

ASSEMBLY BILL NO. 16—COMMITTEE ON COMMERCE AND LABOR

PREFILED DECEMBER 5, 2008

Referred to Committee on Health and Human Services

SUMMARY—Provides for the disclosure of certain information to an emergency response employee concerning possible exposure to an infectious disease. (BDR 40-600)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: No.

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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 emergency medical services; providing for the disclosure of certain information to an emergency response employee concerning possible exposure to an infectious disease; requiring certain notifications concerning such an exposure; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 6 of this bill requires each employer of emergency response employees in this State to designate at least one employee to serve as a designated officer to act on behalf of its emergency response employees with regard to their possible exposure to infectious diseases.

Section 7 of this bill requires a medical facility to notify a designated officer of an emergency response employee who transported a victim of an emergency who the medical facility determines has an airborne infectious disease. **Section 8** of this bill authorizes an emergency response employee to request that his designated officer make an initial determination of the employee's possible exposure to an infectious disease. **Section 9** of this bill requires a medical facility to respond to a request from a designated officer of an emergency response employee regarding whether the employee may have been exposed to an infectious disease once the medical facility makes such a determination. **Section 10** of this bill provides that if information was insufficient for a medical facility to determine whether an emergency response employee was exposed to an infectious disease, the health officer in whose jurisdiction the medical facility is located shall evaluate the request and the response of the medical facility. **Section 11** of this bill requires a designated officer to notify each emergency response employee who responded to



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an emergency and may have been exposed to an infectious disease of the determination of the medical facility. **Section 12** of this bill provides limitations on the liability of a medical facility or designated officer and clarifies that the provisions of this bill do not authorize an emergency response employee to fail to respond or deny services to a victim of an emergency. **Section 12** further provides that this bill does not authorize or require a medical facility to test any victim of an emergency for the presence of an infectious disease and does not authorize or require certain persons to disclose the identity of such a victim or an emergency response employee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 450B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *“Designated officer” means a person designated by an employer to serve as a designated officer for its emergency response employees pursuant to section 6 of this act.*

Sec. 3. *“Emergency response employee” means a firefighter, attendant, volunteer attendant, emergency medical technician, intermediate emergency medical technician, advanced emergency medical technician or other person who, in the course of his professional duties, responds to emergencies in this State.*

Sec. 4. *“Exposed” or “exposure” means any circumstances which create a significant risk of a person becoming infected with an infectious disease.*

Sec. 5. *“Infectious disease” means a disease caused by a living organism or other pathogen, including, without limitation, a fungus, bacillus, parasite, protozoan or virus.*

Sec. 6. *Each employer of emergency response employees in this State shall designate at least one employee to serve as a designated officer to receive notifications and responses and make requests on behalf of its emergency response employees pursuant to sections 2 to 12, inclusive, of this act.*

Sec. 7. 1. *Except as otherwise provided in NRS 441A.195, if a victim of an emergency is transported by emergency response employees to a medical facility and the medical facility determines that the victim has an airborne infectious disease, the medical facility shall notify a designated officer of the emergency response employees of that determination.*

2. *If a victim of an emergency is transported by emergency response employees to a medical facility, the victim dies at or before reaching the medical facility and the medical facility determines the cause of death of the victim, the medical facility shall notify a designated officer of the emergency response*



employees of any determination by the medical facility that the victim had an airborne infectious disease.

3. The medical facility to which the victim is transported shall cause the notification required by subsection 1 or 2 to be made as soon as practicable, but not later than 48 hours after the determination is made.

4. The notification must include, without limitation:

(a) The name of the airborne infectious disease to which the emergency response employees may have been exposed; and

(b) The date on which the victim of the emergency was transported by the emergency response employees to the medical facility.

5. As used in this section, "airborne infectious disease" means an infectious disease transmitted from person to person by an aerosol, including, without limitation, tuberculosis.

