

**Amendment No. 87**

Assembly Amendment to Assembly Bill No. 57	(BDR 38-175)
<b>Proposed by:</b> Committee on Health and Human Services	
<b>Amendment Box:</b>	
<b>Resolves Conflicts with:</b> N/A	
<b>Amends:</b> Summary: Yes    Title: Yes    Preamble: No    Joint Sponsorship: No    Digest: Yes	

Adoption of this amendment will ADD a 2/3s majority vote requirement for final passage of AB57 (§ 1).
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ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by renumbering sections 1 and 2 as sections 14 and 15 and adding new sections designated sections 1 through 13, following the enacting clause, to read as follows:

“**Section 1.** Chapter 428 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The board of county commissioners of each county shall pay for the nonfederal share of its expenses for the institutional care of medically indigent persons pursuant to the State Plan for Medicaid each quarter in an amount not to exceed the tax levied for such purpose pursuant to subsection 2.*

YM/LH

Date: 4/4/2005

A.B. No. 57—Repeals certain provisions concerning money provided to counties which are unable to pay nonfederal share of expenses for institutional care of medically indigent persons pursuant to State Plan for Medicaid.

*2. In addition to the taxes levied pursuant to NRS 428.050, 428.185 and 428.285 and any tax levied pursuant to NRS 450.425, the board of county commissioners of each county shall levy an ad valorem tax at a rate which must not exceed 8 cents on each \$100 of assessed valuation of all taxable property in the county to pay for the nonfederal share of its expenses for the institutional care of medically indigent persons pursuant to the State Plan for Medicaid.*

*3. The tax levied pursuant to subsection 2 and its proceeds must be:*

*(a) Excluded in computing the maximum amount of money which the county is permitted to receive from taxes ad valorem and the highest permissible rate of such taxes; and*

*(b) Remitted in the manner provided for in NRS 361.745 to the State Controller for payment of the nonfederal share of the expenses of the county for the institutional care of medically indigent persons pursuant to the State Plan for Medicaid.*

*4. The State of Nevada, through the Department of Human Resources, shall pay for any nonfederal share of expenses for the institutional care of medically indigent persons pursuant to the State Plan for Medicaid which exceeds the amount remitted pursuant to subsection 3.*

**Sec. 2.** NRS 428.010 is hereby amended to read as follows:

428.010 1. Except as otherwise provided in NRS 422.382, to the extent that money may be lawfully appropriated by the board of county commissioners for this purpose pursuant to NRS 428.050, 428.285 and 450.425, *and section 1 of this act*, every county shall provide care, support and relief to the poor, indigent, incompetent and those incapacitated by age, disease or accident, lawfully resident therein, when those persons are not supported or relieved by their relatives or guardians, by their own means, or by state hospitals, or other state, federal or private institutions or agencies.

2. Except as otherwise provided in NRS 439B.330, the boards of county commissioners of the several counties shall establish and approve policies and standards, prescribe a uniform standard of eligibility, appropriate money for this purpose and appoint agents who will develop regulations and administer these programs to provide care, support and relief to the poor, indigent, incompetent and those incapacitated by age, disease or accident.

**Sec. 3.** NRS 428.020 is hereby amended to read as follows:

428.020 For the purposes of NRS 428.010 to 428.110, inclusive ~~[-]~~, ***and section 1 of this act:***

1. The county of residence of a person is the county in which he is physically present with the intent to reside, at least for an indefinite period.

2. The county of residence of a person placed in institutional care is the county of residence of that person before he was placed in institutional care.

**Sec. 4.** NRS 428.030 is hereby amended to read as follows:

428.030 1. When any person meets the uniform standards of eligibility established by the board of county commissioners or by NRS 439B.310, if applicable, and complies with any requirements imposed pursuant to NRS 428.040, he is entitled to receive such relief as is in accordance with the policies and standards established and approved by the board of county commissioners and within the limits of the money which may be lawfully appropriated pursuant to NRS 428.050, 428.285 and 450.425 ***and section 1 of this act*** for this purpose.

