

Amendment No. 863

Senate Amendment to Senate Bill No. 544	(BDR 40-1221)
Proposed by: Senate Committee on Health and Human Services	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 544—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE OFFICE OF THE GOVERNOR)

MAY 14, 2019

Referred to Committee on Health and Human Services

SUMMARY—Creates the Patient Protection Commission. (BDR 40-1221)

FISCAL NOTE: Effect on Local Government: No.
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 health care; creating the Patient Protection Commission; providing for the appointment of certain employees of the Commission; prescribing the duties of the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes: (1) the Office for Consumer Health Assistance to assist and inform consumers and injured employees regarding certain issues relating to health insurance and workers' compensation; and (2) the Bureau for Hospital Patients to resolve disputes between patients and hospitals. (NRS 232.451-232.462) **Section 5** of this bill creates the Patient Protection Commission, prescribes the membership of the Commission and establishes procedures of the Commission. **Section 6** of this bill authorizes the Commission to establish subcommittees and enter into contracts with consultants to assist the Commission in the performance of its duties. **Section 7** of this bill requires the Governor to appoint an Executive Director of the Commission to perform the administrative duties of the Commission and such other duties as may be assigned by the Commission. **Section 7** authorizes the Executive Director to hire additional employees within the limits of available money. **Section 7** also authorizes the Executive Director to access information maintained by state agencies, including information that is otherwise confidential. **Sections 7 and 12** of this bill require the Executive Director to maintain the confidentiality of such information. **Section 8** of this bill requires the Commission to systematically review issues related to the health care needs of the residents of this State and the quality, accessibility and affordability of health care in this State. **Section 9** of this bill requires the Commission to: (1) perform certain additional duties to facilitate collaboration between entities that study or address issues relating to the quality, accessibility and affordability of health care; and (2) submit a report concerning the activities of the Commission to the Governor and the Legislature twice each year. **Section 10** of this bill authorizes the Commission to request the drafting of not more than ~~two~~ **three** legislative measures for each regular session, and **section 11** of this bill makes a conforming change.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *As used in sections 2 to 9, inclusive, of this act, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Commission” means the Patient Protection Commission created by section 5 of this act.*

Sec. 4. *“Provider of health care” has the meaning ascribed to it in NRS 629.031.*

Sec. 5. 1. *The Patient Protection Commission is hereby created. The Commission consists of:*

(a) The following 11 voting members appointed by the Governor:

(1) Two persons who have expertise and experience in advocating on behalf of patients.

(2) Two representatives of providers of health care.

(3) Two representatives of hospitals.

(4) Two representatives of health insurers.

(5) One person who engages in the academic study of health care policy or public health.

(6) One representative of the prescription drug industry.

(7) One representative of the general public.

(b) The Director of the Department, the Commissioner of Insurance and the Executive Director of the Silver State Health Insurance Exchange as ex officio, nonvoting members.

2. The Governor shall:

(a) Appoint two of the voting members of the Commission described in paragraph (a) of subsection 1 from a list of persons nominated by the Majority Leader of the Senate;

(b) Appoint two of the voting members of the Commission described in paragraph (a) of subsection 1 from a list of persons nominated by the Speaker of the Assembly; and

(c) Ensure that the members appointed by the Governor to the Commission reflect the geographic diversity of this State.

3. Members of the Commission serve without compensation or per diem but are entitled to receive reimbursement for travel expenses in the same amount provided for state officers and employees generally.

4. After the initial terms, the term of each voting member is 2 years, except that the Governor may remove a voting member at any time and for any reason. A member may be reappointed.

5. If a vacancy occurs during the term of a voting member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

6. The Governor shall annually designate a voting member to serve as the Chair of the Commission.

7. A majority of the voting members of the Commission constitutes a quorum for the transaction of business, and a majority of the members of a quorum present at any meeting is sufficient for any official action taken by the Commission.

Sec. 6. 1. *The Commission shall meet at the call of the Chair.*

2. *The Commission may:*

(a) *Establish subcommittees consisting of members of the Commission or other persons to assist the Commission in the performance of its duties. Each subcommittee expires 6 months after it is created but may be continued with approval of the Commission. Not more than six subcommittees may exist at any time.*

(b) *To the extent that money is available for this purpose, enter into contracts with consultants to assist the Commission in the performance of its duties.*

3. *Within the limits of available resources, state agencies, boards and commissions shall, upon the request of the Executive Director of the Commission, provide advice and technical assistance to the Commission.*

Sec. 7. 1. *The Governor shall appoint the Executive Director of the Commission within the Office of the Governor. The Executive Director:*

