

ASSEMBLY BILL NO. 113—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF ATTORNEY GENERAL)

FEBRUARY 4, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Expands circumstances under which provider of health care is required to make health care records available for inspection by investigator for attorney general or grand jury. (BDR 54-605)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: 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 health care records; expanding the circumstances under which a provider of health care is required to make health care records available for inspection by an investigator for the attorney general or a grand jury; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 629.061 is hereby amended to read as follows:
2 629.061 1. Each provider of health care shall make the health care
3 records of a patient available for physical inspection by:
4 (a) The patient or a representative with written authorization from the
5 patient;
6 (b) An investigator for the attorney general or a grand jury investigating
7 an alleged violation of NRS ***200.495, 200.5091 to 200.50995, inclusive, or***
8 422.540 to 422.570, inclusive;
9 (c) An investigator for the attorney general investigating an alleged
10 violation of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to
11 616D.440, inclusive, or any fraud in the administration of chapter 616A,
12 616B, 616C, 616D or 617 of NRS or in the provision of benefits for
13 industrial insurance; or

1 (d) Any authorized representative or investigator of a state licensing
2 board during the course of any investigation authorized by law.
3 The records must be made available at a place within the depository
4 convenient for physical inspection, and inspection must be permitted at all
5 reasonable office hours and for a reasonable length of time. If the records
6 are located outside this state, the provider shall make any records requested
7 pursuant to this section available in this state for inspection within 10
8 working days after the request.

9 2. The provider of health care shall also furnish a copy of the records
10 to each person described in subsection 1 who requests it and pays the
11 actual cost of postage, if any, the costs of making the copy, not to exceed
12 60 cents per page for photocopies and a reasonable cost for copies of X-ray
13 photographs and other health and care records produced by similar
14 processes. No administrative fee or additional service fee of any kind may
15 be charged for furnishing such a copy.

16 3. Each person who owns or operates an ambulance in this state shall
17 make his records regarding a sick or injured patient available for physical
18 inspection by:

19 (a) The patient or a representative with written authorization from the
20 patient; or

21 (b) Any authorized representative or investigator of a state licensing
22 board during the course of any investigation authorized by law.
23 The records must be made available at a place within the depository
24 convenient for physical inspection, and inspection must be permitted at all
25 reasonable office hours and for a reasonable length of time. The person
26 who owns or operates an ambulance shall also furnish a copy of the
27 records to each person described in this subsection who requests it and
28 pays the actual cost of postage, if any, and the costs of making the copy,
29 not to exceed 60 cents per page for photocopies. No administrative fee or
30 additional service fee of any kind may be charged for furnishing a copy of
31 the records.

32 4. Records made available to a representative or investigator must not
33 be used at any public hearing unless:

34 (a) The patient named in the records has consented in writing to their
35 use; or

36 (b) Appropriate procedures are utilized to protect the identity of the
37 patient from public disclosure.

38 5. Subsection 4 does not prohibit:

39 (a) A state licensing board from providing to a provider of health care
40 or owner or operator of an ambulance against whom a complaint or written
41 allegation has been filed, or to his attorney, information on the identity of a
42 patient whose records may be used in a public hearing relating to the

1 complaint or allegation, but the provider of health care or owner or
2 operator of an ambulance and his attorney shall keep the information
3 confidential.

4 (b) The attorney general from using health care records in the course of
5 a civil or criminal action against the patient or provider of health care.

6 6. A provider of health care or owner or operator of an ambulance, his
7 agents and employees are immune from any civil action for any disclosures
8 made in accordance with the provisions of this section or any
9 consequential damages.

10 **Sec. 2.** This act becomes effective upon passage and approval.

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