1. A health information exchange shall not operate in this State
31 without first obtaining certification as provided in subsection 2.

32 2. The Director shall by regulation establish the manner in which a health
33 information exchange may apply for certification and the requirements for granting
34 such certification, which must include, without limitation, that the health
35 information exchange demonstrate its financial and operational sustainability,
36 adherence to the privacy, security and patient consent standards adopted pursuant to
37 NRS 439.589 and capacity for interoperability with any other health information
38 exchange certified pursuant to this section.

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

43 4. When the Director intends to deny, suspend or revoke a certification, he or
44 she shall give reasonable notice to all parties by certified mail. The notice must
45 contain the legal authority, jurisdiction and reasons for the action to be taken. A
46 health information exchange that wishes to contest the action of the Director must
47 file an appeal with the Director.

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

51 6. The Director may impose an administrative fine against a health
52 information exchange which operates in this State without holding a certification in
53 an amount established by the Director by regulation. The Director shall afford a

1 health information exchange so find an opportunity for a hearing pursuant to the
2 provisions of NRS 233B.121.

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

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

6 439.589 1. The Director, *in consultation with health care providers, third*
7 *parties and other interested persons and entities*, shall by regulation prescribe *a*
8 *framework for the electronic maintenance, transmittal and exchange of*
9 *electronic health records, prescriptions, health-related information and electronic*
10 *signatures and requirements for electronic equivalents of written entries or*
11 *written approvals in accordance with federal law. The regulations must:*

12 (a) Establish standards ~~for~~

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

15 (1) *That require:*

16 (I) *The use of networks and technologies that allow patients to access*
17 *electronic health records directly from the health care provider of the patient and*
18 *forward such electronic health records electronically to other persons and*
19 *entities; and*

20 (II) *The interoperability of such networks and technologies in*
21 *accordance with the applicable standards for the interoperability of Qualified*
22 *Health Information Networks prescribed by the Office of the National*
23 *Coordinator for Health Information Technology of the United States Department*
24 *of Health and Human Services;*

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

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

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

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

40 ~~[(e)]~~ (6) For making any necessary corrections to information or records
41 ~~retained or shared by a health information exchange; and~~

42 ~~—(f)~~ ;

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

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

47 (9) *For the electronic transmission of prior authorizations for*
48 *prescription medication;*

49 (b) *Ensure compliance with the requirements, specifications and protocols*
50 *for exchanging, securing and disclosing electronic health records, health-related*
51 *information and related data prescribed pursuant to the provisions of the Health*
52 *Information Technology for Economic and Clinical Health Act, 42 U.S.C. §§*
53 *300jj et seq. and 17901 et seq., the Health Insurance Portability and*

1 Accountability Act of 1996, Public Law 104-191, and other applicable federal and
2 state law; and

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

5 2. The standards prescribed pursuant to this section must include, without
6 limitation:

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

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

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

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

18 (e) Any other requirements necessary to comply with all applicable federal
19 laws relating to electronic health records, health-related information, health
20 information exchanges and the security and confidentiality of such records and
21 exchanges.

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

24 4. *Except as otherwise provided in subsections 5, ~~6~~ ~~6~~ and 7, the*
25 *Department and the divisions thereof, other state and local governmental entities,*
26 *health care providers, third parties, pharmacy benefit managers and other entities*
27 *licensed or certified pursuant to title 57 of NRS shall maintain, transmit and*
28 *exchange health information in accordance with the regulations adopted*
29 *pursuant to this section, the provisions of NRS 439.581 to 439.595, inclusive, and*
30 *section 1 of this act, and any other regulations adopted pursuant thereto.*

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

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

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

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

47 7. The provisions of subsection 4 do not apply to the Department of
48 Corrections.

49 8. A violation of the provisions of this section or any regulations adopted
50 pursuant thereto is not a misdemeanor.

51 ~~8.~~ 9. As used in this section:

52 (a) *"Pharmacy benefit manager" has the meaning ascribed to it in NRS*
53 *683A.174.*

1 (b) *“Third party” means any insurer, governmental entity or other*
2 *organization providing health coverage or benefits in accordance with state or*
3 *federal law.*

4 **Sec. 6.5. NRS 439.591 is hereby amended to read as follows:**

5 439.591 1. Except as otherwise provided in subsection 2 of NRS 439.538, a
6 patient must not be required to participate in a health information exchange. Before
7 a patient’s health care records may be retrieved from a health information
8 exchange, the patient must be fully informed and affirmatively consent, in the
9 manner prescribed by the Director. It is the public policy of this State that, except
10 as otherwise provided in NRS 439.538, a patient’s health care records must not
11 be retrieved from a health information exchange unless the patient provides such
12 affirmative consent.

13 2. A patient must be notified in the manner prescribed by the Director of any
14 breach of the confidentiality of electronic health records of the patient or a health
15 information exchange.

16 3. A patient who consents to the retrieval of his or her electronic health record
17 from a health information exchange may at any time request that a health care
18 provider access and provide the patient with his or her electronic health record in
19 accordance with the provisions of 45 C.F.R. § 164.526.

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

21 439.593 A health care provider who with reasonable care *transmits, accesses,*
22 *utilizes, discloses,* relies upon *or provides to a patient* an apparently genuine
23 electronic health record accessed ~~{from a health information exchange to make a~~
24 ~~decision concerning the provision of health care to a patient}~~ *in accordance with*
25 *NRS 439.581 to 439.595, inclusive, [and section 1 of this act], and the regulations*
26 *adopted pursuant thereto* is immune from civil or criminal liability for ~~the~~ *any*
27 *decision concerning the provision of health care to the patient and any civil or*
28 *criminal liability resulting from the provision of the record to a patient* if:

- 29 1. The electronic health record is inaccurate;
30 2. The inaccuracy was not caused by the health care provider;
31 3. The inaccuracy resulted in an inappropriate health care decision; and
32 4. The health care decision was appropriate based upon the information
33 contained in the inaccurate electronic health record.

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

35 439.595 Providing information to , *transmitting, accessing, utilizing or*
36 *disclosing* an electronic health record or participating in a health information
37 exchange in accordance with NRS 439.581 to 439.595, inclusive, ~~[and section 1 of~~
38 ~~this act]~~ does not constitute an unfair trade practice pursuant to chapter 598A or
39 686A of NRS.

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

42 1. *If the Division receives notification from the Department of Health and*
43 *Human Services pursuant to section 1 of this act that a medical facility licensed*
44 *pursuant to this chapter is not in compliance with the requirements of subsection*
45 *4 of NRS 439.589, the Division may, after notice and the opportunity for a*
46 *hearing in accordance with the provisions of this chapter, require corrective*
47 *action or impose an administrative penalty in the amount prescribed by NRS*
48 *449.163.*

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

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

52 449.029 As used in NRS 449.029 to 449.240, inclusive, *and section 9 of this*
53 *act,* unless the context otherwise requires, “medical facility” has the meaning

1 ascribed to it in NRS 449.0151 and includes a program of hospice care described in
2 NRS 449.196.

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

4 449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, *and section*
5 *9 of this act* do not apply to:

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

12 2. Foster homes as defined in NRS 424.014.

13 3. Any medical facility, facility for the dependent or facility which is
14 otherwise required by the regulations adopted by the Board pursuant to NRS
15 449.0303 to be licensed that is operated and maintained by the United States
16 Government or an agency thereof.

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

18 449.0302 1. The Board shall adopt:

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

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

23 (c) Regulations governing the procedure and standards for granting an
24 extension of the time for which a natural person may provide certain care in his or
25 her home without being considered a residential facility for groups pursuant to NRS
26 449.017. The regulations must require that such grants are effective only if made in
27 writing.

