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FIRST REPRINT

A.B. 534

ASSEMBLY BILL NO. 534—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE OFFICE OF THE GOVERNOR)

MAY 16, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions regarding response to emergencies. (BDR 16-1220)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Executive Budget.

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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 emergency response; transferring the administration of the process governing the application and determination of eligibility for compensation from the Fund for the Compensation of Victims of Crime from the Department of Administration and the State Board of Examiners to the Department of Health and Human Services; requiring the Director of the Department of Health and Human Services to adopt a State Plan for Services for Victims of Crime; revising procedures governing claims for such compensation; imposing requirements relating to the development of state and local emergency management plans; authorizing the Governor to suspend certain licensure requirements in response to an emergency or disaster; requiring certain professional licensing boards to maintain lists of licensees trained in the treatment of mental and emotional trauma and provide those lists to a governmental entity responding to an emergency or disaster; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law provides for the payment of compensation from the Fund for the
2 Compensation of Victims of Crime to certain victims of criminal acts and makes
3 the Department of Administration and the State Board of Examiners responsible for
4 administering the process governing the application and determination of eligibility
5 for compensation. (NRS 217.010-217.270) **Sections 2, 7-13 and 25** of this bill



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transfer the administration of that process to the Department of Health and Human Services. **Section 1** of this bill requires the Department of Health and Human Services to develop a State Plan for Services for Victims of Crime to ensure that agencies which provide compensation to and services for victims of crime coordinate their efforts and use the same data. The Department is also required to develop a survey to determine the effectiveness of the various methods of compensating victims of crime.

Section 4 of this bill requires an application for compensation from the Fund to be filed not later than 24 months after the injury or death for which compensation is claimed.

Existing law requires a compensation officer to review an application for compensation from the Fund and, if the compensation officer denies the claim, authorizes the applicant to follow an appeals process that includes appealing the decision of an appeals officer to the State Board of Examiners, whose decision on the matter is final. (NRS 217.110, 217.117) **Section 6** of this bill requires the Department of Health and Human Services to prescribe in the State Plan rules and regulations: (1) establishing the eligibility requirements for receiving compensation from the Fund; and (2) providing for administrative hearings to address appeals of the decisions of appeals officers. **Section 5** of this bill accordingly removes the provisions relating to the appeal of a decision of an appeals officer to the State Board of Examiners and authorizes an applicant to appeal such a decision in accordance with the regulations adopted by the Director. **Section 14** of this bill exempts the State Plan from standard requirements governing the adoption of regulations, and **section 6** prescribes alternative requirements governing the adoption and amendment of the State Plan.

Existing law requires a compensation officer to consider the provocation, consent or any other behavior of the victim and certain other factors when determining whether to order compensation, except in cases of domestic violence, sexual assault or sex trafficking. (NRS 217.180) **Section 9** of this bill removes those considerations and instead requires the compensation officer to award compensation unless the injury or death of the victim was substantially attributable to a wrongful act of the victim or substantially provoked by the victim. In addition, if the case involves a victim of domestic violence, sexual assault or sex trafficking, the compensation officer is prohibited from considering any behavior of the victim that directly or indirectly contributed to the injury or death of the victim. **Section 3** of this bill also authorizes compensation for injuries that are not physical and are caused by a criminal act.

Existing law provides for the development of emergency management plans by state and local governmental agencies. (NRS 414.040) Existing law also authorizes the development of a state emergency management plan. (414.060) **Section 16** of this bill requires those emergency management plans to: (1) be developed and executed in collaboration with persons and organizations who advocate for the needs of victims of emergencies and disasters; and (2) include certain provisions to ensure that a response for a disaster or emergency properly addresses the needs of victims.

Existing law authorizes certain persons who are licensed in another jurisdiction to provide services in this State in an emergency. (Chapters 415 and 415A of NRS) **Section 17** of this bill authorizes the Governor to allow providers of emergency medical services and providers of mental health services who hold a credential in another jurisdiction to practice their profession within their scope of practice as if they were licensed, certified or registered, as applicable, in this State for the time period necessary to assist in responding to an emergency or disaster. **Sections 18-23** of this bill require an applicant for biennial registration as a physician or the renewal of a license to practice certain other medical professions to report to the applicable professional licensing board whether he or she has received training in



the treatment of mental and emotional trauma. If the applicant has received training to provide such treatment immediately following an emergency or disaster, **sections 18-23** require the applicant to describe the training and indicate if he or she is willing to respond immediately should an emergency or disaster arise at any location in this State. **Sections 18-23** require each professional licensing board that licenses such professionals to maintain and provide to a governmental entity responding to an emergency or disaster: (1) a list of all licensees and the types of training that the licensee reports having received; and (2) the names and contact information for licensees who have training in the treatment of mental and emotional trauma immediately following an emergency or disaster and are willing to respond immediately to an emergency or disaster at any location in this State. **Sections 15 and 18-23** of this bill provide that such information is otherwise confidential.

