

Amendment No. 452

Senate Amendment to Senate Bill No. 33 (BDR 40-475)

Proposed by: Senate Committee on Health and Human Services

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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

EWR/JRS



Date: 4/18/2015

S.B. No. 33—Makes various changes relating to county hospitals. (BDR 40-475)



SENATE BILL NO. 33—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF CLARK COUNTY)

PREFILED DECEMBER 20, 2014

Referred to Committee on Health and Human Services

SUMMARY—~~[Makes various changes relating to county hospitals.]~~ Authorizes the board of hospital trustees of a county hospital to hold a closed meeting under certain circumstances. (BDR 40-475)

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 county hospitals; ~~[providing for the confidentiality of certain records of a county hospital;]~~ authorizing the board of hospital trustees of ~~[such]~~ a **county** hospital to hold a closed meeting under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, all public books and public records must be open to inspection unless they are declared by law to be confidential. (NRS 239.010) Section 5 of this bill provides that the following records of a county hospital are generally confidential: (1) a strategic plan of the board of hospital trustees of the hospital; (2) a contract proposed to be entered into pursuant to such a plan or a proposed contract for the provision of health care services under managed care; and (3) any record relating to the negotiation of such a contract or deliberation or action by the board concerning the contract. Sections 2 and 4 of this bill, respectively, define the terms "managed care" and "strategic plan."]~~ Section 6 of this bill makes a technical correction to the definition of the term "taxpayers" for the purposes of eligibility to sign certain petitions relating to county hospitals without changing the substance of the definition.

Except as otherwise provided by specific statute, existing law provides that any meeting of a public body must be open and public. (NRS 241.020) **Section 8** of this bill authorizes the board of hospital trustees of a county hospital to hold a closed meeting to ~~[deliberate or act upon a strategic plan or to deliberate upon a proposed contract described above.]~~ discuss: (1) providing a new service at the hospital or materially expanding an existing service; or (2) acquiring an additional facility for the hospital or materially expanding an existing facility. The records of such a meeting become public records 5 years after the date of the meeting or when the board determines that confidentiality is no longer required, whichever occurs first. ~~[When such a contract is presented to the board for final action, section 8 provides that the contract becomes a public record and that deliberation and action relating to the contract must be taken in an open meeting conducted in accordance with the Open Meeting Law.]~~

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

1 Section 1. ~~[Chapter 450 of NRS is hereby amended by adding thereto the~~
2 ~~provisions set forth as sections 2 to 5, inclusive, of this act.] (Deleted by~~
3 ~~amendment.)~~

4 Sec. 2. ~~[As used in NRS 450.010 to 450.510, inclusive, and sections 2 to 5,~~
5 ~~inclusive, of this act, unless the context otherwise requires, the words and terms~~
6 ~~defined in NRS 450.010 and sections 3 and 4 of this act have the meanings~~
7 ~~ascribed to them in those sections.] (Deleted by amendment.)~~

8 Sec. 3. ~~["Managed care" means a system used by an insurer or other third~~
9 ~~party payor, or an agent of such a payor, to control access to and payment for~~
10 ~~health care services.] (Deleted by amendment.)~~

11 Sec. 4. ~~[1. "Strategic plan" means any record of a planned course of~~
12 ~~action by the board of hospital trustees of a county hospital that is intended to~~
13 ~~accomplish all or any combination of the followings:~~

14 ~~— (a) The provision of a health care service that is not currently provided by~~
15 ~~the county hospital or the material expansion of a health care service that is~~
16 ~~currently provided by the county hospital.~~

17 ~~— (b) The acquisition of an additional facility by the county hospital or the~~
18 ~~material expansion of an existing facility of the county hospital.~~

19 ~~— (c) A material change in the use of a facility of the county hospital.~~

20 ~~— (d) The acquisition of another hospital or other health care facility, or a~~
21 ~~provider of health care.~~

22 ~~2. The term does not include:~~

23 ~~— (a) Any part of the budget of the county hospital or any supporting material~~
24 ~~provided to the board of trustees of the county hospital in connection with the~~
25 ~~adoption of the budget.~~

26 ~~— (b) Any record that describes the existing operation of the county hospital or~~
27 ~~other health care facility, including, without limitation, any record that describes~~
28 ~~the hiring of employees, purchase of equipment, placement of advertisements or~~
29 ~~contracts with physicians for the provision of health care services, unless the~~
30 ~~record is otherwise declared by law to be confidential or relates to any part of a~~
31 ~~planned course of action that has not yet been fully carried into effect.] (Deleted~~
32 ~~by amendment.)~~