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

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

35 (f) Regulations requiring a hospital or independent center for emergency
36 medical care to provide training to each employee who provides care to victims of
37 sexual assault or attempted sexual assault concerning appropriate care for such
38 persons, including, without limitation, training concerning the requirements of NRS
39 449.1885.

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

42 2. The Board shall adopt separate regulations governing the licensing and
43 operation of:

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

45 (b) Residential facilities for groups,

46 ↪ which provide care to persons with Alzheimer's disease or other severe
47 dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845.

48 3. The Board shall adopt separate regulations for:

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

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

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

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

7 5. In addition to the training requirements prescribed pursuant to NRS
8 449.093, the Board shall establish minimum qualifications for administrators and
9 employees of residential facilities for groups. In establishing the qualifications, the
10 Board shall consider the related standards set by nationally recognized
11 organizations which accredit such facilities.

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

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

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

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

23 (1) Addresses possession and assistance in the administration of the
24 medication; and

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

28 (d) Except as otherwise authorized by the regulations adopted pursuant to NRS
29 449.0304, the prescribed medication is not administered by injection or
30 intravenously.

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

33 7. The Board shall adopt separate regulations governing the licensing and
34 operation of residential facilities for groups which provide assisted living services.
35 The Board shall not allow the licensing of a facility as a residential facility for
36 groups which provides assisted living services and a residential facility for groups
37 shall not claim that it provides "assisted living services" unless:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (d) Posting the plans or a summary of the plans adopted pursuant to paragraphs
39 (a) and (b) in a conspicuous place in each residential facility for groups.

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

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

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

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

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

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

3 (a) Except as otherwise provided in paragraph (b), require a natural person
4 responsible for the operation of a provider of community-based living arrangement
5 services and each employee of a provider of community-based living arrangement
6 services who supervises or provides support to recipients of community-based
7 living arrangement services to complete training concerning the provision of
8 community-based living arrangement services to persons with mental illness and
9 continuing education concerning the particular population served by the provider;

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

14 (c) Require a natural person responsible for the operation of a provider of
15 community-based living arrangement services to receive training concerning the
16 provisions of title 53 of NRS applicable to the provision of community-based living
17 arrangement services; and

18 (d) Require an applicant for a license to provide community-based living
19 arrangement services to post a surety bond in an amount equal to the operating
20 expenses of the applicant for 2 months, place that amount in escrow or take another
21 action prescribed by the Division to ensure that, if the applicant becomes insolvent,
22 recipients of community-based living arrangement services from the applicant may
23 continue to receive community-based living arrangement services for 2 months at
24 the expense of the applicant.

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

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

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

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

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

36 449.160 1. The Division may deny an application for a license or may
37 suspend or revoke any license issued under the provisions of NRS 449.029 to
38 449.2428, inclusive, *and section 9 of this act* upon any of the following grounds:

39 (a) Violation by the applicant or the licensee of any of the provisions of NRS
40 439B.410 or 449.029 to 449.245, inclusive, *and section 9 of this act*, or of any
41 other law of this State or of the standards, rules and regulations adopted thereunder.

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

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

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

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

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

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

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

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

8 (b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360,
9 244.3603 or 268.4124; or

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

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

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

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

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

20 ↪ The facility shall make the information available to the public pursuant to NRS
21 449.2486.

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

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

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

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

29 449.163 1. In addition to the payment of the amount required by NRS
30 449.0308, if a medical facility, facility for the dependent or facility which is
31 required by the regulations adopted by the Board pursuant to NRS 449.0303 to be
32 licensed violates any provision related to its licensure, including any provision of
33 NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 9 of this act* or any
34 condition, standard or regulation adopted by the Board, the Division, in accordance
35 with the regulations adopted pursuant to NRS 449.165, may:

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

38 (b) Limit the occupancy of the facility to the number of beds occupied when
39 the violation occurred, until it determines that the facility has corrected the
40 violation;

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

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

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

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

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

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

3 (a) Suspend the license of the facility until the administrative penalty is paid;
4 and

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

7 3. The Division may require any facility that violates any provision of NRS
8 439B.410 or 449.029 to 449.2428, inclusive, *and section 9 of this act* or any
9 condition, standard or regulation adopted by the Board to make any improvements
10 necessary to correct the violation.

11 4. Any money collected as administrative penalties pursuant to paragraph (d)
12 of subsection 1 must be accounted for separately and used to administer and carry
13 out the provisions of NRS 449.001 to 449.430, inclusive, *and section 9 of this act*,
14 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health,
15 safety, well-being and property of the patients and residents of facilities in
16 accordance with applicable state and federal standards or for any other purpose
17 authorized by the Legislature.

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

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

20 449.240 The district attorney of the county in which the facility is located
21 shall, upon application by the Division, institute and conduct the prosecution of any
22 action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~H~~,
23 *and section 9 of this act*.

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

26 1. *If the health authority receives notification from the Department of*
27 *Health and Human Services pursuant to section 1 of this act that the holder of a*
28 *permit to operate an ambulance, air ambulance or vehicle of a fire-fighting*
29 *agency is not in compliance with the requirements of subsection 4 of NRS*
30 *439.589, the health authority may, after notice and the opportunity for a hearing*
31 *in accordance with the provisions of this chapter, require corrective action or*
32 *impose an administrative penalty in an amount established by regulation of the*
33 *board.*

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

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

37 ~~218D.355 1. Except as otherwise provided in NRS 360.753, 360.754,~~
38 ~~360.893 and 360.965 [.] and section 31 of this act, any state legislation enacted on~~
39 ~~or after July 1, 2012, which authorizes or requires the Office of Economic~~
40 ~~Development to approve any abatement of taxes or increases the amount of any~~
41 ~~abatment of taxes which the Office is authorized or required to approve:~~

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

43 ~~(b) Does not apply to:~~

44 ~~(1) Any taxes imposed pursuant to NRS 374.110 and 374.111 or 374.190~~
45 ~~and 374.191; or~~

46 ~~(2) Any entity that receives:~~

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

49 ~~(II) Any real or personal property from a governmental entity at no~~
50 ~~cost or at a reduced cost.~~

51 ~~(c) Requires each recipient of the abatement to submit to the Department of~~
52 ~~Taxation, on or before the last day of each even numbered year, a report on whether~~
53 ~~the recipient is in compliance with the terms of the abatement. The Department of~~

1 ~~Taxation shall establish a form for the report and may adopt such regulations as it~~
 2 ~~determines to be appropriate to carry out this paragraph. The report must include,~~
 3 ~~without limitation:~~

4 ~~— (1) The date the recipient commenced operation in this State;~~

5 ~~— (2) The number of employees actually employed by the recipient and the~~
 6 ~~average hourly wage of those employees;~~

7 ~~— (3) An accounting of any fees paid by the recipient to the State and to local~~
 8 ~~governmental entities;~~

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

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

13 ~~— (6) An accounting of the total capital investment made in connection with~~
 14 ~~the project to which the abatement applies; and~~

15 ~~— (7) An accounting of the total investment in personal property made in~~
 16 ~~connection with the project to which the abatement applies.~~

17 ~~— 2. On or before January 15 of each odd-numbered year, the Department of~~
 18 ~~Taxation shall:~~

19 ~~— (a) Based upon the information submitted to the Department of Taxation~~
 20 ~~pursuant to paragraph (c) of subsection 1, prepare a written report of its findings~~
 21 ~~regarding whether the costs of the abatement exceed the benefits of the abatement;~~
 22 ~~and~~

23 ~~— (b) Submit the report to the Director for transmittal to the Legislature.]~~
 24 ~~(Deleted by amendment.)~~

