

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.
(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 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 3 and 4** of this bill, respectively, define the terms “managed care” and “strategic plan.”

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. 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
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.

4 **Sec. 2.** *As used in NRS 450.010 to 450.510, inclusive, and*
5 *sections 2 to 5, inclusive, of this act, unless the context otherwise*
6 *requires, the words and terms defined in NRS 450.010 and*
7 *sections 3 and 4 of this act have the meanings ascribed to them in*
8 *those sections.*

9 **Sec. 3.** *“Managed care” means a system used by an insurer*
10 *or other third-party payor, or an agent of such a payor, to control*
11 *access to and payment for health care services.*

12 **Sec. 4.** 1. *“Strategic plan” means any record of a planned*
13 *course of action by the board of hospital trustees of a county*
14 *hospital that is intended to accomplish all or any combination of*
15 *the following:*

16 (a) *The provision of a health care service that is not currently*
17 *provided by the county hospital or the material expansion of a*
18 *health care service that is currently provided by the county*
19 *hospital.*

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

23 (c) *A material change in the use of a facility of the county*
24 *hospital.*

25 (d) *The acquisition of another hospital or other health care*
26 *facility, or a provider of health care.*

27 2. *The term does not include:*

28 (a) *Any part of the budget of the county hospital or any*
29 *supporting material provided to the board of trustees of the county*
30 *hospital in connection with the adoption of the budget.*

31 (b) *Any record that describes the existing operation of the*
32 *county hospital or other health care facility, including, without*
33 *limitation, any record that describes the hiring of employees,*
34 *purchase of equipment, placement of advertisements or contracts*
35 *with physicians for the provision of health care services, unless*
36 *the record is otherwise declared by law to be confidential or relates*
37 *to any part of a planned course of action that has not yet been*
38 *fully carried into effect.*

39 **Sec. 5.** *Except as otherwise provided in NRS 239.0115 and*
40 *450.140, the following records of a county hospital are*
41 *confidential:*



1 *1. Any strategic plan of the board of hospital trustees of the*
2 *county hospital if:*

3 *(a) There is a reasonable likelihood that disclosure of the*
4 *strategic plan would enable any person in competition with the*
5 *county hospital to use information in the strategic plan for*
6 *commercial purposes or to frustrate, wholly or in part, the*
7 *objectives of the strategic plan; and*

8 *(b) The strategic plan is not lawfully in the possession of, and*
9 *possession of the strategic plan cannot lawfully be obtained by, a*
10 *person in competition with the county hospital or members of the*
11 *public generally.*

12 *2. Any contract proposed to be entered into pursuant to a*
13 *strategic plan described in subsection 1 or a proposed contract for*
14 *the provision of health care services under managed care.*

15 *3. Any record relating to the negotiation of, or deliberation or*
16 *action by the board of trustees of the county hospital concerning, a*
17 *proposed contract described in subsection 2.*

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

19 450.010 ~~For the purposes of NRS 450.010 to 450.510,~~
20 ~~inclusive, "taxpayers" include only~~ **"Taxpayers"** means citizens of
21 the United States of the age of 18 years and upward who, at the time
22 of filing their petition, are registered electors of the county in which
23 an election is proposed to be held and whose names appear on the
24 latest assessment roll of the county as owners of real or personal
25 property.

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

27 450.050 In all cases where any county hospital has been
28 acquired by purchase, construction or otherwise, in any of the
29 several counties of this State under or by virtue of any act of the
30 Legislature other than NRS 450.010 to 450.510, inclusive, *and*
31 *sections 2 to 5, inclusive, of this act* and has been governed and
32 administered thereunder by the board of county commissioners, or
33 otherwise, the board of county commissioners is authorized and
34 empowered forthwith to appoint a board of hospital trustees for such
35 county hospital. Thereafter, all the provisions of NRS 450.010 to
36 450.510, inclusive, *and sections 2 to 5, inclusive, of this act* relative
37 to the maintenance of hospitals, election of hospital trustees,
38 maintenance of a training school for nurses, provision for suitable
39 care for such hospitals and persons with disabilities, and the
40 administration and government of county hospital and patients
41 therein shall be immediately applicable and controlling with respect
42 to the future administration, control and government of such
43 hospital in like manner and with the same force and effect as if an
44 election had been duly held in accordance with the provisions of
45 NRS 450.010 to 450.510, inclusive, *and sections 2 to 5, inclusive,*



1 *of this act* and a majority of all the votes cast had been in favor of
2 establishing such hospital.

