

Assembly Bill No. 113—Committee on Commerce and Labor

CHAPTER.....

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:

Section 1. NRS 629.061 is hereby amended to read as follows:

629.061 1. Each provider of health care shall make the health care records of a patient available for physical inspection by:

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

(b) An investigator for the attorney general or a grand jury investigating an alleged violation of NRS **200.495, 200.5091 to 200.50995, inclusive, or** 422.540 to 422.570, inclusive;

(c) An investigator for the attorney general investigating an alleged violation of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive, or any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of benefits for industrial insurance; or

(d) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

The records must be made available at a place within the depository convenient for physical inspection, and inspection must be permitted at all reasonable office hours and for a reasonable length of time. If the records are located outside this state, the provider shall make any records requested pursuant to this section available in this state for inspection within 10 working days after the request.

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

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

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

(b) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

The records must be made available at a place within the depository convenient for physical inspection, and inspection must be permitted at all reasonable office hours and for a reasonable length of time. The person who owns or operates an ambulance shall also furnish a copy of the records to each person described in this subsection who requests it and pays the actual cost of postage, if any, and the costs of making the copy, not to exceed 60 cents per page for photocopies. No administrative fee or additional service fee of any kind may be charged for furnishing a copy of the records.

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

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

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

5. Subsection 4 does not prohibit:

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

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

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

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