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FIRST REPRINT

A.B. 124

ASSEMBLY BILL NO. 124—ASSEMBLYWOMEN  
MUNK; AND GORELOW

FEBRUARY 11, 2019

Referred to Committee on Health and Human Services

SUMMARY—Requires a hospital or independent center for emergency medical care to provide certain information to a victim of sexual assault or attempted sexual assault. (BDR 40-591)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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 health care; requiring the development and distribution of a document consisting of information for victims of sexual assault or attempted sexual assault; requiring a hospital or independent center for emergency medical care to provide a copy of the document to each victim of sexual assault or attempted sexual assault treated by the hospital or independent center for emergency medical care; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Under existing law, each patient of a medical facility or facility for the  
2 dependent has the right to receive from his or her physician a description of his or  
3 her diagnosis, plan for treatment and prognosis, any information necessary to give  
4 informed consent to a procedure or treatment and, upon request, information on  
5 alternatives to the treatment or procedure. (NRS 449A.106) **Section 1** of this bill  
6 requires the Division of Public and Behavioral Health of the Department of Health  
7 and Human Services to establish a working group to develop a document consisting  
8 of medically and factually accurate written information concerning emergency  
9 contraception, prophylactic antibiotics and certain other services for victims of  
10 sexual assault and attempted sexual assault. **Section 1** also requires each hospital or  
11 independent center for emergency medical care to ensure that each victim of sexual  
12 assault or attempted sexual assault who is treated by the hospital or independent  
13 center for emergency medical care is provided with a copy and oral explanation of  
14 the document. **Sections 2-8** of this bill make conforming changes to allow the  
15 Division to enforce the requirements of **section 1**.



\* A B 1 2 4 R 1 \*

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

1       **Section 1.** Chapter 449 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       1. *The Division shall establish a working group consisting of*  
4 *representatives of hospitals and independent centers for*  
5 *emergency medical care and experts in treating the effects of*  
6 *sexual assault and attempted sexual assault. The working group*  
7 *shall:*

8       (a) *Develop a document to be provided to victims of sexual*  
9 *assault and attempted sexual assault pursuant to subsection 3,*  
10 *which must consist of medically and factually accurate written*  
11 *information concerning:*

12       (1) *Emergency contraception and prophylactic antibiotics,*  
13 *including, without limitation, possible side effects of using those*  
14 *medications and the locations of facilities or pharmacies where*  
15 *those medications are available;*

16       (2) *Contact information for law enforcement agencies in*  
17 *this State; and*

18       (3) *Other services available to victims of sexual assault and*  
19 *attempted sexual assault in all regions of this State, including,*  
20 *without limitation, counseling, a list of clinics and other facilities*  
21 *that specialize in serving victims of sexual assault and a list of*  
22 *locations that provide testing for sexually transmitted diseases.*  
23 *Such information must be organized in a manner that allows a*  
24 *victim to easily identify the services available in his or her region*  
25 *of the State.*

26       (b) *Update the document as necessary.*

27       2. *The Division shall:*

28       (a) *Distribute copies of the document developed pursuant to*  
29 *subsection 1 to each hospital and independent center for*  
30 *emergency medical care located in this State; and*

31       (b) *Post the document on an Internet website maintained by*  
32 *the Division.*

33       3. *Each hospital or independent center for emergency*  
34 *medical care shall ensure that each victim of sexual assault or*  
35 *attempted sexual assault who is treated by the hospital or*  
36 *independent center for emergency medical care is provided with:*

37       (a) *A copy of the document developed pursuant to subsection*  
38 *1; and*

39       (b) *An oral explanation of the information contained in the*  
40 *document.*

41       4. *As used in this section:*



1 (a) *“Emergency contraception” means methods of birth*  
2 *control which, when administered within a specified period after*  
3 *intercourse, may prevent pregnancy from occurring.*

4 (b) *“Sexual assault” means a violation of NRS 200.366 or*  
5 *200.368.*

6 **Sec. 2.** NRS 449.0301 is hereby amended to read as follows:  
7 449.0301 The provisions of NRS 449.029 to 449.2428,  
8 inclusive, *and section 1 of this act* do not apply to:

9 1. Any facility conducted by and for the adherents of any  
10 church or religious denomination for the purpose of providing  
11 facilities for the care and treatment of the sick who depend solely  
12 upon spiritual means through prayer for healing in the practice of  
13 the religion of the church or denomination, except that such a  
14 facility shall comply with all regulations relative to sanitation and  
15 safety applicable to other facilities of a similar category.

16 2. Foster homes as defined in NRS 424.014.

17 3. Any medical facility, facility for the dependent or facility  
18 which is otherwise required by the regulations adopted by the Board  
19 pursuant to NRS 449.0303 to be licensed that is operated and  
20 maintained by the United States Government or an agency thereof.