33 Sec. 5. ~~[Except as otherwise provided in NRS 239.0115 and 450.140, the~~
34 ~~following records of a county hospital are confidential:~~

35 ~~1. Any strategic plan of the board of hospital trustees of the county hospital~~
36 ~~if:~~

37 ~~— (a) There is a reasonable likelihood that disclosure of the strategic plan~~
38 ~~would enable any person in competition with the county hospital to use~~
39 ~~information in the strategic plan for commercial purposes or to frustrate, wholly~~
40 ~~or in part, the objectives of the strategic plan; and~~

41 ~~— (b) The strategic plan is not lawfully in the possession of, and possession of~~
42 ~~the strategic plan cannot lawfully be obtained by, a person in competition with~~
43 ~~the county hospital or members of the public generally.~~

44 ~~2. Any contract proposed to be entered into pursuant to a strategic plan~~
45 ~~described in subsection 1 or a proposed contract for the provision of health care~~
46 ~~services under managed care.~~

47 ~~3. Any record relating to the negotiation of, or deliberation or action by the~~
48 ~~board of trustees of the county hospital concerning, a proposed contract~~
49 ~~described in subsection 2.] (Deleted by amendment.)~~

1 **Sec. 6.** NRS 450.010 is hereby amended to read as follows:

2 450.010 ~~{For the purposes of NRS 450.010 to 450.510, inclusive, "taxpayers"~~
3 ~~include only}~~ **"Taxpayers"** means citizens of the United States of the age of 18
4 years and upward who, at the time of filing their petition, are registered electors of
5 the county in which an election is proposed to be held and whose names appear on
6 the latest assessment roll of the county as owners of real or personal property.

7 **Sec. 7.** ~~NRS 450.050 is hereby amended to read as follows:~~

8 ~~450.050 In all cases where any county hospital has been acquired by~~
9 ~~purchase, construction or otherwise, in any of the several counties of this State~~
10 ~~under or by virtue of any act of the Legislature other than NRS 450.010 to 450.510,~~
11 ~~inclusive, and sections 2 to 5, inclusive, of this act and has been governed and~~
12 ~~administered thereunder by the board of county commissioners, or otherwise, the~~
13 ~~board of county commissioners is authorized and empowered forthwith to appoint a~~
14 ~~board of hospital trustees for such county hospital. Thereafter, all the provisions of~~
15 ~~NRS 450.010 to 450.510, inclusive, and sections 2 to 5, inclusive, of this act~~
16 ~~relative to the maintenance of hospitals, election of hospital trustees, maintenance~~
17 ~~of a training school for nurses, provision for suitable care for such hospitals and~~
18 ~~persons with disabilities, and the administration and government of county hospital~~
19 ~~and patients therein shall be immediately applicable and controlling with respect to~~
20 ~~the future administration, control and government of such hospital in like manner~~
21 ~~and with the same force and effect as if an election had been duly held in~~
22 ~~accordance with the provisions of NRS 450.010 to 450.510, inclusive, and sections~~
23 ~~2 to 5, inclusive, of this act and a majority of all the votes cast had been in favor of~~
24 ~~establishing such hospital. (Deleted by amendment.)~~

25 **Sec. 8.** NRS 450.140 is hereby amended to read as follows:

26 450.140 1. The board of hospital trustees shall hold meetings at least once
27 each month, and shall keep a complete record of all its transactions.

28 2. Except as otherwise provided in NRS 241.0355:

29 (a) In counties where three county commissioners are not members of the
30 board, three members of the board constitute a quorum for the transaction of
31 business.

32 (b) And except as otherwise provided in paragraph (c), in counties where three
33 county commissioners are members of the board, any five of the members
34 constitute a quorum for the transaction of business.

35 (c) In counties where the board of county commissioners is the board of
36 hospital trustees, a majority of the board constitutes a quorum for the transaction of
37 business.