2. The board of county commissioners of the county of residence of indigent inpatients shall pay hospitals for the costs of treating those indigent inpatients and any nonresident indigent inpatients who fall sick in the county an amount which is not less than the payment required for providing the same treatment to patients pursuant to the State Plan for Medicaid within the limits of money which

may be lawfully appropriated pursuant to NRS 428.050, 428.285 and 450.425 *and section 1 of this act* for this purpose.

3. The board of county commissioners may:

(a) Make contracts for the necessary maintenance of indigent persons;

(b) Appoint such agents as the board deems necessary to oversee and provide the necessary maintenance of indigent persons;

(c) Authorize the payment of cash grants directly to indigent persons for their necessary maintenance; or

(d) Provide for the necessary maintenance of indigent persons by the exercise of the combination of one or more of the powers specified in paragraphs (a), (b) and (c).

4. A hospital may contract with the Department of Human Resources to obtain the services of a state employee to be assigned to the hospital to evaluate the eligibility of patients applying for indigent status. Payment for those services must be made by the hospital.

**Sec. 5.** NRS 428.050 is hereby amended to read as follows:

428.050 1. In addition to the tax levied pursuant to NRS 428.185 and 428.285 *and section 1 of this act* and any tax levied pursuant to NRS 450.425, the board of county commissioners of a county shall, at the time provided for the adoption of its final budget, levy an ad valorem tax to provide aid and relief to those persons coming within the purview of this chapter. In a county whose population is 400,000 or more, this levy must not exceed that adopted for the purposes of this chapter for the fiscal year ending June 30, 1971, diminished by 12.3 cents for each \$100 of assessed valuation. In a county whose population is less than 400,000 the rate of the tax must be calculated to produce not more than the amount of money allocated pursuant to NRS 428.295.

2. The board of county commissioners of any county in which there was no levy adopted for the purposes of this chapter for the fiscal year ending June 30, 1971, may request that the Nevada Tax Commission establish a maximum rate for the levy of taxes ad valorem by the county to provide aid and relief pursuant to this chapter.

3. No county may expend or contract to expend for that aid and relief a sum in excess of that provided by the maximum ad valorem levy set forth in subsection 1 of this section and NRS 428.185, 428.285 and 450.425, *and section 1 of this act*, or established pursuant to subsection 2, together with such outside resources as it may receive from third persons, including, but not limited to, expense reimbursements, grants-in-aid or donations lawfully attributable to the county indigent fund.

4. Except as otherwise provided in this subsection, no interfund transfer, medium-term obligation procedure or contingency transfer may be made by the board of county commissioners to provide resources or appropriations to a county indigent fund in excess of those which may be otherwise lawfully provided pursuant to subsections 1, 2 and 3 of this section and NRS 428.185, 428.285 and 450.425 ~~[-]~~ *and section 1 of this act*. If the health of indigent persons in the county is placed in jeopardy and there is a lack of money to provide necessary medical care under this chapter, the board of county commissioners may declare an emergency and provide additional money for medical care from whatever sources may be available.

**Sec. 6.** NRS 428.060 is hereby amended to read as follows:

428.060 1. If it appears to the satisfaction of the board of county commissioners that the county of residence of an indigent person applying for relief is another county in this State, the board shall provide temporary relief for the indigent in accordance with the policies and standards established

and approved by the board of county commissioners and within the limits of money which may be lawfully appropriated thereby for this purpose pursuant to NRS 428.050, 428.285 and 450.425, ***and section 1 of this act***, and shall notify immediately the board of county commissioners of the county of residence of the indigent person.

2. The notice must be in writing, attested by the clerk of the board of county commissioners, and deposited in the post office, addressed to the board of county commissioners of the other county.

