

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

FEBRUARY 22, 2023

Referred to Committee on Health and Human Services

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

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

**Legislative Counsel’s Digest:**

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

11 Existing law requires a board of hospital trustees to hold meetings and  
12 authorizes the board of hospital trustees to hold a closed meeting to discuss  
13 providing or expanding a health care service or acquiring or expanding a facility.  
14 (NRS 450.140) **Section 1** of this bill also authorizes a board of hospital trustees or a  
15 hospital governing board to hold a closed meeting to discuss: (1) privileged or  
16 confidential matters before an organized committee of a county hospital, including,  
17 without limitation, deliberations of the character, alleged misconduct, professional  
18 competence, or physical or mental health of a provider of health care; and (2) a  
19 report related to the compliance of the county hospital with all laws, regulations  
20 and rulemaking guidance of the Centers for Medicare and Medicaid Services of the  
21 United States Department of Health and Human Services or a report related to any  
22 conditions of participation in the Medicare or Medicaid programs. **Section 3** of this



23 bill makes a conforming change to exempt a closed meeting held pursuant to  
24 **section 1** from the Open Meeting Law.

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

1     **Section 1.** NRS 450.140 is hereby amended to read as follows:  
2     450.140 1. The board of hospital trustees shall hold meetings  
3 at least once each month, and shall keep a complete record of all its  
4 transactions.

5     2. Except as otherwise provided in NRS 241.0355:

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

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

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

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

20     (a) Providing a new health care service at the county hospital or  
21 materially expanding a health care service that is currently provided  
22 by the county hospital; ~~or~~

23     (b) The acquisition of an additional facility by the county  
24 hospital or the material expansion of an existing facility of the  
25 county hospital ~~or~~;

26     (c) *Matters before a review committee, including, without*  
27 *limitation, deliberations of the character, alleged misconduct,*  
28 *professional competence or physical or mental health of a*  
29 *provider of health care; or*

30     (d) *A report related to:*

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

35         (2) *Any conditions of participation in the Medicare or*  
36 *Medicaid programs.*

37     4. Subsection 3 must not be construed to authorize the board of  
38 hospital trustees *or the hospital governing board* to hold a closed



1 meeting to discuss a change of management or ownership or the  
2 dissolution of the county hospital.

3 5. ~~Minutes~~ *Except as otherwise provided in this subsection,*  
4 *minutes* of a closed meeting held pursuant to subsection 3, any  
5 supporting material and any recording or transcript of the closed  
6 meeting become public records 5 years after the date on which the  
7 meeting is held or when the board of hospital trustees *or hospital*  
8 *governing board, as applicable,* determines that the matters  
9 discussed no longer require confidentiality, whichever occurs first.  
10 *Minutes of a closed meeting held pursuant to subsection 3, any*  
11 *supporting material and any recording or transcript of the closed*  
12 *meeting that contains privileged information are not public*  
13 *records.*

14 6. *As used in this section:*

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

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

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

20 450.175 1. In counties where the board of county  
21 commissioners is the board of hospital trustees, the board of hospital  
22 trustees may appoint a hospital ~~advisory~~ *governing* board which  
23 shall exercise *only the* powers and duties delegated to the ~~advisory~~  
24 *governing* board by the board of hospital trustees. *In counties in*  
25 *which the board of hospital trustees appoints a hospital governing*  
26 *board, the governing board is the governing body of the county*  
27 *hospital when exercising powers and duties delegated to the*  
28 *governing board pursuant to this chapter.*

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

32 3. Members of the hospital ~~advisory~~ *governing* board may  
33 receive compensation for their services in an amount not to exceed  
34 \$500 per month.

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

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

39 241.016 1. The meetings of a public body that are quasi-  
40 judicial in nature are subject to the provisions of this chapter.

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

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

44 (b) Judicial proceedings, including, without limitation,  
45 proceedings before the Commission on Judicial Selection and,



1 except as otherwise provided in NRS 1.4687, the Commission on  
2 Judicial Discipline.

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

6 3. Any provision of law, including, without limitation, NRS  
7 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028,  
8 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150,  
9 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121,  
10 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150,  
11 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467,  
12 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405,  
13 433.534, 435.610, 442.774, **450.140**, 463.110, 480.545, 622.320,  
14 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557,  
15 686B.170, 696B.550, 703.196 and 706.1725, which:

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

18 (b) Otherwise authorizes or requires a closed meeting, hearing  
19 or proceeding,

20 ↪ prevails over the general provisions of this chapter.

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

26 **Sec. 4.** 1. Any administrative regulations adopted by an  
27 officer, agency or other entity whose name has changed or whose  
28 responsibilities have been transferred pursuant to the provisions of  
29 this act to another officer, agency or other entity to which the  
30 responsibility for the adoption of the regulations has been  
31 transferred.

32 2. Any contracts or other agreements entered into by an officer,  
33 agency or other entity whose name has been changed or whose  
34 responsibilities have been transferred pursuant to the provisions of  
35 this act to another officer, agency or entity are binding upon the  
36 officer, agency or other entity to which the responsibility for the  
37 administration of the provisions of the contract or other agreement  
38 have been transferred. Such contracts and other agreements may be  
39 enforced by the officer, agency, or other entity to which the  
40 responsibility for enforcement of the provisions of the contract or  
41 other agreement has been transferred.

42 3. Any action taken by an officer, agency or other entity whose  
43 name has been changed or whose responsibilities have been  
44 transferred pursuant to the provisions of this act to another officer,  
45 agency or entity remains in effect as if taken by the officer, agency



1 or other entity to which the responsibility for the enforcement of  
2 such actions has been transferred.

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

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

9 2. In preparing supplements to the Nevada Administrative  
10 Code, appropriately change only references to an officer, agency or  
11 other entity whose name is changed or whose responsibilities are  
12 transferred pursuant to the provisions of this act to refer to the  
13 appropriate officer, agency or other entity.