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

Section 1. Chapter 217 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department:

1. Shall develop a State Plan for Services for Victims of Crime to ensure that agencies which provide compensation to and services for victims of crime coordinate their efforts and use the same data.

2. Shall consult with each of its divisions and all other agencies which administer a fund designated for victims of crime when developing the State Plan for Services for Victims of Crime.

3. May consult with any agency which provides support for victims of crime when developing the State Plan for Services for Victims of Crime.

4. Shall make any forms used to provide compensation for victims of crime established by this section and NRS 217.010 to 217.270, inclusive, available on an Internet website maintained by the Department and allow those forms to be submitted using that Internet website.

5. Shall develop a survey to determine the effectiveness of the various methods for providing compensation to victims of crimes established by this section and NRS 217.010 to 217.270, inclusive, and identify any barriers to the provision of such compensation. The Department shall request each person who submits a claim pursuant to this section and NRS 217.010 to 217.270, inclusive, to complete the survey.

Sec. 2. NRS 217.038 is hereby amended to read as follows:

217.038 "Department" means the Department of ~~[Administration.]~~ ***Health and Human Services.***

Sec. 3. NRS 217.070 is hereby amended to read as follows:

217.070 1. "Victim" means:



(a) A person who is ~~physically~~ injured or killed as the direct result of a criminal act;

(b) A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

(c) A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100;

(d) A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;

(e) A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of a crash involving the driver and the pedestrian in violation of NRS 484E.010;

(f) An older person who is abused, neglected, exploited, isolated or abandoned in violation of NRS 200.5099 or 200.50995;

(g) A person who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1); or

(h) A person who is trafficked in violation of subsection 2 of NRS 201.300.

2. The term includes any person who was harmed by an act listed in subsection 1, regardless of whether:

(a) The person is a resident of this State, a citizen of the United States or is lawfully entitled to reside in the United States; or

(b) The act was committed by an adult or a minor.

Sec. 4. NRS 217.100 is hereby amended to read as follows:

217.100 1. Any person eligible for compensation under the provisions of NRS 217.010 to 217.270, inclusive, *and section 1 of this act* may apply to the Director for such compensation ~~not later than 24 months after the injury or death for which compensation is claimed~~. Where the person entitled to make application is:

(a) A minor, the application may be made on his or her behalf by a parent or guardian.

(b) Mentally incapacitated, the application may be made on his or her behalf by a parent, guardian or other person authorized to administer his or her estate.

2. The applicant must submit with his or her application the reports, if reasonably available, from all physicians who, at the time of or subsequent to the victim's injury or death, treated or examined the victim in relation to the injury for which compensation is claimed.

Sec. 5. NRS 217.117 is hereby amended to read as follows:

217.117 1. The applicant or the Director may, within 15 days after the hearing officer renders a decision, appeal the decision to an



1 appeals officer. The appeals officer may hold a hearing or render a
2 decision without a hearing. If the appeals officer holds a hearing, the
3 appeals officer must give notice to the applicant, hold the hearing
4 within 30 days after the notice, and render a decision in the case
5 within 15 days after the hearing. The appeals officer shall render a
6 decision in each case within 30 days after receiving the appeal and
7 the record if a hearing is not held. The appeals officer may affirm,
8 modify or reverse the decision of the hearing officer.

9 2. The appeals officer has the same powers as are vested in the
10 hearing officer pursuant to NRS 217.113.

11 3. The applicant or the Director may, within 15 days after the
12 appeals officer renders a decision, appeal the decision ~~to the Board.~~
13 ~~The Board shall consider the appeal on the record at its next~~
14 ~~scheduled meeting if the appeal and the record are received by the~~
15 ~~Board at least 5 days before the meeting. Within 15 days after the~~
16 ~~meeting the Board shall render its decision in the case or give notice~~
17 ~~to the applicant that a hearing will be held. The hearing must be held~~
18 ~~within 30 days after the notice is given and the Board shall render its~~
19 ~~decision in the case within 15 days after the hearing. The Board may~~
20 ~~affirm, modify or reverse the decision of the appeals officer.~~

21 ~~— 4. The decision of the Board is final and not subject to judicial~~
22 ~~review.] in accordance with the regulations adopted by the~~
23 ~~Department pursuant to NRS 217.130.~~