3. The board of county commissioners receiving the notice may cause the indigent person to be removed immediately to that county, and shall pay a reasonable compensation for the temporary relief afforded. If the board of county commissioners chooses not to remove the indigent person, the county affording relief has a legal claim against any money lawfully available in that county for the relief necessarily furnished, and may recover it in a suit at law.

**Sec. 7.** NRS 428.090 is hereby amended to read as follows:

428.090 1. When a nonresident or any other person who meets the uniform standards of eligibility prescribed by the board of county commissioners or by NRS 439B.310, if applicable, falls sick in the county, not having money or property to pay his board, nursing or medical aid, the board of county commissioners of the proper county shall, on complaint being made, give or order to be given such assistance to the poor person as is in accordance with the policies and standards established and approved by the board of county commissioners and within the limits of money which may be lawfully appropriated for this purpose pursuant to NRS 428.050, 428.285 and 450.425 ***and section 1 of this act.***

2. If the sick person dies, the board of county commissioners shall give or order to be given to the person a decent burial or cremation.

3. Except as otherwise provided in NRS 422.382, the board of county commissioners shall make such allowance for the person's board, nursing, medical aid, burial or cremation as the board deems just and equitable, and order it paid out of the county treasury.

4. The responsibility of the board of county commissioners to provide medical aid or any other type of remedial aid under this section is relieved to the extent provided in NRS 422.382 and to the extent of the amount of money or the value of services provided by:

(a) The Department of Human Resources to or for such persons for medical care or any type of remedial care under the State Plan for Medicaid; and

(b) The Fund for Hospital Care to Indigent Persons under the provisions of NRS 428.115 to 428.255, inclusive.

**Sec. 8.** NRS 428.185 is hereby amended to read as follows:

428.185 1. In addition to the taxes levied pursuant to NRS 428.050 and 428.285 *and section 1 of this act* and any tax levied pursuant to NRS 450.425, the board of county commissioners of each county shall levy an ad valorem tax at a rate which must be calculated by:

(a) First multiplying the tax rate of 1.5 cents on each \$100 of assessed valuation by the assessed valuation of all taxable property in this State, including new real property, possessory interests and mobile homes, during the next fiscal year.

(b) Then subtracting the amount of unencumbered money in the Fund on May 1 of the current fiscal year.

(c) Then setting the rate so that the revenue from the tax does not exceed the amount resulting from the calculations made in paragraphs (a) and (b).

2. The tax so levied and its proceeds must be excluded in computing the maximum amount of money which the county is permitted to receive from taxes ad valorem and the highest permissible rate of such taxes.

3. The proceeds of this tax must be remitted in the manner provided for in NRS 361.745 to the State Controller for credit to the Fund.

**Sec. 9.** NRS 428.285 is hereby amended to read as follows:

428.285 1. The board of county commissioners of each county shall establish a tax rate of at least 6 cents on each \$100 of assessed valuation for the purposes of the tax imposed pursuant to subsection 2. A board of county commissioners may increase the rate to not more than 10 cents on each \$100 of assessed valuation.

2. In addition to the levies provided in NRS 428.050 and 428.185 *and section 1 of this act* and any tax levied pursuant to NRS 450.425, the board of county commissioners shall levy a tax ad valorem at a rate necessary to produce revenue in an amount equal to an amount calculated by multiplying the assessed valuation of all taxable property in the county by the tax rate established pursuant to subsection 1, and subtracting from the product the amount of unencumbered money remaining in the fund on May 1 of the current fiscal year.

3. For each fiscal year beginning on or after July 1, 1989, the board of county commissioners of each county shall remit to the State Controller from the money in the fund an amount of money equivalent to 1 cent on each \$100 of assessed valuation of all taxable property in the county for credit to the supplemental fund.



4. The tax so levied and its proceeds must be excluded in computing the maximum amount of money which the county is permitted to receive from taxes ad valorem and the highest permissible rate of such taxes.

