

ASSEMBLY BILL NO. 363—ASSEMBLYWOMEN
GIUNCHIGLIANI AND LESLIE

MARCH 14, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Allows patient to obtain his health care records without charge under certain circumstances. (BDR 54-1098)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE § 1
(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 health care records; allowing a patient to obtain his health care records without charge under certain circumstances; 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
14 (d) Any authorized representative or investigator of a state licensing
15 board during the course of any investigation authorized by
16 law.
17 The records must be made available at a place within the depository
18 convenient for physical inspection, and inspection must be permitted at all
19 reasonable office hours and for a reasonable length of time. If the records



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1 are located outside this state, the provider shall make any records requested
2 pursuant to this section available in this state for inspection within 10
3 working days after the request.

4 2. ~~The~~ *Except as otherwise provided in subsection 3, the* provider of
5 health care shall also furnish a copy of the records to each person described
6 in subsection 1 who requests it and pays the actual cost of postage, if any,
7 the costs of making the copy, not to exceed 60 cents per page for
8 photocopies and a reasonable cost for copies of X-ray photographs and
9 other health ~~and~~ care records produced by similar processes. No
10 administrative fee or additional service fee of any kind may be charged for
11 furnishing such a copy.

12 3. *The provider of health care shall also furnish a copy of any*
13 *records that are necessary to support a claim or appeal under any*
14 *provision of the Social Security Act, 42 U.S.C. §§ 301 et seq., or under*
15 *any federal or state financial needs-based benefit program, without*
16 *charge, to a patient, or a representative with written authorization from*
17 *the patient, who requests it, if the request is accompanied by*
18 *documentation of the claim or appeal.*

19 *A copying fee, not to exceed 60 cents per page for photocopies and a*
20 *reasonable cost for copies of X-ray photographs and other health care*
21 *records produced by similar processes, may be charged by the provider of*
22 *health care for furnishing a second copy of the records to support the*
23 *same claim or appeal. No administrative fee or additional service fee of*
24 *any kind may be charged for furnishing such a copy. The provider of*
25 *health care shall furnish the copy of the records requested pursuant to*
26 *this subsection within 30 days after the date of receipt of the request, and*
27 *the provider of health care shall not deny the furnishing of a copy of the*
28 *records pursuant to this subsection solely because the patient is unable to*
29 *pay the fees established in this subsection.*

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

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

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

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

47 ~~4.1~~ 5. Records made available to a representative or investigator must
48 not be used at any public hearing unless:



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

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

5 ~~5. Subsection 4~~

6 **6. Subsection 5** does not prohibit:

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

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

16 ~~6.7~~ **7.** A provider of health care or owner or operator of an
17 ambulance, his agents and employees are immune from any civil action for
18 any disclosures made in accordance with the provisions of this section or
19 any consequential damages.

