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## PATIENT'S RIGHTS

NRS 449.700 Facility or home to provide necessary services or arrange for transfer of patient; explanation of need for transfer and alternatives available.

1. Every medical facility, facility for the dependent and home for individual residential care must provide the services necessary to treat properly a patient in a particular case or must be able to arrange the transfer of the patient to another facility or home which can provide that care.

2. A patient may be transferred to another facility or home only if the patient has received an explanation of the need to transfer him and the alternatives available, unless his condition necessitates an immediate transfer to a facility for a higher level of care and he is unable to understand the explanation.

(Added to NRS by 1983, 820; A 1985, 1747; 1999, 1051)

NRS 449.705 Facility or home to forward medical records upon certain transfers of patient.

1. If a patient in a medical facility or facility for the dependent is transferred to another medical facility or facility for the dependent, a division facility or a physician licensed to practice medicine, the facility shall forward a copy of the medical records of the patient, on or before the date the patient is transferred, to the other medical facility or facility for the dependent, the division facility or the physician. The facility is not required to obtain the oral or written consent of the patient to forward a copy of the medical records.

2. If a person receiving services in a home for individual residential care is transferred to another home, the home shall forward a copy of his medical records to the other home in the manner provided in subsection 1.

3. As used in this section:

(a) "Division facility" means any unit or subunit operated by a division of the Department of Human Resources pursuant to title 39 of NRS.

(b) "Medical records" includes a medical history of the patient, a summary of the current physical condition of the patient and a discharge summary which contains the information necessary for the proper treatment of the patient.

(Added to NRS by 1991, 2349; A 1993, 2725; 1999, 1051)

NRS 449.710 Specific rights: Information concerning facility; treatment; billing; visitation. Every patient of a medical facility, facility for the dependent or home for individual residential care has the right to:

1. Receive information concerning any other medical or educational facility or facility for the dependent associated with the facility at which he is a patient which relates to his care.

2. Obtain information concerning the professional qualifications or associations of the persons who are treating him.

3. Receive the name of the person responsible for coordinating his care in the facility or home.

4. Be advised if the facility in which he is a patient proposes to perform experiments on patients which affect his own care or treatment.

5. Receive from his physician a complete and current description of his diagnosis, plan for treatment and prognosis in terms which he is able to understand. If it is not medically advisable to give this information to the patient, the physician shall:

(a) Provide the information to an appropriate person responsible for the patient; and

(b) Inform that person that he shall not disclose the information to the patient.

6. Receive from his physician the information necessary for him to give his informed consent to a procedure or treatment. Except in an emergency, this information must not be limited to a specific procedure or treatment and must include:

(a) A description of the significant medical risks involved;

(b) Any information on alternatives to the treatment or procedure if he requests that information;

(c) The name of the person responsible for the procedure or treatment; and

(d) The costs likely to be incurred for the treatment or procedure and any alternative treatment or procedure.

7. Examine the bill for his care and receive an explanation of the bill, whether or not he is personally responsible for payment of the bill.

8. Know the regulations of the facility or home concerning his conduct at the facility or home.

9. Receive, within reasonable restrictions as to time and place, visitors of his choosing, including, without limitation, friends and members of his family.

(Added to NRS by 1983, 820; A 1985, 906, 1748; 1999, 1052; 2001, 3047)

NRS 449.720 Specific rights: Care; refusal of treatment and experimentation; privacy; notice of appointments and need for care. Every patient of a medical facility, facility for the dependent or home for individual residential care has the right to:

1. Receive considerate and respectful care.

2. Refuse treatment to the extent permitted by law and to be informed of the consequences of that refusal.

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3. Refuse to participate in any medical experiments conducted at the facility.

4. Retain his privacy concerning his program of medical care. Discussions of a patient's care, consultation with other persons concerning the patient, examinations or treatments, and all communications and records concerning the patient, except as otherwise provided in NRS 108.640, 442.300 to 442.330, inclusive, and 449.705, and chapter 629 of NRS, are confidential. The patient must consent to the presence of any person who is not directly involved with his care during any examination, consultation or treatment.