**Sec. 10.** NRS 439B.330 is hereby amended to read as follows:

439B.330 1. Except as otherwise provided in NRS 439B.300 and subsection 2, ~~[of this section,]~~ each county shall use the definition of “indigent” in NRS 439B.310 to determine a person’s eligibility for medical assistance pursuant to chapter 428 of NRS, other than assistance provided pursuant to NRS 428.115 to 428.255, inclusive.

2. A board of county commissioners may, if it determines that a hospital within the county is serving a disproportionately large share of low-income patients:

(a) Pay a higher rate to the hospital for treatment of indigent inpatients;

(b) Pay the hospital for treatment of indigent inpatients whom the hospital would otherwise be required to treat without receiving compensation from the county; or

(c) Both pay at a higher rate and pay for inpatients for whom the hospital would otherwise be uncompensated.

3. Each hospital which treats an indigent inpatient shall submit to the board of county commissioners of the county of residence of the patient a discharge form identifying the patient as a possible indigent and containing the information required by the Department and the county to be included in all such forms.

4. The county which receives a discharge form from a hospital for an indigent inpatient shall verify the status of the patient and the amount which the hospital is entitled to receive. A hospital aggrieved by a determination of a county regarding the indigent status of an inpatient may appeal the

determination to the Director or a person designated by the Director to hear such an appeal. The decision of the Director or the person he designates must be mailed by registered or certified mail to the county and the hospital. The decision of the Director or the person he designates may be appealed to a court having general jurisdiction in the county within 15 days after the date of the postmark on the envelope in which the decision was mailed.

5. Except as otherwise provided in subsection 2 of this section and subsection 3 of NRS 439B.320, if the county is the county of residence of the patient and the patient is indigent, the county shall pay to the hospital the amount required, within the limits of money which may lawfully be appropriated for this purpose pursuant to NRS 428.050, 428.285 and 450.425 ~~[.]~~ ***and section 1 of this act.***

6. For the purposes of this section, the county of residence of the patient is the county of residence of that person before he was admitted to the hospital.

**Sec. 11.** NRS 439B.340 is hereby amended to read as follows:

439B.340 1. Before September 30 of each year, each county in which hospitals subject to the provisions of NRS 439B.300 to 439B.340, inclusive, are located shall provide to the Department a report showing:

(a) The total number of inpatients treated by each such hospital who are claimed by the hospital to be indigent;

(b) The number of such patients for whom no reimbursement was provided by the county because of the limitation imposed by subsection 3 of NRS 439B.320;

(c) The total amount paid to each such hospital for treatment of such patients; and

(d) The amount the hospital would have received for patients for whom no reimbursement was provided.

2. The Director shall verify the amount of treatment provided to indigent inpatients by each hospital to which no reimbursement was provided by:

(a) Determining the number of indigent inpatients who received treatment. For a hospital that has contracted with the Department of Human Resources pursuant to subsection 4 of NRS 428.030, the Director shall determine the number based upon the evaluations of eligibility made by the employee assigned to the hospital pursuant to the contract. For all other hospitals, the Director shall determine the number based upon the report submitted pursuant to subsection 1 of this section.

(b) Multiplying the number of indigent inpatients who received each type of treatment by the highest amount paid by the county for that treatment.

(c) Adding the products of the calculations made pursuant to paragraphs (a) and (b) for all treatment provided.

↪ If the total amount of treatment provided to indigent inpatients in the previous fiscal year by the hospital was less than its minimum obligation for the year, the Director shall assess the hospital for the amount of the difference between the minimum obligation and the actual amount of treatment provided by the hospital to indigent inpatients. If a decision of a county regarding the indigent status of one or more inpatients is pending appeal before the Director or upon receiving satisfactory proof from a hospital that the decision is pending appeal before a court having general jurisdiction in the county pursuant to subsection 4 of NRS 439B.330, the Director shall defer assessing the hospital the amount that may be offset by the determination on appeal until a final determination of the matter is made.