24 **Sec. 6.** NRS 217.130 is hereby amended to read as follows:

25 217.130 ~~{With the approval of the Board, the Director may~~
26 ~~adopt, rescind and amend rules and regulations prescribing}~~

27 **1. The State Plan for Services for Victims of Crime adopted**
28 **pursuant to section 1 of this act must carry out the provisions of**
29 **NRS 217.010 to 217.270, inclusive, and section 1 of this act, and**
30 **must include, without limitation, rules and regulations:**

31 **(a) Establishing the eligibility requirements for receiving**
32 **compensation under the provisions of NRS 217.010 to 217.270,**
33 **inclusive, and section 1 of this act in accordance with state and**
34 **federal law.**

35 **(b) Prescribing** the procedures to be followed in the filing of
36 applications and proceedings under NRS 217.010 to 217.270,
37 inclusive, **and section 1 of this act**, and for such other matters as the
38 Director deems appropriate.

39 **(c) Providing for administrative hearings to address appeals of**
40 **the decisions of appeals officers pursuant to subsection 3 of**
41 **NRS 217.117.**

42 **2. Before adopting, amending or repealing any rule or**
43 **regulation contained in the State Plan, the Department must give**
44 **at least 30 days' notice of the intended action.**

45 **3. The notice of intent to act upon a rule or regulation must:**



(a) Include a statement of the need for and purpose of the proposed rule or regulation, and either the terms or substance of the proposed rule or regulation or a description of the subjects and issues involved, and of the time when, the place where and the manner in which interested persons may present their views thereon.

(b) Include a statement identifying the entities that may be financially affected by the proposed rule or regulation and the potential financial impact, if any, upon a local government.

(c) State each address at which the text of the proposed rule or regulation may be inspected and copied.

(d) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the Department for that purpose.

4. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed rule or regulation, orally or in writing. The Department shall consider fully all oral and written submissions relating to the proposed rule or regulation.

5. The Department shall keep, retain and make available for public inspection written minutes and an audio recording or transcript of each public hearing held pursuant to this section in the manner provided in NRS 241.035. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

6. An objection to any rule or regulation on the ground of noncompliance with the procedural requirements of this section may not be made more than 2 years after the effective date of the rule or regulation.

7. The Department shall submit a copy of any rule or regulation adopted pursuant to this section to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.

Sec. 7. NRS 217.150 is hereby amended to read as follows:

217.150 ~~{With the approval of the Board, the}~~ **The** Director shall, so far as practicable, formulate standards for the uniform application of NRS 217.010 to 217.270, inclusive, **and section 1 of this act**, by the compensation officers in the determination of the amount of any compensation payable pursuant to NRS 217.010 to 217.270, inclusive ~~{}~~, **and section 1 of this act**. The standards must take into consideration rates and amounts of compensation payable for injuries and death under other laws of this state and of the United States.



Sec. 8. NRS 217.170 is hereby amended to read as follows:

217.170 Upon application made by an appropriate prosecuting authority, the compensation ~~[-]~~ **officer**, hearing **officer** or appeals officer ~~for the Board~~ may suspend any proceedings being conducted pursuant to NRS 217.010 to 217.270, inclusive, **and section 1 of this act**, for such period as the officer ~~for the Board~~ deems appropriate on the ground that a prosecution for an offense arising from the act or omission to act on which the claim for compensation is based has been commenced or is imminent.

Sec. 9. NRS 217.180 is hereby amended to read as follows:

217.180 1. Except as otherwise provided in subsection 2, in determining whether to make an order for compensation, the compensation officer shall ~~[-]~~ **consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim, the prior case or social history, if any, of the victim, the need of the victim or the dependents of the victim for financial aid and other relevant matters.** **award compensation unless the injury or death of the victim was substantially attributable to a wrongful act of the victim or substantially provoked by the victim.**

2. If the case involves a victim of domestic violence, sexual assault or sex trafficking, the compensation officer shall not consider the **wrongful act**, provocation ~~[-]~~ **consent** or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim.

3. If the applicant has received or is likely to receive an amount on account of the applicant's injury or the death of another from:

(a) The person who committed the crime that caused the victim's injury or from anyone paying on behalf of the offender;

(b) Insurance;

(c) The employer of the victim; or

(d) Another private or public source or program of assistance,

↪ the applicant shall report the amount received or that the applicant is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the ~~Board~~ **Department** the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses.

4. An order for compensation may be made whether or not a person is prosecuted or convicted of an offense arising from the act on which the claim for compensation is based.