25 **Sec. 19.** ~~[NRS 231.0685 is hereby amended to read as follows:~~

26 ~~— 231.0685 The Office shall, on or before January 15 of each odd-numbered~~
 27 ~~year, prepare and submit to the Director of the Legislative Counsel Bureau for~~
 28 ~~transmission to the Legislature a report concerning the abatements from taxation~~
 29 ~~that the Office approved pursuant to NRS 274.310, 274.320, 274.330, 360.750,~~
 30 ~~360.752, 360.753 or 360.754 [.] or section 31 of this act. The report must set forth,~~
 31 ~~for each abatement from taxation that the Office approved during the fiscal years~~
 32 ~~which are 3 fiscal years and 6 fiscal years immediately preceding the submission of~~
 33 ~~the report:~~

34 ~~— 1. The dollar amount of the abatement;~~

35 ~~— 2. The location of the business for which the abatement was approved;~~

36 ~~— 3. The value of infrastructure included as an incentive for the business;~~

37 ~~— 4. If applicable, the number of employees that the business for which the~~
 38 ~~abatement was approved employs or will employ;~~

39 ~~— 5. Whether the business for which the abatement was approved is a new~~
 40 ~~business or an existing business;~~

41 ~~— 6. The economic sector in which the business operates, the number of primary~~
 42 ~~jobs related to the business, the average wage paid to employees of the business and~~
 43 ~~the assessed values of personal property and real property of the business;~~

44 ~~— 7. Any information concerning whether the business for which the abatement~~
 45 ~~was approved participates or has participated in a program of workforce~~
 46 ~~development, as defined in NRS 231.146, implemented by the Executive Director;~~
 47 ~~and~~

48 ~~— 8. Any other information that the Office determines to be useful.] (Deleted by~~
 49 ~~amendment.)~~

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

51 ~~— 231A.170 1. For the purpose of NRS 231A.110, a qualified active low-~~
 52 ~~income community business is limited to those businesses meeting the Small~~
 53 ~~Business Administration size eligibility standards established in 13 C.F.R. §§~~

~~121.101 to 201, inclusive, at the time the qualified low income community investment is made. A business must be considered a qualified active low income community business for the duration of the qualified community development entity's investment in, or loan to, the business if the entity reasonably expects, at the time it makes the investment or loan, that the business will continue to satisfy the requirements for being a qualified active low income community business, other than the Small Business Administration size standards, throughout the entire period of the investment or loan.~~

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

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

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

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

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

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

~~(c) A business engaged in banking or lending;~~

~~(d) A massage parlor;~~

~~(e) A bath house;~~

~~(f) A tanning salon;~~

~~(g) A country club;~~

~~(h) A business operating under a nonrestricted license for gaming issued pursuant to NRS 463.170;~~

~~(i) A liquor store;~~

~~(j) A golf course.~~

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

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

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

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

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

1 **Sec. 21.** ~~[Chapter 232 of NRS is hereby amended by adding thereto the~~
2 ~~provisions set forth as sections 22, 23 and 24 of this act.] (Deleted by~~
3 ~~amendment.)~~

4 **Sec. 22.** ~~[As used in this section and sections 23 and 24 of this act, unless~~
5 ~~the context otherwise requires, "Hub" means the Nevada Innovation Hub~~
6 ~~established by section 23 of this act.] (Deleted by amendment.)~~

7 **Sec. 23.** ~~[1. The Nevada Innovation Hub is hereby established within the~~
8 ~~Department.~~

9 ~~2. The Director shall appoint the Chief Data Officer to serve as the~~
10 ~~executive head of the Hub. The Chief Data Officer is in the unclassified service~~
11 ~~of the State and serves at the pleasure of the Director.~~

12 ~~3. The Chief Data Officer shall:~~

13 ~~(a) Oversee the operations of the Hub;~~

14 ~~(b) Advise the Department, the divisions of the Department and county, city~~
15 ~~and district boards of health and health departments regarding best practices~~
16 ~~concerning the creation and maintenance of data; and~~

17 ~~(c) Coordinate planning concerning data analytics and transparency for the~~
18 ~~Department.~~

19 ~~4. The Department shall provide any additional personnel, facilities,~~
20 ~~equipment and supplies required by the Hub to carry out the provisions of this~~
21 ~~section and section 24 of this act.] (Deleted by amendment.)~~

22 **Sec. 24.** ~~[1. The Hub shall:~~

23 ~~(a) Obtain information relating to public health from:~~

24 ~~(1) The Department and its divisions;~~

25 ~~(2) County, city and district boards of health and health departments;~~
26 ~~and~~

27 ~~(3) Persons and entities who provide such information pursuant to~~
28 ~~subsection 2.~~

29 ~~(b) Establish and maintain a program to:~~

30 ~~(1) Collect, analyze and exchange the information described in~~
31 ~~paragraph (a); and~~

32 ~~(2) Make the information described in paragraph (a) available to state~~
33 ~~agencies, political subdivisions of this State, educational institutions, researchers,~~
34 ~~nongovernmental organizations and the general public in accordance with the~~
35 ~~regulations adopted pursuant to paragraph (c).~~

36 ~~(c) Adopt regulations prescribing:~~

37 ~~(1) The information that must be submitted to the Hub by the~~
38 ~~Department, its divisions and county, city and district boards of health and health~~
39 ~~departments;~~

40 ~~(2) The procedure for submitting information to the Hub; and~~

41 ~~(3) Procedures by which state agencies, political subdivisions of this~~
42 ~~State, educational institutions, researchers, nongovernmental organizations and~~
43 ~~the general public may request the information described in paragraph (a).~~

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

46 ~~(e) Maintain the security of the information described in paragraph (a).~~

47 ~~(f) Conduct operational and procedural audits of the Department and its~~
48 ~~divisions.~~

49 ~~(g) Perform financial planning for and design and implement projects to~~
50 ~~improve the efficiency of the Department and its divisions.~~

51 ~~(h) Advise and assist the Department and its divisions to identify and~~
52 ~~implement procedures to continuously improve processes.~~

~~1. (i) Perform any other duties assigned by the Director or the Chief Data Officer appointed pursuant to section 23 of this act.~~

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

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

~~4. The Hub shall not:~~

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

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

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

~~6. The sharing of information by the Hub with any agency or political subdivision of this State does not constitute a disclosure of the information for any purpose.] (Deleted by amendment.)~~

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

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

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

~~2. "Director" means the Director of the Department.] (Deleted by amendment.)~~

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

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, **and section 39 of this act**, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

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

Sec. 27. ~~[NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.000, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086,~~

~~1 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.820, 293.4855,
2 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908,
3 293.910, 293B.125, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
4 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775,
5 352.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
6 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257,
7 370.227, 372A.080, 378.290, 378.200, 379.0075, 379.008, 379.1495, 385A.820,
8 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513,
9 388.750, 388A.247, 388A.249, 391.023, 391.025, 391.0265, 391.120, 391.025,
10 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
11 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
12 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535,
13 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280,
14 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
15 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
16 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360,
17 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.120, 439B.754,
18 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
19 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245,
20 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055,
21 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 462.120, 462.15993,
22 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935,
23 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.240,
24 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070,
25 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
26 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210,
27 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
28 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,
29 624.227, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
30 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327,
31 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405,
32 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303,
33 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085,
34 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570,
35 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580,
36 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225,
37 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262,
38 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,
39 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060,
40 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,
41 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
42 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
43 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340,
44 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124,
45 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440,
46 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170,
47 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
48 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
49 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196,
50 704B.325, 706.1725, 706A.230, 710.159, 711.600, and section 24 of this act,
51 sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of
52 chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be
53 confidential, all public books and public records of a governmental entity must be~~

~~open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

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

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

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

~~(a) The public record:~~

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

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

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

~~(1) Give access to proprietary software; or~~

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

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

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

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

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

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

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers

1 and employees the premiums upon insurance and pay the deductions upon the
2 premiums.

