

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

FEBRUARY 22, 2023

Referred to Committee on Health and Human Services

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

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

~

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

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

Legislative Counsel’s Digest:

1 Existing law authorizes a county or group of counties to establish a public
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 of a county hospital to hold
12 meetings and authorizes the board of hospital trustees to hold a closed meeting to
13 discuss providing or expanding a health care service or acquiring or expanding a
14 facility. (NRS 450.140) **Section 1.5** of this bill also authorizes a board of hospital
15 trustees or a hospital governing board to hold a closed meeting to discuss: (1)
16 privileged or confidential matters before an organized committee of a county



17 hospital in deliberating the character, alleged misconduct, professional competence,
18 or physical or mental health of a provider of health care; and (2) matters related to a
19 medical audit or the quality assurance programs of the county hospital.

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

27 **Section 3** of this bill makes a conforming change to exempt a closed meeting
28 held pursuant to **sections 1 and 1.5** from the Open Meeting Law. **Sections 2.7 and**
29 **2.9** of this bill make conforming changes to indicate the proper placement of
30 **section 1** in the Nevada Revised Statutes.

31 Existing law authorizes a board of hospital trustees of a public hospital to
32 employ physicians and interns on a full-time or part-time basis, and fix their
33 compensations. (NRS 450.180) **Section 2.5** of this bill authorizes a board of
34 hospital trustees or any hospital governing board appointed pursuant to **section 2** to
35 employ dentists and fix their compensation. **Section 3.5** of this bill exempts such a
36 dentist from a prohibition against associating with or being employed by certain
37 unlicensed persons under certain circumstances.

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

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

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

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

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

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

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

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

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

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

22 *3. Except as otherwise provided in this subsection, minutes of*
23 *a closed meeting held pursuant to subsection 1, any supporting*



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

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

12 *(a) "Provider of health care" has the meaning ascribed to it in*
13 *NRS 629.031.*

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

16 **Sec. 1.5.** NRS 450.140 is hereby amended to read as follows:

17 450.140 1. The board of hospital trustees shall hold meetings
18 at least once each month, and shall keep a complete record of all its
19 transactions.

20 2. Except as otherwise provided in NRS 241.0355:

21 (a) In counties where three county commissioners are not
22 members of the board, three members of the board constitute a
23 quorum for the transaction of business.

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

28 (c) In counties where the board of county commissioners is the
29 board of hospital trustees, a majority of the board constitutes a
30 quorum for the transaction of business.

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

35 (a) Providing a new health care service at the county hospital or
36 materially expanding a health care service that is currently provided
37 by the county hospital; ~~(e)~~

38 (b) The acquisition of an additional facility by the county
39 hospital or the material expansion of an existing facility of the
40 county hospital ~~(f)~~;

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

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



1 4. ~~[Subsection]~~ *The provisions of subsection 3* must not be
2 construed to ~~[authorize]~~ :

3 (a) *Authorize* the board of hospital trustees *or the hospital*
4 *governing board* to hold a closed meeting to discuss a change of
5 management or ownership or the dissolution of the county hospital
6 ~~[]~~; *or*

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

9 5. ~~[Minutes]~~ *Except as otherwise provided in this subsection,*
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 become public records 5 years after the date on which the
13 meeting is held or when the board of hospital trustees *or hospital*
14 *governing board, as applicable,* determines that the matters
15 discussed no longer require confidentiality, whichever occurs first.
16 *Minutes of a closed meeting held pursuant to subsection 3, any*
17 *supporting material and any recording or transcript of the closed*
18 *meeting that contains privileged information are not public*
19 *records. Nothing in this section shall be construed to limit the*
20 *disclosure of information that is discoverable as part of a legal*
21 *proceeding or pursuant to court order.*

22 6. *As used in this section:*

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

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

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

28 450.175 1. In counties where the board of county
29 commissioners is the board of hospital trustees, the board of hospital
30 trustees may appoint a hospital ~~[advisory]~~ *governing* board which
31 shall exercise *only the* powers and duties delegated to the ~~[advisory]~~
32 *governing* board by the board of hospital trustees. *In counties in*
33 *which the board of hospital trustees appoints a hospital governing*
34 *board, the governing board is the governing body of the county*
35 *hospital when exercising powers and duties delegated to the*
36 *governing board pursuant to this chapter.*

37 2. Members of a hospital ~~[advisory]~~ *governing* board must be
38 appointed by a majority vote of the board of hospital trustees and
39 shall serve at the pleasure of the board.

40 3. Members of the hospital ~~[advisory]~~ *governing* board may
41 receive compensation for their services in an amount not to exceed
42 \$500 per month.

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



1 **Sec. 2.5.** NRS 450.180 is hereby amended to read as follows:
2 450.180 The board of hospital trustees *or any hospital*
3 *governing board appointed pursuant to NRS 450.175* may:

- 4 1. Appoint a chief executive officer and necessary assistants,
5 and fix their compensations.
6 2. Employ physicians , ~~and~~ interns ~~;~~ *and dentists*, either
7 full-time or part-time, as the board determines necessary, and fix
8 their compensations.
9 3. Remove those appointees and employees.
10 4. Control the admission of physicians and interns to the staff
11 by promulgating appropriate rules, regulations and standards
12 governing those appointments.
13 5. Contract with individual physicians or private medical
14 associations for the provision of certain medical services as may be
15 required by the hospital.