5. As used in this section:



(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Public source or program of assistance" means:

(1) Public assistance, as defined in NRS 422A.065;

(2) Social services provided by a social service agency, as defined in NRS 430A.080; or

(3) Other assistance provided by a public entity.

(c) "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

(d) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 10. NRS 217.210 is hereby amended to read as follows:

217.210 1. Except as otherwise provided in subsection 2, an order for the payment of compensation must not be made unless the application is made within 1 year after the date of the personal injury or death on which the claim is based, unless waived by the ~~{Board of Examiners}~~ **Director** or a person designated by the ~~{Board}~~ **Director** for good cause shown, and the personal injury or death was the result of an incident or offense that was reported to the police within 5 days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within 5 days of the time when a report could reasonably have been made.

2. The limitations upon payment of compensation established in subsection 1 do not apply to a minor who is sexually abused or who is involved in the production of pornography. Such a minor must apply for compensation before reaching 21 years of age.

Sec. 11. NRS 217.240 is hereby amended to read as follows:

217.240 An applicant who accepts an award does so under the following conditions:

1. The State of Nevada is immediately subrogated in the amount of the award to any right of action or recovery the applicant may have against any party, and that right of subrogation may be diminished for attorney's fees and other costs of litigation in obtaining a recovery from another source; and

2. If recovery from any source is obtained for damages caused by the crime, the applicant shall promptly notify the Director of the source and amount of that recovery, and shall promptly pay to the ~~{Board}~~ **Department** the lesser of the amount of the award made pursuant to this chapter or the amount recovered less attorney's fees and costs. The duty of notice and payment pursuant to this subsection continues until the amount of the award has been repaid to the State of Nevada.

Sec. 12. NRS 217.245 is hereby amended to read as follows:

217.245 Notwithstanding another provision of law, if a person who provides a service to a victim for which compensation is



ordered pursuant to paragraph (a) of subsection 1 of NRS 217.200 accepts payment from the ~~{Board}~~ Department for such a service, the person shall be deemed to have agreed to the condition that:

1. Such payment by the ~~{Board}~~ Department constitutes payment in full for the service provided; and

2. The person may not collect or attempt to collect further payment from the victim or person on whose behalf the payment is made by the ~~{Board}~~ Department.

Sec. 13. NRS 217.260 is hereby amended to read as follows:

217.260 1. Money for payment of compensation as ordered by the ~~{Board}~~ Department and for payment of salaries and other expenses incurred by the Department pursuant to NRS 217.010 to 217.270, inclusive, *and section 1 of this act*, must be paid from the Fund for the Compensation of Victims of Crime, which is hereby created. Money in the Fund must be disbursed ~~{on the order of the Board}~~ by the Department in the same manner as other claims against the State are paid and in accordance with the rules and regulations adopted pursuant to NRS 217.130. Such rules and regulations must include, without limitation, the requirements that:

(a) Claims be categorized as to their priority; and

(b) Claims categorized as the highest priority be paid, in whole or in part, before other claims.

2. The Department shall prepare ~~{and submit}~~ quarterly ~~{to the Board, for its approval,}~~ estimates of:

(a) The revenue in the Fund which is available for the payment of compensation; and

(b) The anticipated expenses for the next quarter.

3. Money deposited in the Fund which is recovered from a forfeiture of assets pursuant to NRS 200.760 and the interest and income earned on that money must be used for the counseling and medical treatment of victims of crimes committed in violation of NRS 200.366, 200.710, 200.720, 200.725, 200.730 or 201.230.

4. The interest and income earned on the money in the Fund for the Compensation of Victims of Crime, after deducting any applicable charges, must be credited to the Fund.

5. Any money remaining in the Fund for the Compensation of Victims of Crime at the end of each fiscal year does not revert to the State General Fund and must be carried over into the next fiscal year.

Sec. 14. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.



- (c) The Nevada System of Higher Education.
- (d) The Office of the Military.
- (e) The Nevada Gaming Control Board.
- (f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.
- (g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.
- (h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.
- ~~(i) [The State Board of Examiners acting pursuant to chapter 217 of NRS.]~~
- ~~—(j)~~ Except as otherwise provided in NRS 533.365, the Office of the State Engineer.
- ~~[(k)]~~ (j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.
- ~~[(l)]~~ (k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.
- ~~[(m)]~~ (l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.
- ~~[(n)]~~ (m) The Silver State Health Insurance Exchange.
2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.
3. The special provisions of:
- (a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;
- (b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;
- (c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and
- (d) NRS 90.800 for the use of summary orders in contested cases,
- ➡ prevail over the general provisions of this chapter.