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

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

27 2. If a school district offers group insurance to its officers and employees
28 pursuant to this section, members of the board of trustees of the school district must
29 not be excluded from participating in the group insurance. If the amount of the
30 deductions from compensation required to pay for the group insurance exceeds the
31 compensation to which a trustee is entitled, the difference must be paid by the
32 trustee.

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

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

45 (a) Shall be deemed, solely for the purposes of this section, to be officers and
46 employees of the county, school district, municipal corporation, political
47 subdivision, public corporation or other local governmental agency with which the
48 legal services organization has contracted; and

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

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

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

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

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

4 6. As used in this section, “legal services organization” means an organization
5 that operates a program for legal aid and receives money pursuant to NRS 19.031.

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

7 287.04335 If the Board provides health insurance through a plan of self-
8 insurance, it shall comply with the provisions of NRS ~~439.581 to 439.595,~~
9 ~~inclusive, and section 1 of this act,~~ 686A.135, 687B.352, 687B.409, 687B.723,
10 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160,
11 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675,
12 695G.170 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230,
13 inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as
14 an insurer that is licensed pursuant to title 57 of NRS is required to comply with
15 those provisions.

16 **Sec. 30.** ~~[NRS 353.207 is hereby amended to read as follows:~~

17 ~~353.207 1. The Chief shall:~~

18 ~~— (a) Require the Office of Economic Development and the Office of Energy~~
19 ~~each periodically to conduct an analysis of the relative costs and benefits of each~~
20 ~~incentive for economic development previously approved by the respective office~~
21 ~~and in effect during the immediately preceding 2 fiscal years, including, without~~
22 ~~limitation, any abatement of taxes approved by the Office of Economic~~
23 ~~Development pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.752,~~
24 ~~360.753, 360.754, 360.890, 360.950, 361.0687, 374.357 or 701A.210, or section 31~~
25 ~~of this act, to assist the Governor and the Legislature in determining whether the~~
26 ~~economic benefits of the incentive have accomplished the purposes of the statute~~
27 ~~pursuant to which the incentive was approved and warrant additional incentives of~~
28 ~~that kind;~~

29 ~~— (b) Require each office to report in writing to the Chief the results of the~~
30 ~~analysis conducted by the office pursuant to paragraph (a); and~~

31 ~~— (c) Establish a schedule for performing and reporting the results of the analysis~~
32 ~~required by paragraph (a) which ensures that the results of the analysis reported by~~
33 ~~each office are included in the proposed budget prepared pursuant to NRS 353.205,~~
34 ~~as required by that section.~~

35 ~~2. Each report prepared for the Chief pursuant to this section is a public~~
36 ~~record and is open to inspection pursuant to the provisions of NRS 239.010.]~~

37 ~~(Deleted by amendment.)~~

38 **Sec. 31.** ~~[Chapter 360 of NRS is hereby amended by adding thereto a new~~
39 ~~section to read as follows:~~

40 ~~1. A person who intends to locate or expand a business in the industry of~~
41 ~~health care in this State may apply to the Office of Economic Development~~
42 ~~pursuant to this section for a partial abatement of one or more of:~~

43 ~~— (a) The local sales and use taxes imposed on the purchase of eligible~~
44 ~~machinery, equipment and supplies, as defined in section 37 of this act.~~

45 ~~— (b) The taxes imposed on the business pursuant to chapter 361 of NRS.~~

46 ~~— (c) The taxes imposed pursuant to chapter 363B of NRS on the wages paid~~
47 ~~by the business to employees of the business who perform services directly related~~
48 ~~to addressing a critical medical or scientific need, as defined by regulation of the~~
49 ~~Office of Economic Development.~~

50 ~~2. Notwithstanding the provisions of any law to the contrary and except as~~
51 ~~otherwise provided in subsection 3, the Office of Economic Development shall~~
52 ~~approve an application for a partial abatement if the Office makes the following~~
53 ~~determinations:~~

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

3 ~~— (1) Complies with the requirements of NRS 360.755;~~

4 ~~— (2) States the date on which the abatement becomes effective, as agreed~~
5 ~~to by the applicant and the Office, which must not be earlier than the date on~~
6 ~~which the Office received the application and not later than 1 year after the date~~
7 ~~on which the Office approves the application;~~

8 ~~— (3) States that the business will, after the date on which a certificate of~~
9 ~~eligibility for the partial abatement is issued pursuant to subsection 4, continue in~~
10 ~~operation in this State for a period specified by the Office, which must be not less~~
11 ~~than 5 years, and will continue to meet the eligibility requirements set forth in~~
12 ~~this subsection; and~~

13 ~~— (4) Binds any successor in interest of the applicant for the specified~~
14 ~~period;~~

15 ~~— (b) The business is registered pursuant to the laws of this State or the~~
16 ~~applicant commits to obtaining a valid business license and all other permits~~
17 ~~required by the county, city or town in which the business operates;~~

18 ~~— (c) The average hourly wage that will be paid by the business to its employees~~
19 ~~in this State during the period of partial abatement is not less than 100 percent of~~
20 ~~the average statewide hourly wage as established by the Employment Security~~
21 ~~Division of the Department of Employment, Training and Rehabilitation on July~~
22 ~~1 of each fiscal year;~~

23 ~~— (d) The business will, by the eighth calendar quarter following the calendar~~
24 ~~quarter in which the abatement becomes effective, offer a health insurance plan~~
25 ~~for all employees that includes an option for health insurance coverage for~~
26 ~~dependents of the employees, and the health care benefits the business offers to~~
27 ~~its employees in this State will meet the minimum requirements for health care~~
28 ~~benefits established by the Office;~~

29 ~~— (e) The business offers all employees at least 10 days of paid leave each~~
30 ~~calendar year, which may be used by employees of the business in accordance~~
31 ~~with a policy adopted by the business;~~

32 ~~— (f) The business will make a new capital investment of at least \$3,000,000 in~~
33 ~~this State within 1 year after receiving a certificate of eligibility for a partial~~
34 ~~abatement;~~

35 ~~— (g) The business engages in qualified research in the field of health care or~~
36 ~~provides health care services in this State; and~~

37 ~~— (h) If the application is for the partial abatement of the taxes imposed by the~~
38 ~~Local School Support Tax Law, the application has been approved by a vote of at~~
39 ~~least two thirds of the members of the Board of Economic Development created~~
40 ~~by NRS 231.033.~~

41 ~~— 3. The Office of Economic Development;~~

42 ~~— (a) In considering applications submitted pursuant to this section, shall~~
43 ~~prioritize applications which propose to serve rural areas, areas with a high ratio~~
44 ~~of patients to physicians and areas otherwise underserved by providers of health~~
45 ~~care;~~

46 ~~— (b) Shall approve or deny an application submitted pursuant to this section~~
47 ~~and notify the applicant of its decision not later than 45 days after receiving the~~
48 ~~application.~~

49 ~~— (c) Must not:~~

50 ~~— (1) Consider an application for a partial abatement unless the Office has~~
51 ~~requested a letter of acknowledgment of the request for the partial abatement~~
52 ~~from any affected county, school district, city or town and has complied with the~~
53 ~~requirements of NRS 360.757; or~~

~~1. (2) Approve a partial abatement for any applicant for a period of more than 10 years.~~

~~2. 4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the partial abatement to:~~

~~3. (a) The Department;~~

~~4. (b) The Nevada Tax Commission; and~~

~~5. (c) If the partial abatement is from personal property taxes, the appropriate county treasurer.~~

~~6. 5. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.~~

~~7. If an applicant for a partial abatement pursuant to this section fails to execute the agreement described in paragraph (a) of subsection 2 within 1 year after the date on which the application was received by the Office, the applicant must not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.~~

~~8. If a business whose partial abatement has been approved pursuant to this section and whose partial abatement is in effect ceases:~~