(a) *Must have experience in health care or health insurance;*

(b) *Is in the unclassified service of the State; and*

(c) *Serves at the pleasure of the Governor.*

2. *The Executive Director shall:*

(a) *Perform the administrative duties of the Commission and such other duties as are directed by the Commission; and*

(b) *To the extent that money is available for this purpose, appoint employees to assist the Executive Director in carrying out the duties prescribed in paragraph (a). Such employees serve at the pleasure of the Executive Director and are in the unclassified service of the State.*

3. *The Executive Director may request any information maintained by a state agency that is necessary for the performance of his or her duties, including, without limitation, information that is otherwise declared confidential by law. To the extent authorized by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto, an agency from which such information is requested shall provide the information to the Executive Director.*

4. *The Executive Director:*

(a) *Shall maintain any information obtained pursuant to subsection 3 under the same conditions as the information is maintained by the agency that provided the information; and*

(b) *Except as otherwise provided in this paragraph, shall not disclose any confidential information obtained pursuant to subsection 3 to any other person or entity, including, without limitation, the Commission or a member thereof. The Executive Director may disclose or publish aggregated information in a manner that does not reveal the identity of any person.*

Sec. 8. 1. *The Commission shall systematically review issues related to the health care needs of residents of this State and the quality, accessibility and affordability of health care, including, without limitation, prescription drugs, in this State. The review must include, without limitation:*

(a) *Comprehensively examining the system for regulating health care in this State, including, without limitation, the licensing and regulation of health care facilities and providers of health care and the role of professional licensing boards, commissions and other bodies established to regulate or evaluate policies related to health care.*

(b) *Identifying gaps and duplication in the roles of such boards, commissions and other bodies.*

(c) *Examining the cost of health care and the primary factors impacting those costs.*

1 (d) Examining disparities in the quality and cost of health care between
2 different groups, including, without limitation, minority groups and other distinct
3 populations in this State.

4 (e) Reviewing the adequacy and types of providers of health care who
5 participate in networks established by health carriers in this State and the
6 geographic distribution of the providers of health care who participate in each
7 such network.

8 (f) Reviewing the availability of health benefit plans, as defined in NRS
9 687B.470, in this State.

10 (g) Reviewing the effect of any changes to Medicaid, including, without
11 limitation, the expansion of Medicaid pursuant to the Patient Protection and
12 Affordable Care Act, Public Law 111-148, on the cost and availability of health
13 care and health insurance in this State.

14 (h) Reviewing proposed and enacted legislation, regulations and other
15 changes to state and local policy related to health care in this State.

16 (i) Researching possible changes to state or local policy in this State that may
17 improve the quality, accessibility or affordability of health care in this State,
18 including, without limitation:

19 (1) The use of purchasing pools to decrease the cost of health care;

20 (2) Increasing transparency concerning the cost or provision of health
21 care;

22 (3) Regulatory measures designed to increase the accessibility and the
23 quality of health care, regardless of geographic location or ability to pay;

24 (4) Facilitating access to data concerning insurance claims for medical
25 services to assist in the development of public policies;

26 (5) Resolving problems relating to the billing of patients for medical
27 services;

28 (6) Leveraging the expenditure of money by the Medicaid program and
29 reimbursement rates under Medicaid to increase the quality and accessibility of
30 health care for low-income persons; and

31 (7) Increasing access to health care for uninsured populations in this
32 State, including, without limitation, retirees and children.

33 (j) Monitoring and evaluating proposed and enacted federal legislation and
34 regulations and other proposed and actual changes to federal health care policy
35 to determine the impact of such changes on the cost of health care in this State.

36 (k) Evaluating the degree to which the role, structure and duties of the
37 Commission facilitate the oversight of the provision of health care in this State by
38 the Commission and allow the Commission to perform activities necessary to
39 promote the health care needs of residents of this State.

40 (l) Making recommendations to the Governor, the Legislature, the
41 Department of Health and Human Services, local health authorities and any
42 other person or governmental entity to increase the quality, accessibility and
43 affordability of health care in this State, including, without limitation,
44 recommendations concerning the items described in this subsection.

45 2. As used in this section:

46 (a) "Health carrier" has the meaning ascribed to it in NRS 687B.625.

47 (b) "Network" has the meaning ascribed to it in NRS 687B.640.

48 Sec. 9. 1. In addition to conducting the review described in section 8 of
49 this act, the Commission shall attempt to:

50 (a) Identify and facilitate collaboration between existing state governmental
51 entities that study or address issues relating to the quality, accessibility and
52 affordability of health care in this State, including, without limitation, the
53 regional behavioral health policy boards created by NRS 433.429; and

1 (b) Coordinate with such entities to reduce any duplication of efforts among
2 and between those entities and the Commission.