4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada; ~~for~~

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178 ~~H~~; or

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 15. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 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, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 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, 218A.350, 218E.625,



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40 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,
41 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
42 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,
43 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,
44 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,
45 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,



1 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,
2 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,
3 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,
4 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
5 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
6 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,
7 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,
8 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
9 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,
10 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
11 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,
12 704B.325, 706.1725, 706A.230, 710.159, 711.600 **§ and sections**
13 **18 to 23, inclusive, of this act**, sections 35, 38 and 41 of chapter
14 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes
15 of Nevada 2013 and unless otherwise declared by law to be
16 confidential, all public books and public records of a governmental
17 entity must be open at all times during office hours to inspection by
18 any person, and may be fully copied or an abstract or memorandum
19 may be prepared from those public books and public records. Any
20 such copies, abstracts or memoranda may be used to supply the
21 general public with copies, abstracts or memoranda of the records or
22 may be used in any other way to the advantage of the governmental
23 entity or of the general public. This section does not supersede or in
24 any manner affect the federal laws governing copyrights or enlarge,
25 diminish or affect in any other manner the rights of a person in any
26 written book or record which is copyrighted pursuant to federal law.

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

29 3. A governmental entity that has legal custody or control of a
30 public book or record shall not deny a request made pursuant to
31 subsection 1 to inspect or copy or receive a copy of a public book or
32 record on the basis that the requested public book or record contains
33 information that is confidential if the governmental entity can
34 redact, delete, conceal or separate the confidential information from
35 the information included in the public book or record that is not
36 otherwise confidential.

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

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



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

Sec. 16. Chapter 414 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any state emergency management plan prepared pursuant to NRS 414.060 and each plan for emergency operations specified in paragraph (b) of subsection 4 of NRS 414.040 that is adopted by a state or local governmental agency must:

(a) Be developed and executed in collaboration with persons and organizations that advocate for the needs of victims of emergencies and disasters; and

(b) Include, without limitation:

(1) Plans for providing assistance to victims of emergencies or disasters;

(2) Procedures for coordinating and accepting donations on behalf of such victims of emergencies or disasters, including, without limitation, procedures that allow donations to be accepted in a manner that is convenient for donors and have low administrative costs; and

(3) Other provisions recommended by the Office for Victims of Crime of the United States Department of Justice for helping victims of mass violence and terrorism.

2. Any state emergency management plan prepared pursuant to NRS 414.060 must include, without limitation, a prescribed chain of command that includes each person responsible for overseeing or executing any part of the response to an emergency or disaster.

Sec. 17. NRS 414.070 is hereby amended to read as follows:

414.070 The provisions of this section are operative only during the existence of a state of emergency or declaration of disaster. The existence of such an emergency or disaster may be proclaimed by the Governor or by resolution of the Legislature if the Governor in his or her proclamation, or the Legislature in its resolution, finds that an attack upon the United States has occurred or is anticipated in the immediate future, or that a natural, technological or man-made emergency or disaster of major proportions has actually occurred within this State, and that the safety and welfare of the inhabitants of this State require an invocation of the provisions of this section. Any such emergency or disaster, whether proclaimed by the Governor or by the Legislature, terminates upon the proclamation of the termination thereof by the Governor, or the passage by the Legislature of a resolution terminating the emergency or disaster. During the period when a



1 state of emergency or declaration of disaster exists or continues, the
2 Governor may exercise the following additional powers:

3 1. To enforce all laws and regulations relating to emergency
4 management and to assume direct operational control of any or all
5 forces, including, without limitation, volunteers and auxiliary staff
6 for emergency management in the State.

7 2. To sell, lend, lease, give, transfer or deliver materials or
8 perform services for the purpose of emergency management on such
9 terms and conditions as the Governor prescribes and without regard
10 to the limitations of any existing law, and to account to the State
11 Treasurer for any money received for such property.

12 3. Except as otherwise provided in NRS 414.155 and 414.340,
13 to procure, by purchase, condemnation, seizure or other means,
14 construct, lease, transport, store, maintain, renovate or distribute
15 materials and facilities for emergency management without regard
16 to the limitations of any existing law. The Governor shall make
17 compensation for the property so seized, taken or condemned on the
18 following basis:

19 (a) If property is taken for temporary use, the Governor, within
20 90 days after the taking, shall fix the amount of compensation to be
21 paid therefor. If the property is returned to the owner in a damaged
22 condition, or is not returned to the owner, the Governor shall fix
23 within 90 days the amount of compensation to be paid for the
24 damage or failure to return the property. If the Governor deems it
25 advisable for the State to take title to property taken under this
26 section, the Governor shall forthwith cause the owner of the
27 property to be notified thereof in writing by registered or certified
28 mail, postage prepaid, or by the best means available, and forthwith
29 cause to be filed a copy of the notice with the Secretary of State.