~~9. (a) To meet the requirements set forth in subsection 2; or~~

~~10. (b) Operation before the time specified in the agreement described in paragraph (a) of subsection 2,~~

~~11. the business shall repay to the Department the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply, unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 90.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.~~

~~12. 8. The Office of Economic Development may adopt such regulations as the Office determines to be necessary to carry out the provisions of this section.~~

~~13. 9. The Nevada Tax Commission may adopt such regulations as the Commission determines are necessary to carry out the provisions of this section.~~

~~14. 10. An applicant for a partial abatement who is aggrieved by a final decision of the Office of Economic Development may petition a court of competent jurisdiction to review the decision in the manner provided in chapter 233B of NRS.~~

~~15. 11. As used in this section:~~

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

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

~~18. (Deleted by amendment.)~~

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

~~19. 360.755 1. If the Office of Economic Development approves an application by a business for an abatement of taxes pursuant to NRS 360.950 or a partial~~

1 ~~abatement pursuant to NRS 360.750, 360.752, 360.753, 360.754 or 360.890, or~~
2 ~~section 31 of this act, the agreement with the Office must provide that the business:~~

3 ~~— (a) Agrees to allow the Department to conduct audits of the business to~~
4 ~~determine whether the business is in full compliance with the requirements for the~~
5 ~~abatement or partial abatement; and~~

6 ~~— (b) Consents to the disclosure of the audit reports in the manner set forth in this~~
7 ~~section;~~

8 ~~— 2. If the Department conducts an audit of the business to determine whether~~
9 ~~the business is in full compliance with the requirements for the abatement or partial~~
10 ~~abatement, the Department shall, upon request, provide the audit report to the~~
11 ~~Office of Economic Development;~~

12 ~~— 3. Until the business has exhausted all appeals to the Department and the~~
13 ~~Nevada Tax Commission relating to the audit, the information contained in the~~
14 ~~audit report provided to the Office of Economic Development;~~

15 ~~— (a) Is confidential proprietary information of the business;~~

16 ~~— (b) Is not a public record; and~~

17 ~~— (c) Must not be disclosed to any person who is not an officer or employee of~~
18 ~~the Office of Economic Development unless the business consents to the disclosure;~~

19 ~~— 4. After the business has exhausted all appeals to the Department and the~~
20 ~~Nevada Tax Commission relating to the audit;~~

21 ~~— (a) The audit report provided to the Office of Economic Development is a~~
22 ~~public record; and~~

23 ~~— (b) Upon request by any person, the Executive Director of the Office of~~
24 ~~Economic Development shall disclose the audit report to the person who made the~~
25 ~~request, except for any information in the audit report that is protected from~~
26 ~~disclosure pursuant to subsection 5.~~

27 ~~— 5. Before the Executive Director of the Office of Economic Development~~
28 ~~discloses the audit report to the public, the business may submit a request to the~~
29 ~~Executive Director to protect from disclosure any information in the audit report~~
30 ~~which, under generally accepted business practices, would be considered a trade~~
31 ~~secret or other confidential proprietary information of the business. After consulting~~
32 ~~with the business, the Executive Director shall determine whether to protect the~~
33 ~~information from disclosure. The decision of the Executive Director is final and is~~
34 ~~not subject to judicial review. If the Executive Director determines to protect the~~
35 ~~information from disclosure, the protected information:~~

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

37 ~~— (b) Is not a public record;~~

38 ~~— (c) Must be redacted by the Executive Director from any audit report that is~~
39 ~~disclosed to the public; and~~

40 ~~— (d) Must not be disclosed to any person who is not an officer or employee of~~
41 ~~the Office of Economic Development unless the business consents to the~~
42 ~~disclosure.] (Deleted by amendment.)~~

43 **Sec. 33.** ~~[NRS 360.757 is hereby amended to read as follows:~~

44 ~~— 360.757 1. The Office of Economic Development shall not take any action~~
45 ~~on an application for any abatement of taxes pursuant to NRS 274.310, 274.320,~~
46 ~~274.330, 360.750, 360.753 or 360.754 or section 31 of this act or any other specific~~
47 ~~statute unless the Office:~~

48 ~~— (a) Takes that action at a public meeting conducted for that purpose; and~~

49 ~~— (b) At least 30 days before the meeting, provides notice of the application to:~~

50 ~~— (1) The governing body of the county, the board of trustees of the school~~
51 ~~district and the governing body of the city or town, if any, in which the pertinent~~
52 ~~business is or will be located;~~

~~1 (2) The governing body of any other political subdivision that could be
2 affected by the abatement; and~~

~~3 (3) The general public.~~

~~4 2. The notice required by this section must set forth the date, time and
5 location of the meeting at which the Office of Economic Development will consider
6 the application.~~

~~7 3. The Office of Economic Development shall adopt regulations relating to
8 the notice required by this section.] (Deleted by amendment.)~~

Sec. 34. ~~[NRS 360.7575 is hereby amended to read as follows:~~

~~9 360.7575 1. If the Office of Economic Development approves an
10 application for an abatement of sales and use taxes pursuant to NRS 360.950 or a
11 partial abatement of any sales and use taxes pursuant to NRS 274.310, 274.320,
12 274.330, 360.750, 360.753, 360.754 or 360.890, or section 31 of this act, the
13 Department shall issue to the business a document certifying the abatement or
14 partial abatement which can be presented to retailers at the time of purchase. The
15 document must clearly state that the business is not required to pay sales and use
16 taxes or the rate of sales and use tax that the business is required to pay.~~

~~17 2. If the Department has issued to a business a document pursuant to
18 subsection 1 and the business pays an amount of sales and use taxes for which the
19 business was entitled to an abatement because the business fails to present the
20 document, the business may apply to the Department for a refund of the amount of
21 sales and use tax paid for which the business was entitled to an abatement. If the
22 Department has issued to a business a document pursuant to subsection 1 and the
23 failure of the business to present the document results in the business paying the
24 full amount of sales and use tax on 50 percent or more of the purchases for which
25 the business was eligible for the abatement, the Department shall impose on the
26 business a penalty equal to 10 percent of the total amount of the abatement. The
27 Department shall distribute the proceeds of any penalty imposed pursuant to this
28 subsection to each local government affected by a refund issued pursuant to this
29 subsection in proportion to the amount of the refunds for which the affected local
30 government is responsible.~~

~~31 3. If, after submitting an application for an abatement of sales and use taxes
32 pursuant to NRS 360.950 or a partial abatement of any sales and use taxes pursuant
33 to NRS 360.750, 360.753, 360.754 or 360.890 or section 31 of this act and before
34 receiving the document issued pursuant to subsection 1, a business pays an amount
35 of sales and use tax for which the business is entitled to an abatement, the business
36 may apply to the Department for a refund of the amount of sales and use tax which
37 the applicant paid for which the business is entitled to an abatement.~~

~~38 4. Notwithstanding any other provision of law, no interest is allowed on a
39 refund made pursuant to subsection 2 or 3.] (Deleted by amendment.)~~

Sec. 35. ~~[Chapter 361 of NRS is hereby amended by adding thereto a new
40 section to read as follows:~~

~~41 1. A person who intends to locate or expand a business in the industry of
42 health care in this State may, pursuant to section 31 of this act, apply to the
43 Office of Economic Development for a partial abatement from the taxes imposed
44 by this chapter.~~

~~45 2. If a partial abatement from the taxes imposed by this chapter on personal
46 property located at the business is approved by the Office of Economic
47 Development pursuant to section 31 of this act:~~

~~48 (a) The partial abatement must:~~

~~49 (1) Be for a duration of 10 years but not more than 20 years; and~~

~~50 (2) Equal 50 percent of the taxes imposed on the real property of the
51 business each year pursuant to this chapter and 50 percent of the taxes imposed
52
53~~