21 **Sec. 3.** NRS 449.0302 is hereby amended to read as follows:

22 449.0302 1. The Board shall adopt:

23 (a) Licensing standards for each class of medical facility or  
24 facility for the dependent covered by NRS 449.029 to 449.2428,  
25 inclusive, *and section 1 of this act* and for programs of hospice  
26 care.

27 (b) Regulations governing the licensing of such facilities and  
28 programs.

29 (c) Regulations governing the procedure and standards for  
30 granting an extension of the time for which a natural person may  
31 provide certain care in his or her home without being considered a  
32 residential facility for groups pursuant to NRS 449.017. The  
33 regulations must require that such grants are effective only if made  
34 in writing.

35 (d) Regulations establishing a procedure for the indemnification  
36 by the Division, from the amount of any surety bond or other  
37 obligation filed or deposited by a facility for refractive surgery  
38 pursuant to NRS 449.068 or 449.069, of a patient of the facility who  
39 has sustained any damages as a result of the bankruptcy of or any  
40 breach of contract by the facility.

41 (e) Any other regulations as it deems necessary or convenient to  
42 carry out the provisions of NRS 449.029 to 449.2428, inclusive **[H]**,  
43 *and section 1 of this act.*

44 2. The Board shall adopt separate regulations governing the  
45 licensing and operation of:



- 1 (a) Facilities for the care of adults during the day; and
- 2 (b) Residential facilities for groups,
- 3 ↪ which provide care to persons with Alzheimer's disease.

4 3. The Board shall adopt separate regulations for:

5 (a) The licensure of rural hospitals which take into consideration  
6 the unique problems of operating such a facility in a rural area.

7 (b) The licensure of facilities for refractive surgery which take  
8 into consideration the unique factors of operating such a facility.

9 (c) The licensure of mobile units which take into consideration  
10 the unique factors of operating a facility that is not in a fixed  
11 location.

12 4. The Board shall require that the practices and policies of  
13 each medical facility or facility for the dependent provide  
14 adequately for the protection of the health, safety and physical,  
15 moral and mental well-being of each person accommodated in the  
16 facility.

17 5. In addition to the training requirements prescribed pursuant  
18 to NRS 449.093, the Board shall establish minimum qualifications  
19 for administrators and employees of residential facilities for groups.  
20 In establishing the qualifications, the Board shall consider the  
21 related standards set by nationally recognized organizations which  
22 accredit such facilities.

23 6. The Board shall adopt separate regulations regarding the  
24 assistance which may be given pursuant to NRS 453.375 and  
25 454.213 to an ultimate user of controlled substances or dangerous  
26 drugs by employees of residential facilities for groups. The  
27 regulations must require at least the following conditions before  
28 such assistance may be given:

29 (a) The ultimate user's physical and mental condition is stable  
30 and is following a predictable course.

31 (b) The amount of the medication prescribed is at a maintenance  
32 level and does not require a daily assessment.

33 (c) A written plan of care by a physician or registered nurse has  
34 been established that:

35 (1) Addresses possession and assistance in the administration  
36 of the medication; and

37 (2) Includes a plan, which has been prepared under the  
38 supervision of a registered nurse or licensed pharmacist, for  
39 emergency intervention if an adverse condition results.

40 (d) Except as otherwise authorized by the regulations adopted  
41 pursuant to NRS 449.0304, the prescribed medication is not  
42 administered by injection or intravenously.

43 (e) The employee has successfully completed training and  
44 examination approved by the Division regarding the authorized  
45 manner of assistance.



1 7. The Board shall adopt separate regulations governing the  
2 licensing and operation of residential facilities for groups which  
3 provide assisted living services. The Board shall not allow the  
4 licensing of a facility as a residential facility for groups which  
5 provides assisted living services and a residential facility for groups  
6 shall not claim that it provides "assisted living services" unless:

7 (a) Before authorizing a person to move into the facility, the  
8 facility makes a full written disclosure to the person regarding what  
9 services of personalized care will be available to the person and the  
10 amount that will be charged for those services throughout the  
11 resident's stay at the facility.

12 (b) The residents of the facility reside in their own living units  
13 which:

14 (1) Except as otherwise provided in subsection 8, contain  
15 toilet facilities;

16 (2) Contain a sleeping area or bedroom; and

17 (3) Are shared with another occupant only upon consent of  
18 both occupants.

