

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 or, in certain circumstances, the county coroner or medical examiner, as applicable, to notify a designated officer of an emergency response employee who transported a victim of an emergency who the medical facility, county coroner or medical examiner determines has an 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, county coroner or medical examiner 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, county coroner or medical examiner makes such a determination. **Section 10** of this bill provides that if information was insufficient for a medical facility, county coroner or medical examiner to determine whether an emergency response employee was exposed to an infectious disease, the health officer in



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19 whose jurisdiction the medical facility, county coroner or medical examiner is
20 located shall evaluate the request and the response of the medical facility, county
21 coroner or medical examiner. **Section 11** of this bill requires a designated officer to
22 notify each emergency response employee who responded to an emergency and
23 may have been exposed to an infectious disease of the determination of the medical
24 facility, county coroner or medical examiner. **Section 12** of this bill provides
25 limitations on the liability of a medical facility, county coroner, medical examiner
26 or designated officer and clarifies that the provisions of this bill do not authorize an
27 emergency response employee to fail to respond or deny services to a victim of an
28 emergency. **Section 12** further provides that this bill does not authorize or require a
29 medical facility, county coroner or medical examiner to test any victim of an
30 emergency for the presence of an infectious disease and does not authorize or
31 require certain persons to disclose the identity of such a victim or an emergency
32 response employee.

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

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

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

7 **Sec. 3.** *“Emergency response employee” means a firefighter,*
8 *attendant, volunteer attendant, emergency medical technician,*
9 *intermediate emergency medical technician, advanced emergency*
10 *medical technician, law enforcement officer, correctional officer,*
11 *other peace officer or person who is employed by an agency of*
12 *criminal justice, county coroner or medical examiner or any of*
13 *their employees, any other public employee whose duties may*
14 *require him to come into contact with human blood or bodily*
15 *fluids or any other person who, in the course of his professional*
16 *duties, responds to emergencies in this State.*

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

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

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

28 **Sec. 7. 1.** *Except as otherwise provided in NRS 441A.195, if*
29 *a victim of an emergency is transported by emergency response*



1 *employees to a medical facility and the medical facility determines*
2 *that the victim has an infectious disease, the medical facility shall*
3 *notify a designated officer of the emergency response employees of*
4 *that determination.*

5 *2. If a victim of an emergency is transported by emergency*
6 *response employees to a medical facility, the victim dies at or*
7 *before reaching the medical facility and the county coroner or*
8 *medical examiner of the county in which the victim dies, as*
9 *applicable, determines the cause of death of the victim, the county*
10 *coroner or medical examiner shall notify a designated officer of*
11 *the emergency response employees of any determination by the*
12 *county coroner or medical examiner that the victim had an*
13 *infectious disease.*

14 *3. The medical facility to which the victim is transported or*
15 *the county coroner or medical examiner of the county in which*
16 *the victim dies, as applicable, shall cause the notification required*
17 *by subsection 1 or 2, as appropriate, to be made as soon as*
18 *practicable, but not later than 48 hours after the determination is*
19 *made.*

20 *4. The notification must include, without limitation:*

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

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

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

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

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

39 *2. If a designated officer determines that an emergency*
40 *response employee may have been exposed to an infectious*
41 *disease, the designated officer shall submit to the medical facility*
42 *to which the victim was transported or the county coroner or*
43 *medical examiner of the county in which the victim died, as*
44 *applicable, a written request for a response.*



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

9 2. *If the medical facility, county coroner or medical*
10 *examiner, as applicable, determines that the emergency response*
11 *employee may have been exposed or was not exposed to an*
12 *infectious disease or that insufficient information exists for a*
13 *determination to be made, the medical facility, county coroner or*
14 *medical examiner shall notify, in writing, the designated officer*
15 *who submitted the request.*

16 **Sec. 10. 1.** *If a designated officer receives a notice from a*
17 *medical facility, county coroner or medical examiner, as*
18 *applicable, pursuant to subsection 2 of section 9 of this act that*
19 *insufficient information exists for the medical facility, county*
20 *coroner or medical examiner to make a determination of whether*
21 *an emergency response employee was exposed to an infectious*
22 *disease, the designated officer may submit a request for further*
23 *evaluation to the health officer in whose jurisdiction the medical*
24 *facility, county coroner or medical examiner is located. A request*
25 *submitted pursuant to this subsection must include the original*
26 *request for a written response submitted by the designated officer*
27 *pursuant to subsection 2 of section 8 of this act.*

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

35 3. *If an evaluation conducted pursuant to subsection 2*
36 *indicates that the facts provided to the medical facility, county*
37 *coroner or medical examiner, as applicable, were:*

38 (a) *Sufficient to determine that an emergency response*
39 *employee was exposed to an infectious disease, the health officer*
40 *shall, on behalf of the designated officer, resubmit the request to*
41 *the medical facility, county coroner or medical examiner; or*

42 (b) *Insufficient to determine that an emergency response*
43 *employee was exposed to an infectious disease, the health officer*
44 *shall advise the designated officer in writing regarding the*
45 *collection and description of additional facts for further*



1 *evaluation by the medical facility, county coroner or medical*
2 *examiner pursuant to section 9 of this act.*

3 **Sec. 11.** 1. *If a designated officer receives a notice from a*
4 *medical facility, county coroner or medical examiner, as*
5 *applicable, pursuant to section 9 of this act that an emergency*
6 *response employee may have been exposed to an infectious*
7 *disease, the designated officer shall, as soon as is practicable after*
8 *receiving the notice, notify each emergency response employee*
9 *who responded to the emergency and may have been exposed to an*
10 *infectious disease.*

11 2. *The notification must include, without limitation:*

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

14 (b) *The name of the infectious disease;*

15 (c) *The date on which the victim of the emergency was*
16 *transported by the emergency response employee to the medical*
17 *facility; and*

18 (d) *Any action that is medically appropriate for the emergency*
19 *response employee to take.*

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

22 1. *Authorize any cause of action for damages or any civil*
23 *penalty against a medical facility, county coroner, medical*
24 *examiner or designated officer that fails to comply with any*
25 *requirement of those provisions.*

26 2. *Require or authorize a medical facility, county coroner or*
27 *medical examiner to test a victim of an emergency for the presence*
28 *of an infectious disease.*

29 3. *Require or authorize a medical facility, county coroner,*
30 *medical examiner, designated officer or emergency response*
31 *employee to disclose the identity of or identifying information*
32 *about a victim of an emergency or an emergency response*
33 *employee.*

34 4. *Authorize an emergency response employee to fail to*
35 *respond or deny services to a victim of an emergency.*

36 **Sec. 13.** NRS 450B.020 is hereby amended to read as follows:
37 450B.020 As used in this chapter, unless the context otherwise
38 requires, the words and terms defined in NRS 450B.025 to
39 450B.110, inclusive, *and sections 2 to 5, inclusive, of this act* have
40 the meanings ascribed to them in those sections.

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