1 ~~on the personal property of the business that is eligible machinery, equipment~~
2 ~~and supplies; and~~

3 ~~— (2) Be administered and carried out in the manner set forth in section 31~~
4 ~~of this act.~~

5 ~~(b) The Executive Director of the Office of Economic Development shall~~
6 ~~notify the county assessor of each county in which the business is located of the~~
7 ~~approval of the partial abatement, including, without limitation, the duration and~~
8 ~~percentage of the partial abatement that the Office granted. The Executive~~
9 ~~Director shall, on or before April 15 of each year, advise the county assessor of~~
10 ~~each county in which a business qualifies for a partial abatement during the~~
11 ~~current fiscal year as to whether the business is still eligible for the partial~~
12 ~~abatement in the next succeeding fiscal year.~~

13 ~~— 3. As used in this section:~~

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

18 ~~— (b) “Qualified research” has the meaning ascribed to it in 26 U.S.C. § 41(d).]~~
19 **(Deleted by amendment.)**

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

22 ~~— 1. An employer that qualifies pursuant to the provisions of section 31 of this~~
23 ~~act is entitled to an abatement of the amount of tax otherwise due pursuant to~~
24 ~~NRS 363B.110.~~

25 ~~— 2. The abatement must:~~

26 ~~— (a) Be for a duration of 10 years; and~~

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

31 ~~— 3. If a partial abatement from the taxes otherwise due pursuant to NRS~~
32 ~~363B.110 is approved by the Office of Economic Development pursuant to NRS~~
33 ~~360.750, the partial abatement must be administered and carried out in the~~
34 ~~manner set forth in NRS 360.750.] **(Deleted by amendment.)**~~

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

37 ~~— 1. A person who intends to locate or expand a business in the industry of~~
38 ~~health care in this State may, pursuant to section 31 of this act, apply to the~~
39 ~~Office of Economic Development for a partial abatement from the taxes imposed~~
40 ~~by this chapter on the gross receipts from the sale, and the storage, use or other~~
41 ~~consumption, of eligible machinery, equipment and supplies for use at the~~
42 ~~business which has been approved for a partial abatement pursuant to section 31~~
43 ~~of this act.~~

44 ~~— 2. If an application for a partial abatement is approved:~~

45 ~~— (a) The business is eligible for an abatement from the tax imposed by this~~
46 ~~chapter for a period of 10 years.~~

47 ~~— (b) The abatement must be administered and carried out in the manner set~~
48 ~~forth in section 31 of this act.~~

49 ~~— 3. As used in this section:~~

50 ~~— (a) “Eligible machinery, equipment and supplies” means machinery,~~
51 ~~equipment and supplies necessary to and specifically related to qualified~~
52 ~~research. The term does not include vehicles, buildings or the structural~~
53 ~~components of buildings.~~

~~1 (b) "Qualified research" has the meaning ascribed to it in 26 U.S.C. § 41(d).
2 (Deleted by amendment.)~~

~~3 Sec. 38. [NRS 374.257 is hereby amended to read as follows:
4 374.257~~

~~5 1. A person who maintains a business or intends to locate a
6 business in this State may, pursuant to NRS 360.750, apply to the Office of
7 Economic Development for an abatement from the taxes imposed by this chapter on
8 the gross receipts from the sale, and the storage, use or other consumption, of
9 eligible machinery or equipment for use by a business which has been approved for
10 an abatement pursuant to NRS 360.750.~~

~~11 2. If an application for an abatement is approved pursuant to NRS 360.750:~~

~~12 (a) The taxpayer is eligible for an abatement from the tax imposed by this
13 chapter for not more than 2 years.~~

~~14 (b) The abatement must be administered and carried out in the manner set forth
15 in NRS 360.750.~~

~~16 3. As used in this section, unless the context otherwise requires, "eligible
17 machinery or equipment" means machinery or equipment for which a deduction is
18 authorized pursuant to 26 U.S.C. § 179. The term does not include:~~

~~19 (a) Buildings or the structural components of buildings;~~

~~20 (b) Equipment used by a public utility;~~

~~21 (c) [Equipment used for medical treatment;~~

~~22 (d)] Machinery or equipment used in mining; or~~

~~23 [(e)] (d) Machinery or equipment used in gaming.] (Deleted by amendment.)~~

~~24 Sec. 39. Chapter 422 of NRS is hereby amended by adding thereto a new
25 section to read as follows:~~

~~26 1. The Legislature hereby finds and declares that it is the public policy of
27 this State that each resident of this State who otherwise qualifies for enrollment
28 in Medicaid, regardless of his or her immigration or citizenship status, is eligible
29 to receive the benefits provided for by subsection 2.~~

~~30 2. The Director shall:~~

~~31 (a) Establish a program to provide coverage, to the same extent as coverage
32 provided under Medicaid, to persons who:~~

~~33 (1) Are less than 27 years of age;~~

~~34 (2) Are not eligible for coverage under the State Plan for Medicaid
35 because of their immigration status; and~~

~~36 (3) Would otherwise be eligible for Medicaid.~~

~~37 (b) Apply to the Secretary of Health and Human Services for any waiver,
38 amendment of the State Plan for Medicaid or other federal authority necessary to
39 provide coverage under Medicaid for persons who:~~

~~40 (1) Qualify for the federal Deferred Action for Childhood Arrivals
41 Program established by the memorandum of the Secretary of Homeland Security
42 issued on June 15, 2012; and~~

~~43 (2) Meet the requirements to be eligible for Medicaid, except for
44 requirements concerning immigration status.~~

~~45 (c) Apply apply to the Secretary of Health and Human Services for any
46 federal authority necessary to provide coverage under the Children's Health
47 Insurance Program for the costs of prenatal care and labor and delivery for
48 persons who:~~

~~49 [(1)] (a) Are not eligible for coverage under the State Plan for Medicaid
50 because of their immigration status; and~~

~~51 [(2)] (b) Would otherwise be eligible for Medicaid.~~

~~52 [(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.

4. On or before July 1 of each even-numbered year, the Department shall:

(a) Compile a report of the following information for each of the 2 immediately preceding fiscal years:

(1) The number of recipients of coverage provided pursuant to subsection 2 by region and county;

(2) The demographics of the recipients described in subparagraph (1), including, without limitation, race, ethnicity, primary language, gender identity or expression and age;

(3) An overview of the categories of services received by the recipients described in subparagraph (1), including, without limitation, primary care and specialty care;

(4) An estimate of the costs saved through the provision of coverage pursuant to subsection 2, including, without limitation, costs saved through:

(I) Avoiding visits to an emergency room; and

(II) Federal financial participation; and

(5) Any other data relevant to guide or provide information concerning the implementation of the provisions of this section;

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services; and

(c) Post the report on an Internet website maintained by the Department.

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.

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

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

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

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

13 8. The Advisory Committee shall:

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

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

18 9. A majority of the voting members of the Advisory Committee constitutes a
 19 quorum for the transaction of business, and the affirmative vote of a majority of
 20 the members of the Advisory Committee is required to take action.

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

27 (a) Racial and ethnic minorities;

28 (b) Persons who reside in rural areas;

29 (c) Persons with disabilities;

30 (d) Persons with mental illness;

31 (e) Persons with substance use disorders;

32 (f) Persons experiencing homelessness; and

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

35 2. ~~[The]~~ On or before July 1 of each even-numbered year, the Advisory
 36 Committee shall ~~annually~~ compile a report of its activities during the
 37 immediately preceding biennium and post the report on an Internet website
 38 maintained by the Division.