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

4 450.140 1. The board of hospital trustees shall hold meetings
5 at least once each month, and shall keep a complete record of all its
6 transactions.

7 2. Except as otherwise provided in NRS 241.0355:

8 (a) In counties where three county commissioners are not
9 members of the board, three members of the board constitute a
10 quorum for the transaction of business.

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

15 (c) In counties where the board of county commissioners is the
16 board of hospital trustees, a majority of the board constitutes a
17 quorum for the transaction of business.

18 *3. Except as otherwise provided in subsection 5, the board of*
19 *hospital trustees may hold a closed meeting to:*

20 *(a) Receive a report on, deliberate upon, modify, approve,*
21 *disapprove, give direction to its staff or otherwise take action*
22 *concerning a strategic plan of the board; or*

23 *(b) Receive a report on, deliberate upon, modify or give*
24 *direction to its staff concerning a contract proposed to be entered*
25 *into pursuant to such a strategic plan or a proposed contract for*
26 *the provision of health care services under managed care.*

27 *↳ Except as otherwise provided in subsection 6, a proposed*
28 *contract and any supporting material provided to the board for a*
29 *closed meeting held pursuant to this subsection are confidential.*

30 *4. The board of hospital trustees may close a meeting*
31 *pursuant to subsection 3 upon a motion that specifies the nature*
32 *of the business to be considered and the statutory authority*
33 *pursuant to which the board is authorized to close the meeting.*
34 *Nothing in subsection 3 shall be deemed to authorize the board to*
35 *hold a closed meeting to discuss a change of management, change*
36 *of ownership or the dissolution of the county hospital.*

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

39 *(a) Deliberation upon and action by the board to approve or*
40 *disapprove the proposed contract must be taken in an open*
41 *meeting conducted in accordance with the requirements of chapter*
42 *241 of NRS.*

43 *(b) From and after the date on which notice of the meeting is*
44 *posted pursuant to NRS 241.020, the proposed contract is a public*
45 *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. 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.

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,



1 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
2 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080,
3 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275,
4 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264,
5 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460,
6 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
7 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320,
8 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175,
9 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,
10 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195,
11 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570,
12 449.209, 449.245, 449.720, **450.140**, 453.1545, 453.720, 453A.610,
13 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
14 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
15 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536,
16 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040,
17 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964,
18 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210,
19 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
20 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265,
21 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133,
22 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,
23 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185,
24 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089,
25 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400,
26 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191,
27 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625,
28 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225,
29 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320,
30 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065,
31 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133,
32 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340,
33 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190,
34 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280,
35 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
36 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117,
37 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196,
38 704B.320, 704B.325, 706.1725, 710.159, 711.600, **and section 5 of**
39 **this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada
40 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and
41 unless otherwise declared by law to be confidential, all public books
42 and public records of a governmental entity must be open at all
43 times during office hours to inspection by any person, and may be
44 fully copied or an abstract or memorandum may be prepared from
45 those public books and public records. Any such copies, abstracts or



1 memoranda may be used to supply the general public with copies,
2 abstracts or memoranda of the records or may be used in any other
3 way to the advantage of the governmental entity or of the general
4 public. This section does not supersede or in any manner affect the
5 federal laws governing copyrights or enlarge, diminish or affect in
6 any other manner the rights of a person in any written book or
7 record which is copyrighted pursuant to federal law.

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

10 3. A governmental entity that has legal custody or control of a
11 public book or record shall not deny a request made pursuant to
12 subsection 1 to inspect or copy or receive a copy of a public book or
13 record on the basis that the requested public book or record contains
14 information that is confidential if the governmental entity can
15 redact, delete, conceal or separate the confidential information from
16 the information included in the public book or record that is not
17 otherwise confidential.

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

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

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

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