16 **Sec. 2.7.** NRS 450.550 is hereby amended to read as follows:
17 450.550 As used in NRS 450.550 to 450.760, inclusive, *and*
18 *section 1 of this act*, unless the context otherwise requires:

- 19 1. "Board of trustees" means:
20 (a) A board of hospital trustees:
21 (1) Elected pursuant to NRS 450.620 and a physician who is
22 appointed pursuant to subsection 1 of NRS 450.640, if applicable; or
23 (2) Appointed pursuant to NRS 450.625 and a physician who
24 is appointed pursuant to subsection 1 of NRS 450.640, if applicable;
25 or
26 (b) A board of county commissioners, if that board enacts an
27 ordinance which provides that the board of county commissioners
28 is, ex officio, the board of hospital trustees, and a physician who is
29 appointed pursuant to subsection 1 of NRS 450.640, if applicable.
30 2. "District hospital" means a hospital constructed, maintained
31 and governed pursuant to NRS 450.550 to 450.760, inclusive.

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

- 33 450.590 1. Except as otherwise provided in subsection 3, if
34 25 percent or more of the holders of title or evidence of title to lands
35 lying within the proposed district, whose names appear as such upon
36 the last county assessment roll, present a petition to the board of
37 county commissioners of the county in which the land lies, setting
38 forth the exterior boundaries of the proposed district and asking that
39 the district so described be established within a county hospital
40 district pursuant to the provisions of NRS 450.550 to 450.750,
41 inclusive, *and section 1 of this act*, the board of county
42 commissioners shall adopt a resolution declaring the intention of the
43 board to include the territory within a county hospital district,
44 naming the district and describing its exterior boundaries.

- 45 2. The resolution must:



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

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

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

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

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

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

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

16 241.016 1. The meetings of a public body that are quasi-
17 judicial in nature are subject to the provisions of this chapter.

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

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

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

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

28 3. Any provision of law, including, without limitation, NRS
29 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028,
30 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150,
31 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121,
32 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150,
33 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467,
34 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405,
35 433.534, 435.610, 442.774, **450.140**, 463.110, 480.545, 622.320,
36 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557,
37 686B.170, 696B.550, 703.196 and 706.1725 **†** and **section 1 of this**
38 **act**, which:

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

41 (b) Otherwise authorizes or requires a closed meeting, hearing
42 or proceeding,

43 ↪ prevails over the general provisions of this chapter.

44 4. The exceptions provided to this chapter, and electronic
45 communication, must not be used to circumvent the spirit or letter of



1 this chapter to deliberate or act, outside of an open and public
2 meeting, upon a matter over which the public body has supervision,
3 control, jurisdiction or advisory powers.

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

5 631.3465 The following acts, among others, constitute
6 unprofessional conduct:

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

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

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

14 (c) Rendering services as a member of a nonprofit professional
15 service corporation.

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

20 3. Associating with or being employed by a person not licensed
21 pursuant to this chapter if that person exercises control over the
22 services offered by the dentist, owns all or part of the dentist's
23 practice or receives or shares the fees received by the dentist. The
24 provisions of this subsection do not apply to a dentist who
25 **[associates]:**

26 (a) *Associates* with or is employed by a person who owns or
27 controls a dental practice pursuant to NRS 631.385 **[H]; or**

28 (b) *Is employed by a board of hospital trustees or a hospital*
29 *governing board pursuant to NRS 450.180.*

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

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

35 **Sec. 4.** 1. Any administrative regulations adopted by an
36 officer, agency or other entity whose name has changed or whose
37 responsibilities have been transferred pursuant to the provisions of
38 this act to another officer, agency or other entity to which the
39 responsibility for the adoption of the regulations has been
40 transferred.

41 2. Any contracts or other agreements entered into by an officer,
42 agency or other entity whose name has been changed or whose
43 responsibilities have been transferred pursuant to the provisions of
44 this act to another officer, agency or entity are binding upon the
45 officer, agency or other entity to which the responsibility for the



1 administration of the provisions of the contract or other agreement
2 have been transferred. Such contracts and other agreements may be
3 enforced by the officer, agency, or other entity to which the
4 responsibility for enforcement of the provisions of the contract or
5 other agreement has been transferred.

6 3. Any action taken by an officer, agency or other entity whose
7 name has been changed or whose responsibilities have been
8 transferred pursuant to the provisions of this act to another officer,
9 agency or entity remains in effect as if taken by the officer, agency
10 or other entity to which the responsibility for the enforcement of
11 such actions has been transferred.

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

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

18 2. In preparing supplements to the Nevada Administrative
19 Code, appropriately change only references to an officer, agency or
20 other entity whose name is changed or whose responsibilities are
21 transferred pursuant to the provisions of this act to refer to the
22 appropriate officer, agency or other entity.