3. If the Director determines that a hospital has met its obligation to provide treatment to indigent inpatients, he shall certify to the county in which the hospital is located that the hospital has met its obligation. The county is not required to pay the hospital for the costs of treating indigent inpatients until the certification is received from the Director. The county shall pay the hospital for such treatment within 30 days after receipt of the certification to the extent that money was available for payment pursuant to NRS 428.050, 428.285 and 450.425 *and section 1 of this act* at the time the treatment was provided.

4. The Director shall determine the amount of the assessment which a hospital must pay pursuant to this section and shall notify the hospital in writing of that amount on or before November 1 of each year. The notice must include, but is not limited to, a written statement for each claim which is denied indicating why the claim was denied. Payment is due 30 days after receipt of the notice, except for assessments deferred pursuant to subsection 2 which, if required, must be paid within 30 days after the court hearing the appeal renders its decision. If a hospital fails to pay the assessment when it is due the hospital shall pay, in addition to the assessment:

(a) Interest at a rate of 1 percent per month for each month after the assessment is due in which it remains unpaid; and

(b) Any court costs and fees required by the Director to obtain payment of the assessment and interest from the hospital.

5. Any money collected pursuant to this section must be paid to the county in which the hospital paying the assessment is located for use in paying other hospitals in the county for the treatment of indigent inpatients by those hospitals. The money received by a county from assessments made pursuant to this section does not constitute revenue from taxes ad valorem for the purposes of NRS

354.59811, 428.050, 428.285 and 450.425, *and section 1 of this act*, and must be excluded in determining the maximum rate of tax authorized by those sections.

**Sec. 12.** NRS 439B.410 is hereby amended to read as follows:

439B.410 1. Except as otherwise provided in subsection 4, each hospital in this State has an obligation to provide emergency services and care, including care provided by physicians and nurses, and to admit a patient where appropriate, regardless of the financial status of the patient.

2. Except as otherwise provided in subsection 4, it is unlawful for a hospital or a physician working in a hospital emergency room to:

(a) Refuse to accept or treat a patient in need of emergency services and care; or

(b) Except when medically necessary in the judgment of the attending physician:

(1) Transfer a patient to another hospital or health facility unless, as documented in the patient's records:

(I) A determination has been made that the patient is medically fit for transfer;

(II) Consent to the transfer has been given by the receiving physician, hospital or health facility;

(III) The patient has been provided with an explanation of the need for the transfer; and

(IV) Consent to the transfer has been given by the patient or his legal representative; or

(2) Provide a patient with orders for testing at another hospital or health facility when the hospital from which the orders are issued is capable of providing that testing.

3. A physician, hospital or other health facility which treats a patient as a result of a violation of subsection 2 by a hospital or a physician working in the hospital is entitled to recover from that hospital an amount equal to three times the charges for the treatment provided that was billed by the

physician, hospital or other health facility which provided the treatment, plus reasonable attorney's fees and costs.

4. This section does not prohibit the transfer of a patient from one hospital to another:

(a) When the patient is covered by an insurance policy or other contractual arrangement which provides for payment at the receiving hospital;

(b) After the county responsible for payment for the care of an indigent patient has exhausted the money which may be appropriated for that purpose pursuant to NRS 428.050, 428.285 and 450.425 ~~[-]~~ **and section 1 of this act;** or

(c) When the hospital cannot provide the services needed by the patient.

➔ No transfer may be made pursuant to this subsection until the patient's condition has been stabilized to a degree that allows the transfer without an additional risk to the patient.

5. As used in this section:

(a) "Emergency services and care" means medical screening, examination and evaluation by a physician or, to the extent permitted by a specific statute, by a person under the supervision of a physician, to determine if an emergency medical condition or active labor exists and, if it does, the care, treatment and surgery by a physician necessary to relieve or eliminate the emergency medical condition or active labor, within the capability of the hospital. As used in this paragraph:

(1) "Active labor" means, in relation to childbirth, labor that occurs when:

(I) There is inadequate time before delivery to transfer the patient safely to another hospital;

or

(II) A transfer may pose a threat to the health and safety of the patient or the unborn child.