38 3. ~~{Except as otherwise provided in subsection 5, the}~~ **The board of hospital**
39 **trustees may hold a closed meeting to** ~~{~~

40 ~~(a) Receive a report on, deliberate upon, modify, approve, disapprove, give~~
41 ~~direction to its staff or otherwise take action concerning a strategic plan of the~~
42 ~~board; or~~

43 ~~(b) Receive a report on, deliberate upon, modify or give direction to its staff~~
44 ~~concerning a contract proposed to be entered into pursuant to such a strategic~~
45 ~~plan or a proposed contract for the provision of health care services under~~
46 ~~managed care.~~

47 ~~{Except as otherwise provided in subsection 6, a proposed contract and any~~
48 ~~supporting material provided to the board for a closed meeting held pursuant to~~
49 ~~this subsection are confidential.~~

50 ~~4. The board of hospital trustees may close a meeting pursuant to~~
51 ~~subsection 3 upon a motion that specifies the nature of the business to be~~
52 ~~considered and the statutory authority pursuant to which the board is authorized~~
53 ~~to close the meeting. Nothing in subsection 3 shall be deemed to authorize the~~

~~board to hold a closed meeting to discuss a change of management, change of ownership or the dissolution of the county hospital.~~

~~5. If a proposed contract described in subsection 3 is presented to the board of hospital trustees for final action:~~

~~(a) Deliberation upon and action by the board to approve or disapprove the proposed contract must be taken in an open meeting conducted in accordance with the requirements of chapter 241 of NRS.~~

~~(b) From and after the date on which notice of the meeting is posted pursuant to NRS 241.020, the proposed contract is a public record and must be open for inspection pursuant to NRS 239.010.~~

~~(c) A copy of the proposed contract and any supporting material relating to the proposed contract and provided to the board for the meeting must be posted and provided upon request as provided in NRS 241.020.~~

~~6.f. discuss:~~

(a) Providing a new health care service at the county hospital or materially expanding a health care service that is currently provided by the county hospital;
or

(b) The acquisition of an additional facility by the county hospital or the material expansion of an existing facility of the county hospital.

4. Subsection 3 must not be construed to authorize the board of hospital trustees to hold a closed meeting to discuss a change of management or ownership or the dissolution of the county hospital.

5. Minutes of a closed meeting held pursuant to subsection 3, any supporting material ~~(described in that subsection)~~ and any recording or transcript of the closed meeting become public records 5 years after the date on which the meeting is held or when the board of hospital trustees determines that the matters discussed no longer require confidentiality, whichever occurs first.

Sec. 9. ~~NRS 450.160 is hereby amended to read as follows:~~

~~450.160 The board of hospital trustees shall make and adopt such bylaws, rules and regulations for its own guidance and for the government of the hospital, and such rules and regulations governing the admission of physicians to the staff, as may be deemed expedient for the economic and equitable conduct thereof, not inconsistent with NRS 450.010 to 450.510, inclusive, and sections 2 to 5, inclusive, of this act or the ordinances of the city or town wherein such hospital is located.~~

(Deleted by amendment.)

Sec. 10. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105,

281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025,
289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110,
332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727,
348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240,
360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275,
388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271,
392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295,
396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070,
422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205,
432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,
433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230,
442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, **450.140**,
453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407,
463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363,
483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160,
584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070,
603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327,
625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555,
631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214,
634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089,
639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760,
640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189,
644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320,
645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152,
679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260,
681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325,
706.1725, 710.159, 711.600, ~~and section 5 of this act,~~ sections 35, 38 and 41 of
chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of
Nevada 2013 and unless otherwise declared by law to be confidential, all public
books and public records of a governmental entity must be open at all times during
office hours to inspection by any person, and may be fully copied or an abstract or
memorandum may be prepared from those public books and public records. Any
such copies, abstracts or memoranda may be used to supply the general public with
copies, abstracts or memoranda of the records or may be used in any other way to
the advantage of the governmental entity or of the general public. This section does
not supersede or in any manner affect the federal laws governing copyrights or
enlarge, diminish or affect in any other manner the rights of a person in any written
book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity

1 can redact, delete, conceal or separate the confidential information from the
2 information included in the public book or record that is not otherwise confidential.

3 4. A person may request a copy of a public record in any medium in which
4 the public record is readily available. An officer, employee or agent of a
5 governmental entity who has legal custody or control of a public record:

6 (a) Shall not refuse to provide a copy of that public record in a readily
7 available medium because the officer, employee or agent has already prepared or
8 would prefer to provide the copy in a different medium.

9 (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare
10 the copy of the public record and shall not require the person who has requested the
11 copy to prepare the copy himself or herself.

12 **Sec. 11.** This act becomes effective on July 1, 2015.