

ASSEMBLY JOINT RESOLUTION NO. 14—COMMITTEE
ON LEGISLATIVE OPERATIONS AND ELECTIONS

MAY 17, 2017

Referred to Committee on Legislative Operations and Elections

SUMMARY—Proposes to amend the Nevada Constitution to ensure access to affordable emergency medical care to all persons in this State. (BDR C-1218)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to ensure access to affordable emergency medical care to all persons in this State.

Legislative Counsel's Digest:

1 Existing federal law requires hospitals to provide certain services to persons
2 who go to a hospital or independent facility for emergency medical care or who
3 have an emergency medical condition, regardless of the ability of the person to pay
4 and regardless of whether the person has health insurance. (42 U.S.C. § 1395dd)
5 Existing state law requires a hospital in this State to provide emergency services
6 and care to patients, regardless of their financial status. Existing state law further
7 makes it a crime for a hospital to: (1) refuse to treat a patient in need of emergency
8 services and care; (2) transfer a patient to another hospital or health facility in
9 certain circumstances; or (3) order testing of a patient to be performed at another
10 hospital if the hospital from which the orders are issued is capable of providing the
11 testing. (NRS 439B.410) Existing state law further requires certain major hospitals
12 to reduce the total billed charges by at least 30 percent for hospital services
13 provided to certain patients who do not have insurance or any other contractual
14 agreement with a third party for the payment of the charges. (NRS 439B.260) This
15 resolution proposes to amend the Nevada Constitution to guarantee persons in this
16 State the right to receive medical care and services needed as a result of an
17 emergency, regardless of the ability of the patient to pay and regardless of whether
18 the patient has insurance. In addition, this resolution provides persons in this State a
19 right to receive emergency medical care and services at a reasonable cost and
20 guarantees that a hospital or independent facility for emergency medical care will
21 not charge for any treatment, service or medication or other product provided to a
22 person who arrives at a hospital or facility as a result of an emergency more than
23 150 percent of the amount that the hospital or facility has agreed to accept from a
24 federal public insurer for the treatment, service, medication or other product



* A J R 1 4 *

received by the patient. This resolution makes the provisions self-executing but allows the Legislature by law to establish a different rate if the Legislature establishes a commission to ensure that hospitals and independent facilities for emergency medical care provide medically necessary emergency services at a reasonable cost.

WHEREAS, The charges for health care services rendered as a result of an emergency are often exorbitant; and

WHEREAS, Persons in the State of Nevada, some of whom are not indigent but do not have health insurance or are underinsured are often made to pay highly inflated prices for emergency medical care; and

WHEREAS, Such exorbitant pricing discourages persons from seeking necessary care and can be devastating financially to those who do seek such care; and

WHEREAS, It is of the utmost importance that all persons in this State have access to affordable health care services when needed as a result of an emergency; and

WHEREAS, It is unconscionable for hospitals and independent facilities for emergency medical care to charge inflated rates for health care services provided as a result of an emergency to middle and lower income persons to subsidize the lower rates paid by public and private insurers; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 17, be added to Article 15 of the Nevada Constitution to read as follows:

Sec. 17. 1. No hospital or independent facility for emergency medical care shall deny treatment or services to a person who arrives at the hospital or facility seeking medically necessary emergency services, regardless of whether the person has health insurance and regardless of the ability of the person to pay for such services.

2. All persons in this State have a right to receive emergency medical care and services at a reasonable cost, and no hospital or independent facility for emergency medical care shall charge for any treatment, service or medication or other product provided to a person who arrives at a hospital or facility seeking medically necessary emergency services, whether or not the person has insurance, an amount which is greater than 150 percent of the lowest rate which the hospital or facility has agreed to accept from a federal public insurer for the treatment, service or medication or other product.

3. The provisions of subsections 1 and 2 are self-executing. The Legislature may provide by law for a



* A J R 1 4 *

1 *different rate than provided in subsection 2 if the*
2 *Legislature establishes, by law, a commission to ensure that*
3 *hospitals and independent facilities for emergency medical*
4 *care provide medically necessary emergency services at a*
5 *reasonable cost. If such a commission is established, the*
6 *Legislature shall provide for the appointment of the*
7 *members and fix, by law, their duties consistent with*
8 *the provisions of this section.*