39 Sec. 43. ~~[NRS 422A.372 is hereby amended to read as follows:~~

40 ~~422A.372 1. The Department shall provide public assistance pursuant to:~~

41 ~~(a) The program established to provide Temporary Assistance for Needy~~
 42 ~~Families; or~~

43 ~~(b) [Medicaid; or~~

44 ~~(c)] Any program for which a grant has been provided to this State pursuant to~~
 45 ~~42 U.S.C. §§ 1397 et seq.,~~

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

49 ~~2. A person who is not a citizen or national of the United States is considered~~
 50 ~~"qualified" for the purposes of subsection 1 if the person meets the requirements of~~
 51 ~~8 U.S.C. § 1641(b).] (Deleted by amendment.)~~

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

2 603A.100 1. The provisions of NRS 603A.010 to 603A.290, inclusive, do
3 not apply to the maintenance or transmittal of information in accordance with NRS
4 439.581 to 439.595, inclusive, *and section 1 of this act* and the regulations adopted
5 pursuant thereto.

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

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

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

11 629.051 1. Except as otherwise provided in this section and in regulations
12 adopted by the State Board of Health pursuant to NRS 652.135 with regard to the
13 records of a medical laboratory and unless a longer period is provided by federal
14 law, each custodian of health care records shall retain the health care records of
15 patients as part of the regularly maintained records of the custodian for 5 years after
16 their receipt or production. Health care records may be retained in written form, or
17 by microfilm or any other recognized form of size reduction, including, without
18 limitation, microfiche, computer disc, magnetic tape and optical disc, which does
19 not adversely affect their use for the purposes of NRS 629.061. Health care records
20 ~~may~~:

21 (a) *Must, except as otherwise provided in subsections 5 and 6 of NRS*
22 *439.589, be created, maintained, transmitted and exchanged electronically as*
23 *required by subsection 4 of NRS 439.589; and*

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

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

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

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

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

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

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

51 8. *If a health care licensing board receives notification from the*
52 *Department of Health and Human Services pursuant to section 1 of this act that*
53 *a provider of health care to which the health care licensing board has issued a*

1 *license is not in compliance with the requirements of subsection 4 of NRS*
2 *439.589, the health care licensing board may, after notice and the opportunity for*
3 *a hearing in accordance with the provisions of this title, require corrective action*
4 *or impose an administrative penalty in an amount not to exceed the maximum*
5 *penalty that the health care licensing board is authorized to impose for other*
6 *violations. The health care licensing board shall not suspend or revoke a license*
7 *for failure to comply with the requirements of subsection 4 of NRS 439.589.*

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

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

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

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

14 11. *As used in this section:*

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

16 (1) *A board created pursuant to chapter 630, 630A, 631, 632, 633, 634,*
17 *634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B, 641C*
18 *or 641D of NRS.*

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

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

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

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

25 654.190 1. The Board may, after notice and an opportunity for a hearing as
26 required by law, impose an administrative fine of not more than \$10,000 for each
27 violation on, recover reasonable investigative fees and costs incurred from,
28 suspend, revoke, deny the issuance or renewal of or place conditions on the license
29 of, and place on probation or impose any combination of the foregoing on any
30 licensee who:

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

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

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

35 (d) Aids or abets any person in the violation of any of the provisions of NRS
36 449.029 to 449.2428, inclusive, *and section 9 of this act*, as those provisions
37 pertain to a facility for skilled nursing, facility for intermediate care or residential
38 facility for groups.

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

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

44 2. If a licensee requests a hearing pursuant to subsection 1, the Board shall
45 give the licensee written notice of a hearing pursuant to NRS 233B.121 and
46 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

47 3. The Board may compel the attendance of witnesses or the production of
48 documents or objects by subpoena. The Board may adopt regulations that set forth a
49 procedure pursuant to which the Chair of the Board may issue subpoenas on behalf
50 of the Board. Any person who is subpoenaed pursuant to this subsection may
51 request the Board to modify the terms of the subpoena or grant additional time for
52 compliance.

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

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

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

10 **1. If the Commissioner receives notification from the Department of Health**
11 **and Human Services pursuant to section 1 of this act that an insurer is not in**
12 **compliance with the requirements of subsection 4 of NRS 439.589, the**
13 **Commissioner may, after notice and the opportunity for a hearing in accordance**
14 **with the provisions of this title, require corrective action or impose an**
15 **administrative fine in the amount prescribed by NRS 680A.200.**

16 **2. The Commissioner shall not suspend or revoke the certificate of**
17 **authority of an insurer for failure to comply with the requirements of subsection**
18 **4 of NRS 439.589.**

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

20 680A.095 1. Except as otherwise provided in subsection 3, an insurer which
21 is not authorized to transact insurance in this State may not transact reinsurance
22 with a domestic insurer in this State, by mail or otherwise, unless the insurer holds
23 a certificate of authority as a reinsurer in accordance with the provisions of NRS
24 680A.010 to 680A.150, inclusive, 680A.160 to 680A.280, inclusive, **and section 47**
25 **of this act, 680A.320 and 680A.330.**

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

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

31 **Sec. 49.** (Deleted by amendment.)

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

34 **1. If the Commissioner receives notification from the Department of Health**
35 **and Human Services pursuant to section 1 of this act that an administrator is not**
36 **in compliance with the requirements of subsection 4 of NRS 439.589, the**
37 **Commissioner may, after notice and the opportunity for a hearing in accordance**
38 **with the provisions of this chapter, require corrective action or impose an**
39 **administrative fine in the amount prescribed by NRS 683A.461.**

40 **2. The Commissioner shall not suspend or revoke the certificate of**
41 **registration of an administrator for failure to comply with the requirements of**
42 **subsection 4 of NRS 439.589.**

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

44 683A.3683 A producer of limited lines travel insurance and each travel
45 retailer, or employee or authorized representative of a travel retailer, who offers or
46 disseminates travel insurance under the license of a producer of limited lines travel
47 insurance shall be subject to the provisions of NRS 683A.451 to 683A.520,
48 inclusive, **and section 50 of this act** and chapter 686A of NRS.

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

50 692A.270 The provisions of NRS 683A.321, 683A.331, 683A.341,
51 683A.400, 683A.451 to 683A.490, inclusive, **and section 50 of this act** and
52 683A.520 apply to title insurers, title agents and escrow officers.

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

3 1. *If the Commissioner receives notification from the Department of Health
4 and Human Services pursuant to section 1 of this act that a health maintenance
5 organization is not in compliance with the requirements of subsection 4 of NRS
6 439.589, the Commissioner may, after notice and the opportunity for a hearing in
7 accordance with the provisions of this chapter, require corrective action or
8 impose an administrative fine in the amount prescribed by NRS 695C.350.*

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

12 **Sec. 54.** (Deleted by amendment.)

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

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

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

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

27 ~~695I.210 1. The Exchange shall:~~

28 ~~(a) Create and administer a health insurance exchange;~~

29 ~~(b) Facilitate the purchase and sale of qualified health plans consistent with
30 established patterns of care within the State;~~

31 ~~(c) Provide for the establishment of a program to assist qualified small
32 employers in Nevada in facilitating the enrollment of their employees in qualified
33 health plans offered in the small group market;~~

34 ~~(d) Except as otherwise authorized by a waiver obtained pursuant to NRS
35 695I.505 [,] or *section 54.3 of this act*, make only qualified health plans available
36 to qualified individuals and qualified small employers; and~~

37 ~~(e) Unless the Federal Act is repealed or is held to be unconstitutional or
38 otherwise invalid or unlawful, perform all duties that are required of the Exchange
39 to implement the requirements of the Federal Act.~~

40 ~~2. The Exchange may:~~

41 ~~(a) Enter into contracts with any person, including, without limitation, a local
42 government, a political subdivision of a local government and a governmental
43 agency, to assist in carrying out the duties and powers of the Exchange or the
44 Board; and~~

45 ~~(b) Apply for and accept any gift, donation, bequest, grant or other source of
46 money to carry out the duties and powers of the Exchange or the Board.~~