30 (b) Within the 90-day period prescribed in paragraph (a), the
31 Governor shall make an offer in writing to the person or persons
32 entitled to receive it of the amount of money proposed to be paid as
33 full compensation. If the offer is accepted, the money must be paid
34 out of such fund, funds or other sources as are available and no
35 further action in law or in equity may ever be maintained in
36 connection therewith. If the offer of payment is refused, the person
37 or persons entitled thereto have the same rights as plaintiffs in
38 actions of eminent domain insofar as the fixing of damages and
39 compensation is concerned, NRS 37.060, 37.070, 37.080 and
40 37.090, so far as applicable, apply, and proceedings must be had in
41 conformity therewith so far as possible. The action must be
42 commenced within 1 year after the receipt of the offer of settlement
43 from the Governor.

44 4. To provide for and compel the evacuation of all or part of
45 the population from any stricken or threatened area or areas within



1 the State and to take such steps as are necessary for the receipt and
2 care of those persons.

3 5. Subject to the provisions of the State Constitution, to remove
4 from office any public officer having administrative responsibilities
5 under this chapter for willful failure to obey an order or regulation
6 adopted pursuant to this chapter. The removal must be upon charges
7 after service upon the officer of a copy of the charges and after
8 giving him or her an opportunity to be heard in his or her defense.
9 Pending the preparation and disposition of charges, the Governor
10 may suspend the officer for a period not exceeding 30 days. A
11 vacancy resulting from removal or suspension pursuant to this
12 section must be filled as provided by law.

13 6. *To authorize providers of emergency medical services and*
14 *providers of mental health services who are not licensed, certified*
15 *or registered, as applicable, in this State but hold a license,*
16 *certificate, registration or similar credential in good standing in*
17 *another state of the United States, the District of Columbia, the*
18 *Commonwealth of Puerto Rico or any territory or insular*
19 *possession subject to the jurisdiction of the United States to*
20 *practice their profession within their scope of practice as if they*
21 *were licensed, certified or registered, as applicable, in this State*
22 *for the amount of time necessary to assist in responding to the*
23 *emergency or disaster.*

24 7. To perform and exercise such other functions, powers and
25 duties as are necessary to promote and secure the safety and
26 protection of the civilian population.

27 **Sec. 18.** Chapter 630 of NRS is hereby amended by adding
28 thereto a new section to read as follows:

29 **1. The Board shall:**

30 (a) *Require each applicant for biennial registration as a*
31 *physician or the renewal of a license as a physician assistant to:*

32 (1) *Report whether he or she has received training in the*
33 *treatment of mental and emotional trauma immediately following*
34 *an emergency or disaster, training in the short-term treatment of*
35 *mental and emotional trauma or training in the long-term*
36 *treatment of mental and emotional trauma; and*

37 (2) *If the applicant has received training in the treatment of*
38 *mental and emotional trauma immediately following an*
39 *emergency or disaster, describe the training and indicate if he or*
40 *she is willing to respond immediately should an emergency or*
41 *disaster arise at any location in this State;*

42 (b) *Maintain a list of each licensed physician and physician*
43 *assistant and any training described in subparagraph (1) of*
44 *paragraph (a) that the licensee has received and update the list at*
45 *least annually to include information reported pursuant to*



1 *paragraph (a) by licensees who registered or renewed their license*
2 *during the immediately preceding year;*

3 *(c) Maintain a list of the names and contact information for*
4 *physicians or physician assistants who indicate that they are*
5 *willing to respond immediately should an emergency or disaster*
6 *arise at any location in this State and whom the Board has*
7 *determined have appropriate training to respond following an*
8 *emergency or disaster; and*

9 *(d) Provide the lists maintained pursuant to paragraphs (b)*
10 *and (c) upon request to a governmental entity responding to a*
11 *state of emergency or declaration of a disaster by the Governor or*
12 *the Legislature pursuant to NRS 414.070.*

13 *2. The Board shall not deny biennial registration as a*
14 *physician or the renewal of a license as a physician assistant*
15 *solely because the applicant has failed to comply with the*
16 *requirements of paragraph (a) of subsection 1.*

17 *3. Except as otherwise provided in paragraph (d) of*
18 *subsection 1, any information obtained or maintained by the*
19 *Board pursuant to this section is confidential.*