Sec. 8. 1. Except as otherwise provided in NRS 441A.195, if an emergency response employee believes that he may have been exposed to an infectious disease by a victim of an emergency who was transported, attended, treated or assisted by the emergency response employee, a designated officer of the employee shall, upon the request of the employee, make an initial determination of the possible exposure of the employee to an infectious disease by:

(a) Collecting the facts relating to the circumstances under which the employee may have been exposed to an infectious disease; and

(b) Evaluating the facts to determine whether the victim had an infectious disease and whether the employee may have been exposed to the disease.

2. If a designated officer determines that an emergency response employee may have been exposed to an infectious disease, the designated officer shall submit to the medical facility to which the victim was transported a written request for a response.

Sec. 9. 1. If a medical facility receives a written request for a response pursuant to subsection 2 of section 8 of this act, the medical facility shall, as soon as practicable but not later than 48 hours after receiving the request, evaluate the facts submitted in the request and determine whether the emergency response employee was exposed to an infectious disease.

2. If the medical facility determines that the emergency response employee may have been exposed or was not exposed to an infectious disease or that insufficient information exists for it to make a determination, the medical facility shall notify, in writing, the designated officer who submitted the request.



3. If a victim dies at or before reaching the medical facility and the medical facility receives a written request for a response pursuant to subsection 2 of section 8 of this act, the medical facility shall provide a copy of the request to any other medical facility that is ascertaining the cause of death of the victim.

Sec. 10. 1. If a designated officer receives a notice from a medical facility pursuant to subsection 2 of section 9 of this act that insufficient information exists for the medical facility to make a determination of whether an emergency response employee was exposed to an infectious disease, the designated officer may submit a request for further evaluation to the health officer in whose jurisdiction the medical facility is located. A request submitted pursuant to this subsection must include the original request for a written response submitted by the designated officer pursuant to subsection 2 of section 8 of this act.

2. If a health officer receives a request for further evaluation pursuant to subsection 1, the health officer shall evaluate the request and the request for a written response submitted by the designated officer pursuant to subsection 2 of section 8 of this act. An evaluation conducted pursuant to this subsection must be completed as soon as practicable but not later than 48 hours after the request for further evaluation is received.

3. If an evaluation conducted pursuant to subsection 2 indicates that the facts provided to the medical facility were:

(a) Sufficient to determine that an emergency response employee was exposed to an infectious disease, the health officer shall, on behalf of the designated officer, resubmit the request to the medical facility; or

(b) Insufficient to determine that an emergency response employee was exposed to an infectious disease, the health officer shall advise the designated officer in writing regarding the collection and description of additional facts for further evaluation by the medical facility pursuant to section 9 of this act.

Sec. 11. 1. If a designated officer receives a notice from a medical facility pursuant to section 9 of this act that an emergency response employee may have been exposed to an infectious disease, the designated officer shall, as soon as is practicable after receiving the notice, notify each emergency response employee who responded to the emergency and may have been exposed to an infectious disease.

2. The notification must include, without limitation:

(a) A statement indicating that the emergency response employee may have been exposed to an infectious disease;

(b) The name of the infectious disease;



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1 (c) The date on which the victim of the emergency was
2 transported by the emergency response employee to the medical
3 facility; and

4 (d) Any action that is medically appropriate for the emergency
5 response employee to take.

6 **Sec. 12.** The provisions of sections 2 to 12, inclusive, of this
7 act must not be construed to:

8 1. Authorize any cause of action for damages or any civil
9 penalty against a medical facility or designated officer that fails to
10 comply with any requirement of those provisions.

11 2. Require or authorize a medical facility to test a victim of an
12 emergency for the presence of an infectious disease.

13 3. Require or authorize a medical facility, designated officer
14 or emergency response employee to disclose the identity of or
15 identifying information about a victim of an emergency or an
16 emergency response employee.

17 4. Authorize an emergency response employee to fail to
18 respond or deny services to a victim of an emergency.

19 **Sec. 13.** NRS 450B.020 is hereby amended to read as follows:
20 450B.020 As used in this chapter, unless the context otherwise
21 requires, the words and terms defined in NRS 450B.025 to
22 450B.110, inclusive, *and sections 2 to 5, inclusive, of this act* have
23 the meanings ascribed to them in those sections.

24 **Sec. 14.** This act becomes effective on July 1, 2009.