47 ~~3. The Exchange is subject to the provisions of chapter 333 of NRS.]~~
48 **(Deleted by amendment.)**

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

50 719.200 1. Except as otherwise provided in subsection 2, the provisions of
51 this chapter apply to electronic records and electronic signatures relating to a
52 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;

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

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

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

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

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

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

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

Sec. 57. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the purposes of providing the coverage under the Children’s Health Insurance Program required by section 39 of this act the ~~sum of \$3,000,000 for the purpose of awarding grants to providers of health care and facilities licensed pursuant to chapter 449 of NRS for the purposes of complying with the requirements of subsection 4 of NRS 439.589, as amended by section 6 of this act, and paragraph (a) of subsection 1 of NRS 629.051, as amended by section 45 of this act. To receive such a grant, a provider of health care or facility must:~~

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

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

For the Fiscal Year 2023-2024 \$224,927

For the Fiscal Year 2024-2025 \$1,485,480

2. Any remaining balance of the ~~[appropriation made]~~ sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30, ~~[, 2025,]~~ of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, ~~[~~

~~3. As used in this section:~~

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

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

~~(c) "Provider of health care" has the meaning ascribe to it in NRS 629.031.]~~
respectively.

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

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

- (1) Remote patient monitoring;
- (2) Health products that use artificial intelligence;
- (3) Digital therapeutics; and
- (4) Health information technology;

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

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

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

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

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

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

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

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

(c) The feasibility of including in the State Plan for Medicaid an enhanced rate of reimbursement for providers of health care who provide services in medically underserved areas and rural areas of this State. The study must include, without limitation, a specific determination of the feasibility of including in the State Plan an enhanced rate of reimbursement for such providers for whom at least half of their patients are enrolled in Medicare and Medicaid.

(d) Methods for increasing the amount of biotechnological and medical research conducted in this State and fostering an environment in this State conducive to the development of patents for and the commercialization of medical and biotechnological products. Methods considered by the study must include, without limitation:

(1) Tax abatements for small and medium-sized medical and biotechnology companies that start in or relocate to this State;

(2) Matching tax credits for investments in new medical and biotechnology companies;

(3) The development of a public-private partnership to establish a program to foster the growth of new medical and biotechnology companies;

(4) Tax incentives for research, development and capital investment in health care and biotechnology; and

(5) Sustainable funding models to support:

(I) The continued advancement of the medical sciences; and

(II) Programs for developing the health care workforce that are aimed at improving outcomes for patients.

(e) The feasibility of including in the State Plan for Medicaid a program to provide services through managed care to recipients of Medicaid who are aged, blind or disabled.

2. The study described in paragraph (e) of subsection 1 must include, without limitation, the consideration at a public meeting of the Committee of the feasibility of including in the State Plan for Medicaid a program described in that paragraph.

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

~~3.4~~ 4. As used in this section:

(a) "Data registry" includes, without limitation:

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

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

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

(b) "Medically underserved area" means an area designated as:

(1) A health professional shortage area for primary care by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 254e; or

(2) An area with a medically underserved population by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 254b.

(c) "Natural persons index" means a database of health information concerning natural persons who reside in this State to be used by providers of health care and public health agencies in this State to maintain and access accurate health information concerning such natural persons.

~~(c)~~ (d) "Provider of health care" means:

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

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

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

Sec. 59. [1.] During the 2023-2024 Interim, the Department of Health and Human Services shall:

~~— (a) Evaluate the workforce of the Department, including, without limitation, each division thereof, and determine, for each position, whether adding, eliminating, reclassifying or revising the salary for any position within the Department would increase the effectiveness or efficiency of the operations of the Department and its divisions; and~~

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

~~2. On or before February 1, 2025, the Department of Health and Human Services shall submit to the Director of the Legislative Counsel Bureau for transmittal to the 93rd Session of the Legislature a report of:~~

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

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

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

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

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

(a) The following ex officio members:

(1) The Director of the Department;

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

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

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

(5) The Commissioner of Insurance;

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

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

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

and

(b) The following members appointed by the Director:

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

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

(3) Representatives of consumers of health care;

(4) Representatives of labor organizations;

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

(6) Professionals in the field of health information technology, ~~and~~ **and the interoperability of health information;**

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

(8) Representatives of county and city health departments;

(9) Representatives of social services agencies; and

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

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

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

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

6 5. A majority of the voting members of the advisory group constitutes a
7 quorum for the transaction of business, and a majority of the members of a quorum
8 present at any meeting is sufficient for any official action taken by the advisory
9 group.

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

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

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

25 9. The Department shall:

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

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

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

37 **Sec. 61.** (Deleted by amendment.)

38 **Sec. 62.** ~~[1. Notwithstanding the amendatory provisions of section 4.5 of
39 this act, if the Director of the Department of Health and Human Services has
40 contracted with a health information exchange to serve as the statewide health
41 information exchange pursuant to subsection 2 of NRS 439.587, as that section
42 exists on June 30, 2025, and that contract is effective on July 1, 2025, the contract
43 remains valid until the expiration of the contract but may not be renewed.~~

44 ~~2. As used in this section, "health information exchange" has the meaning
45 ascribed to it in NRS 439.584.] (Deleted by amendment.)~~

46 **Sec. 63.** 1. Hospitals and physician group practices with more than 20
47 employees shall comply with the provisions of subsection 4 of NRS 439.589, as
48 amended by section 6 of this act, on or before July 1, 2024.

49 2. Notwithstanding the amendatory provisions of sections 1, 6, 9 ~~[and]~~ , 17,
50 28, 29, 45, 47, 50 and 53 of this act ~~[, persons]~~ ;

51 (a) Persons and entities subject to the provisions of subsection 4 of NRS
52 439.589, as amended by section 6 of this act, other than ~~[hospitals and physician~~
53 ~~group practices,]~~ the persons and entities described in paragraph (b) of this

1 subsection and subsection 1 of this section, are not required to comply with those
2 provisions until July 1, 2025.

3 (b) Physician group practices or other business entities organized for the
4 purpose of practicing a health care profession with 20 or fewer employees,
5 including, without limitation, sole proprietorships, are not required to comply
6 with the provisions of subsection 4 of NRS 439.589, as amended by section 6 of
7 this act, until January 1, 2030.

8 ~~2.1~~ 3. As used in this section:

9 (a) “Health care profession” means any profession practiced by providers
10 of health care, as defined in NRS 629.031.

11 (b) “Hospital” has the meaning ascribed to it in NRS 449.012.

12 ~~4.1~~ (c) “Physician group practice” means any business entity organized for
13 the purpose of the practice of medicine or osteopathic medicine by more than one
14 physician.

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

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

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

23 ~~— 1. Will achieve a bona fide social or economic purpose and the benefits of the~~
24 ~~abatement are expected to exceed any adverse effect of the abatement on the~~
25 ~~provision of services to the public by the State or a local government that would~~
26 ~~otherwise receive revenue from the tax from which the abatement would be~~
27 ~~granted; and~~

28 ~~— 2. Will not impair adversely the ability of the State or a local government to pay,~~
29 ~~when due, all interest and principal on any outstanding bonds or any other~~
30 ~~obligations for which revenue from the tax from which the abatement would be~~
31 ~~granted was pledged.] **(Deleted by amendment.)**~~

32 **Sec. 67.** 1. This section and sections 6.5, 7 and 8 of this act become
33 effective upon passage and approval.

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

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

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

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

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

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

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

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

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

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

53 6. Sections 4.5 and 62 of this act become effective on July 1, 2025.

- 1 7. Sections 31 to 38, inclusive, of this act expire by limitation on July 1, 2053.
- 2 8. Section 60 of this act expires by limitation on January 1, 2025.