## SENATE BILL NO. 234-COMMITTEE ON COMMERCE AND LABOR

# (On Behalf of the Legislative Committee on Health Care)

## FEBRUARY 21, 2019

#### Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to collection of data concerning providers of health care. (BDR 54-527)

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

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 Commissioner of Insurance to collect certain information from providers of health care, establish a database comprised of such information and compile an annual report concerning such information; requiring the Commissioner to develop a form letter to provide certain notice to providers of health care relating to participation in the network of a health carrier; and providing other matters properly relating thereto.

#### **Legislative Counsel's Digest:**

Existing law requires the Commissioner of Insurance to enforce the Nevada Insurance Code and investigate insurance matters as he or she deems proper. (NRS 679B.120) Section 27 of this bill requires the Commissioner to develop an electronic data request to obtain information, including demographic information and certain other information concerning the practice of a provider of health care, from applicants for the issuance or renewal of a license, certificate or registration as a provider of health care. Section 27 requires the Commissioner to: (1) maintain a database comprised of such information; and (2) compile an annual public report of such information that is aggregated for each type of license, certificate or registration issued to providers of health care in this State. Section 27 authorizes the Commissioner to provide individualized information, with identifying information removed, only to other governmental entities. Sections 23 and 27 of this bill provide that personally identifiable information contained in the database is confidential. Sections 1-22 and 24 of this bill require a provider of health care to complete the electronic data request as a condition for the issuance or renewal of a license, certificate or registration. Section 26 of this bill requires the Commissioner





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to develop a form letter that a health carrier must use to notify a provider of health care of the denial of his or her application to be included in the health carrier's network of providers.

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

**Section 1.** Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license as a physician, physician assistant, perfusionist or practitioner of respiratory care or a biennial registration pursuant to NRS 630.267 shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.

**Sec. 2.** Chapter 630A of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license to practice homeopathic medicine shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.

**Sec. 3.** Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license to practice dentistry shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.

**Sec. 4.** Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license to practice as a professional or practical nurse shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.



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**Sec. 5.** Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license as a physician or physician assistant shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.

**Sec. 6.** Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license to practice chiropractic shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.

**Sec. 7.** Chapter 634A of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license to practice as a doctor of oriental medicine shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.

**Sec. 8.** Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license as a podiatric physician shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.

**Sec. 9.** Chapter 636 of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license to practice optometry shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.



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**Sec. 10.** Chapter 637 of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license as a dispensing optician shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.

**Sec. 11.** Chapter 637B of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license as an audiologist or speechlanguage pathologist shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.

**Sec. 12.** Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of registration as a pharmacist shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.

**Sec. 13.** Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license as a physical therapist shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.

**Sec. 14.** Chapter 640A of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license as an occupational therapist shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.



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**Sec. 15.** Chapter 640B of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license as an athletic trainer shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.

**Sec. 16.** Chapter 640D of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license to practice music therapy shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.

**Sec. 17.** Chapter 640E of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license as a dietitian shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.

**Sec. 18.** Chapter 641 of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license as a psychologist shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.

**Sec. 19.** Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license as a marriage and family therapist or clinical professional counselor shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.



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**Sec. 20.** Chapter 641B of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license as an associate in social work, a social worker, an independent social worker or a clinical social worker shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.

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

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license as an alcohol and drug abuse counselor or clinical alcohol and drug abuse counselor or a certificate as an alcohol and drug abuse counselor or problem gambling counselor shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.

**Sec. 22.** Chapter 652 of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license or certificate as a laboratory director or laboratory personnel shall submit to the Board an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.

**Sec. 23.** NRS 239.010 is hereby amended to read as follows:

239.010 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.



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- 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



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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. 24.** Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the issuance or renewal of a license as an attendant or certification as an emergency medical technician, advanced emergency medical technician or paramedic shall submit to the health authority an automated letter from the Commissioner of Insurance evidencing that the applicant has completed the data request developed pursuant to section 27 of this act.