5. Have any reasonable request for services reasonably satisfied by the facility or home considering its ability to do so.

6. Receive continuous care from the facility or home. The patient must be informed:

(a) Of his appointments for treatment and the names of the persons available at the facility or home for those treatments; and

(b) By his physician or an authorized representative of the physician, of his need for continuing care.

(Added to NRS by 1983, 821; A 1985, 1748; 1989, 2057; 1991, 2350; 1999, 1052, 3512)

**NRS 449.730 Patient to be informed of rights.**

1. Every medical facility, facility for the dependent and home for individual residential care shall inform each patient or his legal representative, upon his admission to the facility or home, of the patient's rights as listed in NRS 449.700, 449.710 and 449.720.

2. In addition to the requirements of subsection 1, if a person with a disability is a patient at a facility, as that term is defined in NRS 449.771, the facility shall inform the patient of his rights pursuant to NRS 449.765 to 449.786, inclusive.

(Added to NRS by 1983, 822; A 1985, 1749; 1999, 1053, 3252)

**NRS 449.740 Procedure to insert implant in breast of patient: Informed consent required; withdrawal of consent; penalty.**

1. A physician shall not perform any procedure to insert an implant in the breast of a patient unless within 5 days before the procedure is performed he has:

(a) Discussed with the patient and any other person whose consent is required pursuant to paragraph (b), the advantages, disadvantages and risks associated with the procedure; and

(b) Obtained informed consent in writing from the following persons freely and without coercion:

(1) The patient if he is 18 years of age or over or legally emancipated and competent to give that consent, and from his legal guardian, if any;

(2) The parent or guardian of a patient under 18 years of age and not legally emancipated; or

(3) The legal guardian of a patient of any age who has been adjudicated mentally incompetent,

and the required consent was not withdrawn pursuant to subsection 3 before the procedure began.

2. An informed consent requires that the person whose consent is sought be adequately informed as to:

- (a) The nature and consequences of the procedure;
- (b) The reasonable risks, possible side effects, benefits and purposes of the procedure; and
- (c) Any alternative procedures available.

3. The consent of a patient or other person whose consent is required pursuant to paragraph (b) of subsection 1 may be withdrawn in writing at any time before the procedure has begun, with or without cause.

4. A physician satisfies the requirements of:

(a) Paragraph (a) of subsection 1 if he provides the patient and any other person whose consent is required pursuant to paragraph (b) of subsection 1 with a copy of the current explanation form prepared by the Health Division pursuant to NRS 449.750 in a language that the person is able to read.

(b) Paragraph (b) of subsection 1 if the person or persons whose consent is required sign a copy of the current consent form prepared by the Health Division pursuant to NRS 449.750 freely and without coercion and the consent is not withdrawn pursuant to subsection 3 before the procedure has begun. The consent form must be in a language that the person who signs the form is able to read.

5. Any person who violates the provisions of this section is guilty of a misdemeanor.

(Added to NRS by 1991, 1690)

NRS 449.750 Procedure to insert implant in breast of patient: Contents of explanation form and consent form; fee for forms.

1. The Health Division shall prepare and provide to physicians upon request:

(a) An explanation form for a procedure to insert an implant in the breast of a person which includes:

(1) An explanation of the advantages, disadvantages and risks associated with a procedure to insert an implant in the breast of a person, including any known side effects; and

(2) Any other information the Health Division determines to be useful to a person contemplating a procedure to insert an implant in the breast; and

(b) A consent form for a procedure to insert an implant in the breast of a person which includes:

(1) The nature and consequences of the procedure;

(2) The reasonable risks, possible side effects, benefits and purposes of the procedure;  
and

(3) Any alternative procedures available.

2. The Health Division shall revise the explanation form and consent form as necessary to keep the medical information current.

3. The Health Division shall charge and collect a fee for all forms distributed pursuant to this section that is adequate to cover the cost of producing the forms.

(Added to NRS by 1991, 1690)