

SENATE BILL NO. 131—COMMITTEE ON
HEALTH AND HUMAN SERVICES

FEBRUARY 7, 2011

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to tests of infants.
(BDR 40-352)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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 health; prescribing priorities for the Health Division of the Department of Health and Human Services to consider when contracting with laboratories to perform certain tests of infants; authorizing the State Board of Health to require the Health Division to provide for services of laboratories to perform certain tests of infants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the State Board of Health, upon recommendation of the
2 State Health Officer, to adopt regulations governing the examination and testing of
3 infants to discover preventable or inheritable disorders. (NRS 442.008)
4 **Section 3** of this bill authorizes the State Board of Health to require the Health
5 Division of the Department of Health and Human Services to provide for the
6 services of a laboratory to perform tests of infants. **Section 1** of this bill requires
7 the Health Division, when contracting for such services, to give first priority to the
8 State Public Health Laboratory, second priority to any other qualified laboratory in
9 this State and third priority to any qualified laboratory outside of this State that is
10 capable of performing the tests.



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

Section 1. Chapter 442 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, if the State Board of Health requires the Health Division to provide for the services of a laboratory to determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008, the Health Division shall contract with a laboratory in the following order of priority:

(a) The State Public Health Laboratory;

(b) Any other qualified laboratory located within this State; or

(c) Any qualified laboratory located outside of this State.

2. The Health Division shall not contract with a laboratory in a lower category of priority unless the Health Division determines that:

(a) A laboratory in a higher category of priority is not capable of performing all the tests required to determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008; or

(b) The cost to the Health Division to contract with a laboratory in a higher category of priority is not financially reasonable or exceeds the amount of money available for that purpose.

3. For the purpose of determining the category of priority of a laboratory only, the Health Division is not required to comply with any requirement of competitive bidding or other restriction imposed on the procedure for awarding a contract.

Sec. 2. NRS 442.003 is hereby amended to read as follows:

442.003 As used in this chapter, unless the context requires otherwise:

1. "Advisory Board" means the Advisory Board on Maternal and Child Health.

2. "Department" means the Department of Health and Human Services.

3. "Director" means the Director of the Department.

4. "Fetal alcohol syndrome" includes fetal alcohol effects.

5. "Health Division" means the Health Division of the Department.

6. *"Laboratory" has the meaning ascribed to it in NRS 652.040.*

7. "Obstetric center" has the meaning ascribed to it in NRS 449.0155.

~~7-1~~ 8. "Provider of health care or other services" means:



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(a) A clinical alcohol and drug abuse counselor who is licensed, or an alcohol and drug abuse counselor who is licensed or certified, pursuant to chapter 641C of NRS;

(b) A physician or a physician assistant who is licensed pursuant to chapter 630 or 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) A licensed clinical professional counselor;

(g) A licensed social worker; or

(h) The holder of a certificate of registration as a pharmacist.

Sec. 3. NRS 442.008 is hereby amended to read as follows:

442.008 1. The State Board of Health, upon the recommendation of the State Health Officer ~~[-shall]~~:

(a) Shall adopt regulations governing examinations and tests required for the discovery in infants of preventable or inheritable disorders, including tests for the presence of sickle cell anemia ~~[-]~~; *and*

(b) May require the Health Division to provide for the services of a laboratory in accordance with section 1 of this act to determine the presence of certain preventable or inheritable disorders in an infant pursuant to this section.

2. Any physician, midwife, nurse, obstetric center or hospital of any nature attending or assisting in any way any infant, or the mother of any infant, at childbirth shall make or cause to be made an examination of the infant, including standard tests, to the extent required by regulations of the State Board of Health as is necessary for the discovery of conditions indicating such disorders.

3. If the examination and tests reveal the existence of such conditions in an infant, the physician, midwife, nurse, obstetric center or hospital attending or assisting at the birth of the infant shall immediately:

(a) Report the condition to the State Health Officer or the representative of the State Health Officer, the local health officer of the county or city within which the infant or the mother of the infant resides, and the local health officer of the county or city in which the child is born; and

(b) Discuss the condition with the parent, parents or other persons responsible for the care of the infant and inform them of the treatment necessary for the amelioration of the condition.

4. An infant is exempt from examination and testing if either parent files a written objection with the person or institution responsible for making the examination or tests.



1 **Sec. 4.** 1. The provisions of section 1 of this act do not apply
2 to any contract entered into before the effective date of this act
3 between the Health Division of the Department of Health and
4 Human Services and a laboratory for the provision of services to
5 determine the presence of certain preventable or inheritable
6 disorders in an infant pursuant to NRS 442.008.

7 2. Any contract entered into on or after the effective date of
8 this act between the Health Division and a laboratory for the
9 provision of such services pursuant to NRS 442.008 must comply
10 with the provisions of section 1 of this act.

11 **Sec. 5.** This act becomes effective upon passage and approval.

