

Amendment No. 502

Assembly Amendment to Assembly Bill No. 29 (BDR 40-343)

Proposed by: Assembly Committee on Health and Human Services

Amendment Box: Replaces Amendment No. 388.

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

RBL



Date: 4/23/2011

A.B. No. 29—Revises provisions governing county hospitals. (BDR 40-343)



ASSEMBLY BILL NO. 29—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF CLARK COUNTY)

PREFILED DECEMBER 14, 2010

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing county hospitals ~~to~~ and requires certain hospitals to report information concerning the transfers of patients between hospitals to the Legislative Committee on Health Care. (BDR 40-343)

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 ~~public hospitals; authorizing the boards of hospital trustees of certain public hospitals to fix~~ health care; increasing the compensation of members of hospital advisory boards; revising provisions governing the staff of physicians at public hospitals; requiring certain hospitals to report information concerning the transfers of patients between hospitals to the Legislative Committee on Health Care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain boards of hospital trustees of public hospitals to appoint advisory boards and limits the compensation for the service of members of advisory boards to not more than \$100 per month. (NRS 450.175) **Section 1** of this bill ~~repeals the \$100 per month~~ increases the limit on compensation ~~and provides that members of a hospital advisory board may receive as compensation for their services~~ to an amount ~~fixed by the board of hospital trustees~~ not to exceed \$1,000 per month.

Existing law requires the board of hospital trustees of a public hospital to organize a staff of physicians composed of each regularly practicing physician, podiatric physician and dentist in the county who requests staff membership and prohibits the board from discriminating against a physician, podiatric physician or dentist. (NRS 450.440, 450.430) **Section 3** of this bill provides that the staff of physicians, podiatric physicians and dentists may be required to be affiliated with the University of Nevada School of Medicine or the University of Nevada, Las Vegas, School of Dental Medicine. If so required, the physician, podiatric physician or dentist who requests staff membership must meet the standards in the regulations of the board of hospital trustees and hold and maintain a faculty or clinical appointment with one of the two Universities. An exception applies, however, if the board of hospital trustees enters into a contract with a physician or group of physicians to be the exclusive provider of certain services. Section 2 of this bill further provides that if a physician loses privileges at a hospital because the physician no longer holds a faculty or clinical

appointment with one of the Universities, that action shall not be deemed to be an adverse action against the physician.

Hospitals in this State are required to provide emergency services and care, and it is unlawful for a hospital or a physician working in a hospital emergency room to refuse to accept or treat a patient in need of emergency services and care. (NRS 439B.410) Section 4 of this bill requires certain hospitals located in larger counties to provide a report of certain information to the Legislative Committee on Health Care concerning the transfer of patients from the hospital to another hospital and the availability of specialty medical services in the hospital. Such a report must be made quarterly beginning on October 15, 2011, and cover the period from July 1, 2011, through September 30, 2012.

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

Section 1. NRS 450.175 is hereby amended to read as follows:

450.175 1. In counties where the board of county commissioners is the board of hospital trustees, the board of hospital trustees may appoint a hospital advisory board which shall exercise powers and duties delegated to the advisory board by the board of hospital trustees.

2. Members of a hospital advisory board must be appointed by a majority vote of the board of hospital trustees and shall serve at the pleasure of the board.

3. Members of the hospital advisory board may receive compensation for their services ~~[of no more than \$100 per month.] in an amount [fixed by the board of hospital trustees.]~~ not to exceed \$1,000 per month.

Sec. 2. NRS 450.430 is hereby amended to read as follows:

450.430 1. ~~For~~ Except as otherwise provided in NRS 450.440, in the management of the public hospital, no discrimination may be made against physicians, podiatric physicians or dentists licensed under the laws of this state or licensed practitioners of the allied health professions, and all such physicians, dentists, podiatric physicians and practitioners have privileges in treating patients in the hospital in accordance with their training and ability, except that practitioners ~~fr~~

~~—(a) If the board of hospital trustees organizes the staff of physicians in accordance with subsection 2 of NRS 450.440, the board of hospital trustees may require a physician, podiatric physician or dentist to be affiliated with the University of Nevada School of Medicine or the University of Nevada, Las Vegas, School of Dental Medicine.~~

~~—(b) Practitioners~~ of the allied health professions may not be members of the staff of physicians described in NRS 450.440. Practitioners of the allied health professions are subject to the bylaws and regulations established by the board of hospital trustees.

2. The patient has the right to employ, at the patient's own expense, his or her own physician, if that physician is a member of the hospital staff, or the patient's own nurse, and when acting for any patient in the hospital, the physician employed by the patient has charge of the care and treatment of the patient, and the nurses in the hospital shall comply with the directions of the physician concerning that patient, subject to the regulations established by the board of hospital trustees.

3. If a physician loses privileges at a hospital because the physician no longer holds a faculty or clinical appointment with the University of Nevada School of Medicine or the University of Nevada, Las Vegas, School of Dental Medicine, as required pursuant to NRS 450.440, that action shall not be deemed to be an adverse action by the hospital against the physician.