19 (c) The facility provides personalized care to the residents of the  
20 facility and the general approach to operating the facility  
21 incorporates these core principles:

22 (1) The facility is designed to create a residential  
23 environment that actively supports and promotes each resident's  
24 quality of life and right to privacy;

25 (2) The facility is committed to offering high-quality  
26 supportive services that are developed by the facility in  
27 collaboration with the resident to meet the resident's individual  
28 needs;

29 (3) The facility provides a variety of creative and innovative  
30 services that emphasize the particular needs of each individual  
31 resident and the resident's personal choice of lifestyle;

32 (4) The operation of the facility and its interaction with its  
33 residents supports, to the maximum extent possible, each resident's  
34 need for autonomy and the right to make decisions regarding his or  
35 her own life;

36 (5) The operation of the facility is designed to foster a social  
37 climate that allows the resident to develop and maintain personal  
38 relationships with fellow residents and with persons in the general  
39 community;

40 (6) The facility is designed to minimize and is operated in a  
41 manner which minimizes the need for its residents to move out of  
42 the facility as their respective physical and mental conditions change  
43 over time; and



1 (7) The facility is operated in such a manner as to foster a  
2 culture that provides a high-quality environment for the residents,  
3 their families, the staff, any volunteers and the community at large.

4 8. The Division may grant an exception from the requirement  
5 of subparagraph (1) of paragraph (b) of subsection 7 to a facility  
6 which is licensed as a residential facility for groups on or before  
7 July 1, 2005, and which is authorized to have 10 or fewer beds and  
8 was originally constructed as a single-family dwelling if the  
9 Division finds that:

10 (a) Strict application of that requirement would result in  
11 economic hardship to the facility requesting the exception; and

12 (b) The exception, if granted, would not:

13 (1) Cause substantial detriment to the health or welfare of  
14 any resident of the facility;

15 (2) Result in more than two residents sharing a toilet facility;  
16 or

17 (3) Otherwise impair substantially the purpose of that  
18 requirement.

19 9. The Board shall, if it determines necessary, adopt  
20 regulations and requirements to ensure that each residential facility  
21 for groups and its staff are prepared to respond to an emergency,  
22 including, without limitation:

23 (a) The adoption of plans to respond to a natural disaster and  
24 other types of emergency situations, including, without limitation,  
25 an emergency involving fire;

26 (b) The adoption of plans to provide for the evacuation of a  
27 residential facility for groups in an emergency, including, without  
28 limitation, plans to ensure that nonambulatory patients may be  
29 evacuated;

30 (c) Educating the residents of residential facilities for groups  
31 concerning the plans adopted pursuant to paragraphs (a) and (b); and

32 (d) Posting the plans or a summary of the plans adopted  
33 pursuant to paragraphs (a) and (b) in a conspicuous place in each  
34 residential facility for groups.

35 10. The regulations governing the licensing and operation of  
36 facilities for transitional living for released offenders must provide  
37 for the licensure of at least three different types of facilities,  
38 including, without limitation:

39 (a) Facilities that only provide a housing and living  
40 environment;

41 (b) Facilities that provide or arrange for the provision of  
42 supportive services for residents of the facility to assist the residents  
43 with reintegration into the community, in addition to providing a  
44 housing and living environment; and



1 (c) Facilities that provide or arrange for the provision of alcohol  
2 and drug abuse programs, in addition to providing a housing and  
3 living environment and providing or arranging for the provision of  
4 other supportive services.

5 ➤ The regulations must provide that if a facility was originally  
6 constructed as a single-family dwelling, the facility must not be  
7 authorized for more than eight beds.

8 11. As used in this section, "living unit" means an individual  
9 private accommodation designated for a resident within the facility.

10 **Sec. 4.** NRS 449.0306 is hereby amended to read as follows:

11 449.0306 1. Money received from licensing medical facilities  
12 and facilities for the dependent must be forwarded to the State  
13 Treasurer for deposit in the State General Fund to the credit of the  
14 Division.

15 2. The Division shall enforce the provisions of NRS 449.029 to  
16 449.245, inclusive, *and section 1 of this act* and may incur any  
17 necessary expenses not in excess of money authorized for that  
18 purpose by the State or received from the Federal Government.

19 **Sec. 5.** NRS 449.131 is hereby amended to read as follows:

20 449.131 1. Any authorized member or employee of the  
21 Division may enter and inspect any building or premises at any time  
22 to secure compliance with or prevent a violation of any provision of  
23 NRS 449.029 to 449.245, inclusive **H**, *and section 1 of this act*.

24 2. The State Fire Marshal or a designee of the State Fire  
25 Marshal shall, upon receiving a request from the Division or a  
26 written complaint concerning compliance with the plans and  
27 requirements to respond to an emergency adopted pursuant to  
28 subsection 9 of NRS 449.0302:

29 (a) Enter and inspect a residential facility for groups; and

30 (b) Make recommendations regarding the adoption of plans and  
31 requirements pursuant to subsection 9 of NRS 449.0302,

32 ➤ to ensure the safety of the residents of the facility in an  
33 emergency.