3 2. On or before January 1 and July 1 of each year, the Commission shall:

4 (a) Compile a report describing the meetings of the Commission and the
5 activities of the Commission during the immediately preceding 6 months. The
6 report must include, without limitation, a description of any issues identified as
7 negatively impacting the quality, accessibility or affordability of health care in
8 this State and any recommendations for legislation, regulations or other changes
9 to policy or budgets to address those issues.

10 (b) Submit the report to the Governor and the Director of the Legislative
11 Counsel Bureau for transmittal to:

12 (1) In January of odd-numbered years, the next regular session of the
13 Legislature.

14 (2) In all other cases, to the Legislative Committee on Health Care.

15 3. Upon receiving a report pursuant to subsection 2, the Governor shall post
16 the report on an Internet website maintained by the Governor.

17 4. The Commission may prepare and publish additional reports on specific
18 topics at the direction of the Chair.

19 **Sec. 10.** Chapter 218D of NRS is hereby amended by adding thereto a new
20 section to read as follows:

21 1. The Patient Protection Commission created by section 5 of this act may
22 request the drafting of not more than ~~two~~ **three** legislative measures which
23 relate to matters within the scope of the Commission. Any such request must be
24 submitted to the Legislative Counsel on or before September 1 preceding a
25 regular session.

26 2. A request made pursuant to this section must be on a form prescribed by
27 the Legislative Counsel. A legislative measure requested pursuant to this section
28 must be prefiled on or before the third Wednesday in November preceding a
29 regular session. A legislative measure that is not prefiled on or before that day
30 shall be deemed withdrawn.

31 **Sec. 11.** NRS 218D.100 is hereby amended to read as follows:

32 218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, **and**
33 **section 10 of this act** apply to requests for the drafting of legislative measures for a
34 regular session.

35 2. Except as otherwise provided by a specific statute, joint rule or concurrent
36 resolution, the Legislative Counsel shall not honor a request for the drafting of a
37 legislative measure if the request:

38 (a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220,
39 inclusive, **and section 10 of this act** for the requester; or

40 (b) Is submitted by an authorized nonlegislative requester pursuant to NRS
41 218D.175 to 218D.220, inclusive, **and section 10 of this act** but is not in a subject
42 related to the function of the requester.

43 3. The Legislative Counsel shall not:

44 (a) Honor a request to change the subject matter of a request for the drafting of
45 a legislative measure after it has been submitted for drafting.

46 (b) Honor a request for the drafting of a legislative measure which has been
47 combined in violation of Section 17 of Article 4 of the Nevada Constitution.

48 **Sec. 12.** NRS 239.010 is hereby amended to read as follows:

49 239.010 1. Except as otherwise provided in this section and NRS 1.4683,
50 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516,
51 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150,
52 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
53 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,

1 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
2 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690,
3 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
4 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044,
5 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156,
6 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165,
7 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
8 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131,
9 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130,
10 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473,
11 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
12 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039,
13 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.130,
14 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350,
15 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110,
16 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
17 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110,
18 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,
19 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
20 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138,
21 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008,
22 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501,
23 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925,
24 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
25 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405,
26 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,
27 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236,
28 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407,
29 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420,
30 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665,
31 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610,
32 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846,
33 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365,
34 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
35 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040,
36 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110,
37 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015,
38 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,
39 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
40 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,
41 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158,
42 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
43 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760,
44 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,
45 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625,
46 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130,
47 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
48 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105,
49 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
50 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159,
51 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
52 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
53 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117,

692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600 **and section 7 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different 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. 13. As soon as practicable after the effective date of this act, the Governor shall appoint the voting members of the Patient Protection Commission created by section 5 of this act as follows:

1. One member described in subparagraph (1) of paragraph (a) of subsection 1 of section 5 of this act, one member described in subparagraph (2) of paragraph (a) of subsection 1 of section 5 of this act, one member described in subparagraph (3) of paragraph (a) of subsection 1 of section 5 of this act, one member described in subparagraph (4) of paragraph (a) of subsection 1 of section 5 of this act and the member described in subparagraph (6) of paragraph (a) of subsection 1 of section 5 of this act to initial terms that expire on July 1, 2020; and

2. One member described in subparagraph (1) of paragraph (a) of subsection 1 of section 5 of this act, one member described in subparagraph (2) of paragraph (a) of subsection 1 of section 5 of this act, one member described in subparagraph (3) of paragraph (a) of subsection 1 of section 5 of this act, one member described in subparagraph (4) of paragraph (a) of subsection 1 of section 5 of this act, the member described in subparagraph (5) of paragraph (a) of subsection 1 of section 5 of this act and the member described in subparagraph (7) of paragraph (a) of subsection 1 of section 5 of this act to initial terms that expire on July 1, 2021.

Sec. 14. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 15. This act becomes effective upon passage and approval.