

SENATE BILL NO. 17—SENATOR WIENER

PREFILED DECEMBER 5, 2008

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing health care records.
(BDR 54-607)

FISCAL NOTE: Effect on Local Government: No.
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 health care; revising provisions governing the retention and destruction of health care records; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires that certain boards post a statement on their Internet websites that the health care records of patients who are less than 23 years of age may not be destroyed and that the health care records of other patients may be destroyed after 5 years.

Existing law requires certain providers of health care, including pharmacists, to retain the health care records of patients for 5 years after their receipt or production. (NRS 629.051) **Section 2** of this bill provides that this requirement relating to the retention of records does not apply to pharmacists. **Section 2** also: (1) requires that certain disclosures regarding destruction of records be provided to patients; (2) prohibits the destruction of health care records for a person who is less than 23 years of age until the person attains the age of 23 years; and (3) requires the State Board of Health to adopt regulations relating to the required disclosures.

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Board of Health and each board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS shall post on its website on the Internet, if any, a statement which discloses that:



(a) Pursuant to the provisions of subsection 7 of NRS 629.051:
(1) The health care records of a person who is less than 23 years of age may not be destroyed; and

(2) The health care records of a person who has attained the age of 23 years may be destroyed for those records which have been retained for at least 5 years or for any longer period provided by federal law; and

(b) Except as otherwise provided in subsection 7 of NRS 629.051 and unless a longer period is provided by federal law, the health care records of a patient who is 23 years of age or older may be destroyed after 5 years pursuant to subsection 1 of NRS 629.051.

2. The State Board of Health shall adopt regulations prescribing the contents of the statements required pursuant to this section.

Sec. 2. NRS 629.051 is hereby amended to read as follows:

629.051 1. Except as otherwise provided in *this section and in* regulations adopted by the State Board of Health pursuant to NRS 652.135 with regard to the records of a medical laboratory ~~and~~ *and unless a longer period is provided by federal law*, each provider of health care shall retain the health care records of his patients as part of his regularly maintained records for 5 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. Health care records may be created, authenticated and stored in a computer system which limits access to those records.

2. A provider of health care shall post, in a conspicuous place in each location at which the provider performs health care services, a sign which discloses to patients that their health care records may be destroyed after the period set forth in subsection 1.

3. When a provider of health care performs health care services for a patient for the first time, the provider of health care shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be destroyed after the period set forth in subsection 1.

4. If a provider fails to deliver the written statement to the patient pursuant to subsection 3, the provider of health care shall deliver to the patient the written statement described in subsection 3 when the provider next performs health care services for the patient.



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1 5. *In addition to delivering a written statement pursuant to*
2 *subsection 3 or 4, a provider of health care may deliver such a*
3 *written statement to a patient at any other time.*

4 6. *A written statement delivered to a patient pursuant to this*
5 *section may be included with other written information delivered*
6 *to the patient by a provider of health care.*

7 7. *A provider of health care shall not destroy the health care*
8 *records of a person who is less than 23 years of age on the date of*
9 *the proposed destruction of the records. The health care records of*
10 *a person who has attained the age of 23 years may be destroyed in*
11 *accordance with this section for those records which have been*
12 *retained for at least 5 years or for any longer period provided by*
13 *federal law.*

14 8. *The provisions of this section do not apply to a pharmacist.*

15 9. *The State Board of Health shall adopt:*

16 (a) *Regulations prescribing the form, size, contents and*
17 *placement of the signs and written statements required pursuant to*
18 *this section; and*

19 (b) *Any other regulations necessary to carry out the provisions*
20 *of this section.*

21 **Sec. 3.** NRS 630.254 is hereby amended to read as follows:

22 630.254 1. Each licensee shall maintain a permanent mailing
23 address with the Board to which all communications from the Board
24 to the licensee must be sent. A licensee who changes his permanent
25 mailing address shall notify the Board in writing of his new
26 permanent mailing address within 30 days after the change. If a
27 licensee fails to notify the Board in writing of a change in his
28 permanent mailing address within 30 days after the change, the
29 Board:

30 (a) Shall impose upon the licensee a fine not to exceed \$250;
31 and

32 (b) May initiate disciplinary action against the licensee as
33 provided pursuant to subsection 9 of NRS 630.306.

34 2. Any licensee who changes the location of his office in this
35 State shall notify the Board in writing of the change before
36 practicing at the new location.

37 3. Any licensee who closes his office in this State shall:

38 (a) Notify the Board in writing of this occurrence within 14 days
39 after the closure; and

40 (b) For a period of 5 years thereafter, *unless a longer period of*
41 *retention is provided by federal law*, keep the Board apprised in
42 writing of the location of the medical records of his patients.