1 **Sec. 3.** NRS 450.440 is hereby amended to read as follows:

2 450.440 1. ~~[[The]]~~ Except as otherwise provided in subsection 2, the board
3 of hospital trustees shall organize a staff of physicians composed of each regular
4 practicing physician, podiatric physician and dentist in the county in which the
5 hospital is located who requests staff membership and meets the standards set forth
6 in the regulations prescribed by the board of hospital trustees.

7 2. The board of hospital trustees may, after consulting with the chief of
8 staff of the hospital and the deans of the University of Nevada School of
9 Medicine and the University of Nevada, Las Vegas, School of Dental Medicine,
10 organize a staff of physicians composed solely of physicians, podiatric physicians
11 and dentists who are affiliated with the University of Nevada School of Medicine
12 or the University of Nevada, Las Vegas, School of Dental Medicine who request
13 staff membership and meet the ~~standards set forth in the regulations prescribed~~
14 ~~by the board of hospital trustees. If~~ requirements set forth in subsection 3.

15 3. Except as otherwise provided in subsection 4, if the board of hospital
16 trustees ~~organizes~~ decides to organize the staff of physicians in accordance with
17 ~~this subsection,~~ subsection 2, a physician, podiatric physician or dentist who
18 requests staff membership must:

19 (a) Meet the standards set forth in the regulations prescribed by the board of
20 hospital trustees; and

21 (b) ~~Obtain a letter from~~ Hold a faculty or clinical appointment with the
22 University of Nevada School of Medicine or the University of Nevada, Las Vegas,
23 School of Dental Medicine ~~indicating that he or she is affiliated with that~~
24 ~~school~~ and

25 ~~[(c) Maintain an affiliation with the University of Nevada School of Medicine~~
26 ~~or the University of Nevada, Las Vegas, School of Dental Medicine]~~ maintain
27 that appointment while he or she is on the staff of physicians.

28 ~~[[3]]~~ 4. If the board of hospital trustees decides to organize the staff of
29 physicians in accordance with subsection 2, the board of hospital trustees may
30 enter into a contract with a physician or group of physicians who do not meet the
31 requirements of subsection 3 if the physician or group of physicians will be the
32 exclusive provider of certain services for the hospital. Such services may include,
33 without limitation, radiology, pathology, emergency medicine and neonatology
34 services.

35 5. The provisions of subsections 2 and 3 shall not be deemed to prohibit a
36 physician, podiatric physician or dentist who is on the staff of physicians from
37 being affiliated with another institution of higher education.

38 6. The staff shall organize in a manner prescribed by the board so that there is
39 a rotation of service among the members of the staff to give proper medical and
40 surgical attention and service to the indigent sick, injured or maimed who may be
41 admitted to the hospital for treatment.

42 ~~[[3]]~~ ~~[[4]]~~ 7. The board of hospital trustees or the board of county
43 commissioners may offer the following assistance to members of the staff to attract
44 and retain them:

- 45 (a) Establishment of clinic or group practice;
46 (b) Malpractice insurance coverage under the hospital's policy of professional
47 liability insurance;
48 (c) Professional fee billing; and
49 (d) The opportunity to rent office space in facilities owned or operated by the
50 hospital, as the space is available, if this opportunity is offered to all members of
51 the staff on the same terms and conditions.

52 **Sec. 4. 1. Each hospital located in a county whose population is 700,000**
53 **or more which is licensed to have more than 70 beds shall provide to the**

1 Legislative Committee on Health Care a report concerning the transfer of
2 patients from one hospital to another hospital. Such information must include:

3 (a) The number of patients who are transferred from the hospital to
4 another hospital;

5 (b) The number of patients who were received by the hospital and who
6 were transferred from another hospital;

7 (c) The reason for each transfer of a patient to another hospital;

8 (d) The availability of specialty services and care in the hospital; and

9 (e) Whether each patient who was transferred from the hospital had
10 insurance or some other guaranteed form of payment for services.

11 2. Each hospital subject to the provisions of subsection 1 shall provide a
12 report to the Legislative Committee on Health Care with the information
13 required at least once every 3 months, and the reports must include
14 information from July 1, 2011, through September 30, 2012. The first report
15 must be made by October 15, 2011, and must include information from July 1,
16 2011, through September 30, 2011. Subsequent reports must include
17 information for the period since the last report.

18 3. The information reported pursuant to this section must be made
19 available to each person or entity that provides information pursuant to this
20 section to the extent that it is not required by law to be kept confidential.

21 4. The information reported pursuant to this section must be maintained
22 and reported in a manner consistent with the Health Insurance Portability and
23 Accountability Act of 1996, Public Law 104-191.

24 5. As used in this section, "specialty services" includes, without
25 limitation:

26 (a) Cardiology services;

27 (b) Gastroenterological services;

28 (c) General surgical services;

29 (d) Neurosurgical services;

30 (e) Ophthalmology services;

31 (f) Oral and maxillofacial surgical services;

32 (g) Orthopedic services;

33 (h) Otolaryngology services; and

34 (i) Urological services.

35 ~~[Sec. 4.]~~ Sec. 5. This act becomes effective on July 1, 2011.