

SENATE BILL NO. 37—SENATOR WIENER

PREFILED DECEMBER 14, 2010

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Makes various changes concerning complaints received by a health care licensing board. (BDR 54-106)

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; requiring a health care licensing board to refer certain complaints to another health care licensing board; requiring a health care licensing board to notify the appropriate health authority of certain public health emergencies or other health events; providing immunity from civil liability, under certain circumstances, to a health care licensing board or its agents or employees who make such referrals or provide such notifications; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Homeopathic Medical Examiners to investigate any complaints made against any homeopathic physician, advanced practitioner of homeopathy, homeopathic assistant, any agent or employee thereof, or any facility where the primary practice is homeopathic medicine and to refer the complaint to another licensing board if the complaint concerns a practice which is within the jurisdiction of the other licensing board. (NRS 630A.155) Existing law does not impose the same requirement on other health care licensing boards. This bill: (1) requires each health care licensing board to refer to another health care licensing board any complaint that concerns a matter within the jurisdiction of the other health care licensing board; (2) requires each health care licensing board to notify the appropriate health authority if the board determines that the complaint concerns certain public health emergencies or other health events; (3) specifies that this bill applies to any complaint received by a health care licensing board, including, without limitation, a complaint that concerns a person or entity which is licensed by more than one health care licensing board as well as a complaint that concerns a person or entity which is licensed solely by another health care licensing board; (4) provides immunity from civil liability under certain circumstances for a health care licensing board or an agent or employee of the board who acts pursuant



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to this bill; and (5) defines the term "health care licensing board" to include licensing boards which license, certify or otherwise regulate a provider of health care or other person who may retain health care records as well as the Health Division of the Department of Health and Human Services, which licenses health care facilities.

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. If a health care licensing board determines that a complaint received by the health care licensing board concerns a matter within the jurisdiction of another health care licensing board, the health care licensing board which received the complaint shall:

(a) Except as otherwise provided in paragraph (b), refer the complaint to the other health care licensing board within 5 days after making the determination; and

(b) If the health care licensing board also determines that the complaint concerns an emergency situation, immediately refer the complaint to the other health care licensing board.

2. If a health care licensing board determines that a complaint received by the health care licensing board concerns a public health emergency or other health event that is an immediate threat to the health and safety of the public in a health care facility or the office of a provider of health care, the health care licensing board shall immediately notify the appropriate health authority for the purposes of NRS 439.970.

3. A health care licensing board may refer a complaint pursuant to subsection 1 or provide notification pursuant to subsection 2 orally, electronically or in writing.

4. The provisions of subsections 1 and 2 apply to any complaint received by a health care licensing board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the health care licensing board that received the complaint and by another health care licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another health care licensing board.

5. The provisions of this section do not prevent a health care licensing board from acting upon a complaint which concerns a matter within the jurisdiction of the health care licensing board



1 *regardless of whether the health care licensing board refers the*
2 *complaint pursuant to subsection 1 or provides notification based*
3 *upon the complaint pursuant to subsection 2.*

4 6. *A health care licensing board or an officer or employee of*
5 *the health care licensing board is immune from any civil liability*
6 *for any decision or action taken in good faith and without*
7 *malicious intent in carrying out the provisions of this section.*

8 7. *As used in this section:*

9 (a) *“Health care facility” means any facility licensed pursuant*
10 *to chapter 449 of NRS.*

11 (b) *“Health care licensing board” means:*

12 (1) *A board created pursuant to chapter 630, 630A, 631,*
13 *632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A,*
14 *640B, 640C, 641, 641A, 641B or 641C of NRS.*

15 (2) *The Health Division of the Department of Health and*
16 *Human Services.*

17 **Sec. 2.** This act becomes effective on July 1, 2011.