**Sec. 25.** Chapter 679B of NRS is hereby amended by adding thereto the provisions set forth as sections 26 and 27 of this act.

Sec. 26. 1. The Commissioner shall:

- (a) Develop, prescribe and make available on an Internet website maintained by the Division a form letter that a health carrier must use to notify a provider of health care of the denial of his or her application to be included in the network of providers of the health carrier. The form letter must include, without limitation, a place for the health carrier to explain the reason for the denial of the application.
- (b) Hold hearings to solicit public input when developing the form letter described in paragraph (a) and consider such input when developing the form letter.
- 2. As used in this section, "health carrier" means an entity subject to the insurance laws and regulations of this State, or subject to the jurisdiction of the Commissioner, that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including, without limitation, a sickness and accident health insurance company, a health maintenance organization, a nonprofit hospital and health service corporation or any other entity providing a plan of health insurance, health benefits or health care services.
- Sec. 27. 1. The Commissioner shall develop and make available on an Internet website maintained by the Division an electronic data request to be completed by an applicant for the issuance or renewal of a license, certificate or registration as a provider of health care. The data request must:





(a) Solicit from each such applicant:

(1) His or her name, gender, race, ethnicity, specialty area, mailing address and electronic mail address;

(2) The status of his or her license, certificate or

5 registration;

(3) The address of each location where the provider of health care practices or intends to practice and the percentage of time spent by the provider at each location;

(4) Any language, other than English, in which the

provider of health care is fluent; and

- (5) Any other information prescribed by regulation of the Commissioner; and
- (b) Provide to an applicant for a license, certificate or registration who completes the data request an automated letter that may be submitted by the provider of health care with his or her application for the issuance or renewal of his or her license, certificate or registration as proof of completion.

2. The Commissioner shall establish and maintain a database of information collected pursuant to subsection 1. Any personally identifiable information contained in the database is confidential

and must not be disclosed to any person or entity.

3. The Commissioner may provide to other governmental entities individual data from the database if the information does not contain any information that could be used to identify an applicant for or holder of a license, certificate or registration as a provider of health care. Individualized information contained in the database is otherwise confidential.

- 4. The Commissioner shall annually compile a report containing information from the database that is aggregated for each type of license, certificate or registration and make the report available to the public. No personally identifiable information may be included in such a report.
  - 5. The Commissioner may:
- (a) Enter into any contracts or agreements necessary to carry out the requirements of this section; and
- (b) Apply for and accept any gifts, grants and donations to carry out the requirements of this section.
  - 6. As used in this section, "provider of health care" means:
- (a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;
  - (b) A physician assistant;
  - (c) A dentist;
  - (d) A licensed nurse;
- (e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced





- 1 emergency medical technician or paramedic pursuant to chapter2 450B of NRS;
  - (f) A dispensing optician;
    - (g) An optometrist;
- 5 (h) A speech-language pathologist;
- 6 (i) An audiologist;

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- 7 (j) A practitioner of respiratory care;
  - (k) A licensed physical therapist;
  - (l) An occupational therapist;
  - (m) A podiatric physician;
  - (n) A licensed psychologist;
  - (o) A licensed marriage and family therapist;
  - (p) A licensed clinical professional counselor;
    - (q) A music therapist;
- 15 (r) A chiropractor;
  - (s) An athletic trainer;
- 17 (t) A perfusionist;
- 18 (u) A doctor of Oriental medicine in any form;
- 19 (v) A medical laboratory director or technician;
  - (w) A pharmacist;
  - (x) A licensed dietitian;
- 22 (y) An associate in social work, a social worker, an 23 independent social worker or a clinical social worker licensed 24 pursuant to chapter 641B of NRS;
- 25 (z) An alcohol and drug abuse counselor or a problem 26 gambling counselor who is certified pursuant to chapter 641C of 27 NRS; or
- 28 (aa) An alcohol and drug abuse counselor or a clinical alcohol 29 and drug abuse counselor who is licensed pursuant to chapter 30 641C of NRS.
  - **Sec. 28.** This act becomes effective on July 1, 2019.