20 **Sec. 19.** Chapter 632 of NRS is hereby amended by adding
21 thereto a new section to read as follows:

22 *1. The Board shall:*

23 *(a) Require each applicant for the renewal of a license as a*
24 *registered nurse to:*

25 *(1) Report whether he or she has received training in the*
26 *treatment of mental and emotional trauma immediately following*
27 *an emergency or disaster, training in the short-term treatment of*
28 *mental and emotional trauma or training in the long-term*
29 *treatment of mental and emotional trauma; and*

30 *(2) If the applicant has received training in the treatment of*
31 *mental and emotional trauma immediately following an*
32 *emergency or disaster, describe the training and indicate if he or*
33 *she is willing to respond immediately should an emergency or*
34 *disaster arise at any location in this State;*

35 *(b) Maintain a list of each registered nurse and any training*
36 *described in subparagraph (1) of paragraph (a) that the nurse has*
37 *received and update the list at least annually to include*
38 *information reported pursuant to paragraph (a) by licensees who*
39 *renewed their license during the immediately preceding year;*

40 *(c) Maintain a list of the names and contact information for*
41 *registered nurses who indicate that they are willing to respond*
42 *immediately should an emergency or disaster arise at any location*
43 *in this State and whom the Board has determined have*
44 *appropriate training to respond following an emergency or*
45 *disaster; and*



(d) Provide the lists maintained pursuant to paragraphs (b) and (c) upon request to a governmental entity responding to a state of emergency or declaration of a disaster by the Governor or the Legislature pursuant to NRS 414.070.

2. The Board shall not deny the renewal of a license as a registered nurse solely because the applicant has failed to comply with the requirements of paragraph (a) of subsection 1.

3. Except as otherwise provided in paragraph (d) of subsection 1, any information obtained or maintained by the Board pursuant to this section is confidential.

Sec. 20. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall:

(a) Require each applicant for the renewal of a license as an osteopathic physician or physician assistant to:

(1) Report whether he or she has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, training in the short-term treatment of mental and emotional trauma or training in the long-term treatment of mental and emotional trauma; and

(2) If the applicant has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, describe the training and indicate if he or she is willing to respond immediately should an emergency or disaster arise at any location in this State;

(b) Maintain a list of each licensed osteopathic physician and physician assistant and any training described in subparagraph (1) of paragraph (a) that the licensee has received and update the list at least annually to include information reported pursuant to paragraph (a) by licensees who renewed their license during the immediately preceding year;

(c) Maintain a list of the names and contact information for osteopathic physicians or physician assistants who indicate that they are willing to respond immediately should an emergency or disaster arise at any location in this State and whom the Board has determined have appropriate training to respond following an emergency or disaster; and

(d) Provide the lists maintained pursuant to paragraphs (b) and (c) upon request to a governmental entity responding to a state of emergency or declaration of a disaster by the Governor or the Legislature pursuant to NRS 414.070.

2. The Board shall not deny the renewal of a license as an osteopathic physician or physician assistant solely because the applicant has failed to comply with the requirements of paragraph (a) of subsection 1.



3. Except as otherwise provided in paragraph (d) of subsection 1, any information obtained or maintained by the Board pursuant to this section is confidential.

Sec. 21. Chapter 641 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall:

(a) Require each applicant for the renewal of a license as a psychologist to:

(1) Report whether he or she has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, training in the short-term treatment of mental and emotional trauma or training in the long-term treatment of mental and emotional trauma; and

(2) If the applicant has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, describe the training and indicate if he or she is willing to respond immediately should an emergency or disaster arise at any location in this State;

(b) Maintain a list of each licensed psychologist and any training described in subparagraph (1) of paragraph (a) that the licensee has received and update the list at least annually to include information reported pursuant to paragraph (a) by licensees who renewed their license during the immediately preceding year;

(c) Maintain a list of the names and contact information for psychologists who indicate that they are willing to respond immediately should an emergency or disaster arise at any location in this State and whom the Board has determined have appropriate training to respond following an emergency or disaster; and

(d) Provide the lists maintained pursuant to paragraphs (b) and (c) upon request to a governmental entity responding to a state of emergency or declaration of a disaster by the Governor or the Legislature pursuant to NRS 414.070.

2. The Board shall not deny the renewal of a license as a psychologist solely because the applicant has failed to comply with the requirements of paragraph (a) of subsection 1.

3. Except as otherwise provided in paragraph (d) of subsection 1, any information obtained or maintained by the Board pursuant to this section is confidential.

