

## Amendment No. 465

Senate Amendment to Senate Bill No. 420

(BDR 19-172)

**Proposed by:** Committee on Human Resources and Education**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

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"/>	_____
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Amend section 1, pages 1 and 2, by deleting lines 2 through 13 on page 1 and lines 1 through 25 of page 2, and inserting:

“**Section 1.** NRS 241.030 is hereby amended to read as follows:

241.030 1. Except as otherwise provided in NRS 241.031 and 241.033, ~~nothing contained in this chapter prevents~~ a public body ~~[from holding]~~ **may hold** a closed meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person.

2. *Except as otherwise provided in this subsection and NRS 241.031, the Drug Use Review Board may hold a closed meeting to consider, deliberate regarding, discuss or take action in connection with the retrospective drug use review required pursuant to 42 U.S.C. § 1396r-8(g)(2)(B). The provisions of this subsection do not authorize the Drug Use Review Board to hold a closed meeting to develop or review a proposed policy or regulation. Except as otherwise*

SP/MSM

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S.B. No. 420—Authorizes Drug Use Review Board to hold closed meetings for certain purposes.



*provided in paragraph (b) of subsection 2 of NRS 241.035, all information and materials received or prepared by the Board during a meeting closed pursuant to this subsection and all minutes and audiovisual or electronic reproductions of such a meeting are confidential, not subject to subpoena or discovery, and not subject to inspection by the general public. The provisions of NRS 241.033 do not apply to meetings closed pursuant to this subsection. As used in this subsection, “Drug Use Review Board” has the meaning ascribed to it in NRS 422.402.*

3. A public body may close a meeting *pursuant to this section* upon a motion which specifies the nature of the business to be considered.

~~{3.}~~ 4. This chapter does not:

- (a) Apply to judicial proceedings.
- (b) Prevent the removal of any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical.
- (c) Prevent the exclusion of witnesses from a public or private meeting during the examination of another witness.
- (d) Require that any meeting be closed to the public.
- (e) Permit a closed meeting for the discussion of the appointment of any person to public office or as a member of a public body.

~~{4.—The exception}~~

5. *The exceptions* provided by this section, and electronic communication, must not be used to circumvent the spirit or letter of this chapter in order to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory powers. *The provisions of this*

*subsection do not prohibit the closure of a meeting in the manner and for the purposes set forth in subsection 2.”.*

Amend sec. 3, page 3, by deleting lines 35 through 38 and inserting:

*“(b) Subsection 2 of NRS 241.030 do not become public records at any time and, except as otherwise provided in this paragraph, a physician, pharmacist or person receiving benefits who is discussed during a meeting closed pursuant to that subsection is not entitled to a copy of the minutes. If the Drug Use Review Board conducts an educational intervention with respect to a physician or pharmacist during a meeting closed pursuant to subsection 2 of NRS 241.030, the physician or pharmacist, as applicable, who is the subject of the educational intervention is entitled to a copy of that portion of the minutes which applies specifically to his educational intervention. As used in this paragraph:*

*(1) “Drug Use Review Board” has the meaning ascribed to it in NRS 422.402.*

*(2) “Educational intervention” means an educational intervention referred to in 42 U.S.C. § 1396r-8(g)(3)(C)(iii)(III).”.*

Amend the bill as a whole by renumbering sec. 4 as sec. 6 and adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

**“Sec. 4.** NRS 422.406 is hereby amended to read as follows:

422.406 1. The Department may, to carry out its duties set forth in NRS 422.401 to 422.406, inclusive, and to administer the provisions of NRS 422.401 to 422.406, inclusive:

- (a) Adopt regulations; and
- (b) Enter into contracts for any services.

2. *The Department shall adopt regulations setting forth that:*

*(a) If the Drug Use Review Board proposes to refer a case or issue concerning a physician for review by an entity other than the Department, the referral must be based on the recommendation of a subcommittee of the Drug Use Review Board composed entirely of physicians.*

*(b) If the Drug Use Review Board proposes to refer a case or issue concerning a pharmacist for review by an entity other than the Department, the referral must be based on the recommendation of a subcommittee of the Drug Use Review Board composed entirely of pharmacists.*

3. Any regulations adopted by the Department pursuant to NRS 422.401 to 422.406, inclusive, must be adopted in accordance with the provisions of chapter 241 of NRS.

**Sec. 5.** The amendatory provisions of this act do not apply to the extent that those provisions:

1. Are preempted or prohibited by federal law;
2. Violate a condition to the receipt of federal money by this State, an agency of this State or a political subdivision of this State; or
3. As determined by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services, violate a requirement related to the State Plan for Medicaid established pursuant to NRS 422.271.”.

Amend the title of the bill by deleting the fourth and fifth lines and inserting:

“materials relating to such closed meetings are, with certain exceptions, confidential; and providing other matters properly relating”.