34 3. The Chief Medical Officer or a designee of the Chief  
35 Medical Officer shall enter and inspect at least annually each  
36 building or the premises of a residential facility for groups to ensure  
37 compliance with standards for health and sanitation.

38 4. An authorized member or employee of the Division shall  
39 enter and inspect any building or premises operated by a residential  
40 facility for groups within 72 hours after the Division is notified that  
41 a residential facility for groups is operating without a license.

42 **Sec. 6.** NRS 449.160 is hereby amended to read as follows:

43 449.160 1. The Division may deny an application for a  
44 license or may suspend or revoke any license issued under the



1 provisions of NRS 449.029 to 449.2428, inclusive, *and section 1 of*  
2 *this act* upon any of the following grounds:

3 (a) Violation by the applicant or the licensee of any of the  
4 provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, *and*  
5 *section 1 of this act* or of any other law of this State or of the  
6 standards, rules and regulations adopted thereunder.

7 (b) Aiding, abetting or permitting the commission of any illegal  
8 act.

9 (c) Conduct inimical to the public health, morals, welfare and  
10 safety of the people of the State of Nevada in the maintenance and  
11 operation of the premises for which a license is issued.

12 (d) Conduct or practice detrimental to the health or safety of the  
13 occupants or employees of the facility.

14 (e) Failure of the applicant to obtain written approval from the  
15 Director of the Department of Health and Human Services as  
16 required by NRS 439A.100 or as provided in any regulation adopted  
17 pursuant to NRS 449.001 to 449.430, inclusive, *and section 1 of*  
18 *this act* and 449.435 to 449.531, inclusive, and chapter 449A of  
19 NRS if such approval is required.

20 (f) Failure to comply with the provisions of NRS 449.2486.

21 2. In addition to the provisions of subsection 1, the Division  
22 may revoke a license to operate a facility for the dependent if, with  
23 respect to that facility, the licensee that operates the facility, or an  
24 agent or employee of the licensee:

25 (a) Is convicted of violating any of the provisions of  
26 NRS 202.470;

27 (b) Is ordered to but fails to abate a nuisance pursuant to NRS  
28 244.360, 244.3603 or 268.4124; or

29 (c) Is ordered by the appropriate governmental agency to correct  
30 a violation of a building, safety or health code or regulation but fails  
31 to correct the violation.

32 3. The Division shall maintain a log of any complaints that it  
33 receives relating to activities for which the Division may revoke the  
34 license to operate a facility for the dependent pursuant to subsection  
35 2. The Division shall provide to a facility for the care of adults  
36 during the day:

37 (a) A summary of a complaint against the facility if the  
38 investigation of the complaint by the Division either substantiates  
39 the complaint or is inconclusive;

40 (b) A report of any investigation conducted with respect to the  
41 complaint; and

42 (c) A report of any disciplinary action taken against the facility.

43 ➤ The facility shall make the information available to the public  
44 pursuant to NRS 449.2486.



1 4. On or before February 1 of each odd-numbered year, the  
2 Division shall submit to the Director of the Legislative Counsel  
3 Bureau a written report setting forth, for the previous biennium:

4 (a) Any complaints included in the log maintained by the  
5 Division pursuant to subsection 3; and

6 (b) Any disciplinary actions taken by the Division pursuant to  
7 subsection 2.

8 **Sec. 7.** NRS 449.220 is hereby amended to read as follows:

9 449.220 1. The Division may bring an action in the name of  
10 the State to enjoin any person, state or local government unit or  
11 agency thereof from operating or maintaining any facility within the  
12 meaning of NRS 449.029 to 449.2428, inclusive ~~§~~, *and section 1*  
13 *of this act.*

14 (a) Without first obtaining a license therefor; or

15 (b) After his or her license has been revoked or suspended by  
16 the Division.

17 2. It is sufficient in such action to allege that the defendant did,  
18 on a certain date and in a certain place, operate and maintain such a  
19 facility without a license.

20 **Sec. 8.** NRS 449.240 is hereby amended to read as follows:

21 449.240 The district attorney of the county in which the facility  
22 is located shall, upon application by the Division, institute and  
23 conduct the prosecution of any action for violation of any provisions  
24 of NRS 449.029 to 449.245, inclusive ~~§~~, *and section 1 of this act.*

25 **Sec. 9.** This act becomes effective:

26 1. Upon passage and approval for the purpose of adopting any  
27 regulations and performing any other preparatory administrative  
28 tasks that are necessary to carry out the provisions of this act; and

29 2. On January 1, 2020, for all other purposes.