(2) “Emergency medical condition” means the presence of acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

- (I) Placing the health of the patient in serious jeopardy;
- (II) Serious impairment of bodily functions; or
- (III) Serious dysfunction of any bodily organ or part.

(b) “Medically fit” means that the condition of the patient has been sufficiently stabilized so that he may be safely transported to another hospital, or is such that, in the determination of the attending physician, the transfer of the patient constitutes an acceptable risk. Such a determination must be based upon the condition of the patient, the expected benefits, if any, to the patient resulting from the transfer and whether the risks to the patient’s health are outweighed by the expected benefits, and must be documented in the patient’s records before the transfer.

6. If an allegation of a violation of the provisions of subsection 2 is made against a hospital licensed pursuant to the provisions of chapter 449 of NRS, the Health Division of the Department of Human Resources shall conduct an investigation of the alleged violation. Such a violation, in addition to any criminal penalties that may be imposed, constitutes grounds for the denial, suspension or revocation of such a license, or for the imposition of any sanction prescribed by NRS 449.163.

7. If an allegation of a violation of the provisions of subsection 2 is made against:

(a) A physician licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners shall conduct an investigation of the alleged violation. Such a violation, in addition to any criminal penalties that may be imposed, constitutes grounds for

initiating disciplinary action or denying licensure pursuant to the provisions of subsection 3 of NRS 630.3065.

(b) An osteopathic physician licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine shall conduct an investigation of the alleged violation. Such a violation, in addition to any criminal penalties that may be imposed, constitutes grounds for initiating disciplinary action pursuant to the provisions of subsection 1 of NRS 633.131.

**Sec. 13.** NRS 450.425 is hereby amended to read as follows:

450.425 1. The board of county commissioners of a county in which a county hospital is established may, upon approval by a majority of the voters voting on the question in an election held throughout the county, levy an ad valorem tax of not more than 2.5 cents on each \$100 of assessed valuation upon all taxable property in the county, to pay the cost of services rendered in the county by the hospital pursuant to subsection 3 of NRS 450.420. The approval required by this subsection may be requested at any primary or general election.

2. Any tax imposed pursuant to this section is in addition to the taxes imposed pursuant to NRS 428.050, 428.185 and 428.285 ~~[.]~~ **and section 1 of this act.** The proceeds of any tax levied pursuant to this section are exempt from the limitations imposed by NRS 354.59811, 428.050 and 428.285 **and section 1 of this act** and must be excluded in determining the maximum rate of tax authorized by those sections.”.

Amend the title of the bill, first line, after “welfare;” by inserting:



“requiring the board of county commissioners of each county to levy certain taxes to pay for the nonfederal share of its expenses for the institutional care of medically indigent persons pursuant to the State Plan for Medicaid;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions concerning nonfederal share of expenses for institutional care of medically indigent persons pursuant to State Plan for Medicaid. (BDR 38-175)”.

**If this amendment is adopted, the Legislative  
Counsel's Digest will be changed to read as follows:**

**Legislative Counsel's Digest:**

Existing law creates the Fund for the Institutional Care of the Medically Indigent in the State Treasury. The purpose of the Fund is to provide assistance to a county that is unable to make a payment for the nonfederal share of its expenses for the institutional care of medically indigent persons pursuant to the State Plan for Medicaid as required by an interlocal agreement between the county and the Department of Human Resources. (NRS 428.470, 428.490)

This bill repeals the provisions relating to the Fund for the Institutional Care of the Medically Indigent including the provisions concerning the transfer of money from the Fund to assist counties. In addition, this bill requires the board of county commissioners of each county to levy certain taxes to pay for the nonfederal share of its expenses for the institutional care of medically indigent persons pursuant to the State Plan for Medicaid. Any such expenses not covered by the amount of taxes levied by the counties must be paid for by the State of Nevada through the Department of Human Resources.