Sec. 22. Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall:



(a) Require each applicant for the renewal of a license as a marriage and family therapist or clinical professional counselor to:

(1) Report whether he or she has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, training in the short-term treatment of mental and emotional trauma or training in the long-term treatment of mental and emotional trauma; and

(2) If the applicant has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, describe the training and indicate if he or she is willing to respond immediately should an emergency or disaster arise at any location in this State;

(b) Maintain a list of each licensed marriage and family therapist and clinical professional counselor and any training described in subparagraph (1) of paragraph (a) that the licensee has received and update the list at least annually to include information reported pursuant to paragraph (a) by licensees who renewed their license during the immediately preceding year;

(c) Maintain a list of the names and contact information for marriage and family therapists or clinical professional counselors who indicate that they are willing to respond immediately should an emergency or disaster arise at any location in this State and whom the Board has determined have appropriate training to respond following an emergency or disaster; and

(d) Provide the lists maintained pursuant to paragraphs (b) and (c) upon request to a governmental entity responding to a state of emergency or declaration of a disaster by the Governor or the Legislature pursuant to NRS 414.070.

2. The Board shall not deny the renewal of a license as a marriage and family therapist or clinical professional counselor solely because the applicant has failed to comply with the requirements of paragraph (a) of subsection 1.

3. Except as otherwise provided in paragraph (d) of subsection 1, any information obtained or maintained by the Board pursuant to this section is confidential.

Sec. 23. Chapter 641B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall:

(a) Require each applicant for the renewal of a license as a clinical social worker to:

(1) Report whether he or she has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, training in the short-term treatment of



1 *mental and emotional trauma or training in the long-term*
2 *treatment of mental and emotional trauma; and*

3 *(2) If the applicant has received training in the treatment of*
4 *mental and emotional trauma immediately following an*
5 *emergency or disaster, describe the training and indicate if he or*
6 *she is willing to respond immediately should an emergency or*
7 *disaster arise at any location in this State;*

8 *(b) Maintain a list of each licensed clinical social worker and*
9 *any training described in subparagraph (1) of paragraph (a) that*
10 *the licensee has received and update the list at least annually to*
11 *include information reported pursuant to paragraph (a) by*
12 *licensees who renewed their license during the immediately*
13 *preceding year;*

14 *(c) Maintain a list of the names and contact information for at*
15 *least five* clinical social workers who indicate that they are willing
16 to respond immediately should an emergency or disaster arise at any
17 location in this State and whom the Board has determined have
18 appropriate training to respond following an emergency or disaster;
19 and

20 (d) Provide the lists maintained pursuant to paragraphs (b) and
21 (c) upon request to a governmental entity responding to a state of
22 emergency or declaration of a disaster by the Governor or the
23 Legislature pursuant to NRS 414.070.

24 2. The Board shall not deny the renewal of a license as a
25 clinical social worker solely because the applicant has failed to
26 comply with the requirements of paragraph (a) of subsection 1.

27 3. Except as otherwise provided in paragraph (d) of subsection
28 1, any information obtained or maintained by the Board pursuant to
29 this section is confidential.

30 **Sec. 24.** 1. Notwithstanding the amendatory provisions of
31 this act transferring the authority to adopt regulations from the
32 Director of the Department of Administration to the Department of
33 Health and Human Services, any regulations adopted by the
34 Department of Administration pursuant to NRS 217.130 before
35 October 1, 2019, that do not conflict with the amendatory provisions
36 of this act remain in effect and may be enforced by the Department
37 of Health and Human Services until the Department adopts
38 regulations to repeal or replace those regulations.

39 2. Any regulations adopted by the Director of the Department
40 of Administration that conflict with the amendatory provisions of
41 this act are void.

42 3. The Department of Health and Human Services shall adopt
43 the State Plan for Services for Victims of Crime described in section
44 1 of this act and NRS 217.130, as amended by section 6 of this act,
45 on or before July 1, 2020.



1 **Sec. 25.** NRS 217.030 is hereby repealed.

2 **Sec. 26.** 1. This section becomes effective upon passage and
3 approval.

4 2. Sections 1 to 25, inclusive, of this act become effective upon
5 passage and approval for the purpose of adopting any regulations
6 and performing any other preparatory administrative tasks that are
7 necessary to carry out the provisions of this act.

8 3. Sections 2, 3, 4, 7 to 17, inclusive, 24 and 25 of this act
9 become effective on July 1, 2019, for all other purposes.

10 4. Sections 1, 5, 6 and 18 to 23, inclusive, of this act become
11 effective on July 1, 2020, for all other purposes.

TEXT OF REPEALED SECTION

217.030 “Board” defined. “Board” means the State Board
of Examiners.

