

REQUIRES TWO-THIRDS MAJORITY VOTE

(§ 1 + NRS 439.240)

(Reprinted with amendments adopted on May 15, 2019)

FIRST REPRINT

S.B. 291

SENATE BILL NO. 291—SENATOR RATTI

MARCH 18, 2019

JOINT SPONSOR: ASSEMBLYWOMAN GORELOW

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the testing of infants for preventable or inheritable disorders. (BDR 40-111)

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

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

AN ACT relating to public health; requiring the testing of infants for certain preventable or inheritable disorders; requiring the State Public Health Laboratory to report during a hearing about the reasons for any increased charges for performing such tests; repealing a provision requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to enter into a contract for the provision of certain services of a laboratory; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the State Board of Health, upon the recommendation of
2 the Chief Medical Officer, to adopt regulations governing examinations and tests
3 required for the discovery in infants of preventable or inheritable disorders. (NRS
4 442.008) **Section 1** of this bill generally requires testing for each disorder
5 recommended by the Health Resources and Services Administration of the United
6 States Department of Health and Human Services by not later than 4 years after the
7 recommendation is made. **Section 1** authorizes the exclusion of such a disorder
8 from the required testing upon a request by the Chief Medical Officer or the person
9 in charge of the State Public Health Laboratory based on: (1) insufficient funding to
10 conduct testing for the disorder; or (2) insufficient resources to address the results
11 of the examination and test. **Section 1** additionally requires any required
12 examinations and tests that must be performed by a laboratory to be sent to the



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State Public Health Laboratory. If the State Public Health Laboratory increases the amount charged for such examinations and tests, **section 1** requires the Division of Public and Behavioral Health of the Department of Health and Human Services to hold a hearing during which the State Public Health Laboratory must provide a written and verbal fiscal analysis of the reasons for the increased charges.

Under existing law, if the State Board of Health requires the Division to provide the services of a laboratory for the required testing of infants for preventable and inheritable disorders, the Division is required to contract with the State Public Health Laboratory unless: (1) the State Public Health Laboratory is not capable of performing all of the required tests; or (2) the cost to the Division to contract with the State Public Health Laboratory is not financially reasonable or exceeds the amount of money available for that purpose. (NRS 442.009) **Section 2** of this bill repeals this provision.

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

Section 1. NRS 442.008 is hereby amended to read as follows:

442.008 1. The State Board of Health ~~}; upon the~~
~~recommendation of the Chief Medical Officer;~~

~~—(a) Shall~~ *shall* adopt regulations governing examinations and tests required for the discovery in infants of preventable or inheritable disorders, including tests for the presence of sickle cell anemia. ~~}; and~~

~~—(b) May require the Division to provide for the services of a laboratory in accordance with NRS 442.009 to determine the presence of certain preventable or inheritable disorders in an infant pursuant to this section.}~~

2. *Except as otherwise provided in this subsection, the examinations and tests required pursuant to subsection 1 must include tests and examinations for each disorder recommended to be screened by the Health Resources and Services Administration of the United States Department of Health and Human Services by not later than 4 years after the recommendation is published. The State Board may exclude any such disorder upon request of the Chief Medical Officer or the person in charge of the State Public Health Laboratory based on:*

(a) Insufficient funding to conduct testing for the disorder; or

(b) Insufficient resources to address the results of the examination and test.

3. *Any examination or test required by the regulations adopted pursuant to subsection 1 which must be performed by a laboratory must be sent to the State Public Health Laboratory. If the State Public Health Laboratory increases the amount charged for performing such an examination or test pursuant to NRS 439.240, the Division shall hold a public hearing during which the State Public Health Laboratory shall provide to the Division a*



written and verbal fiscal analysis of the reasons for the increased charges.

4. Any physician, midwife, nurse, obstetric center or hospital of any nature attending or assisting in any way any infant, or the mother of any infant, at childbirth shall ~~make~~ :

(a) *Make* or cause to be made an examination of the infant, including standard tests ~~that~~ *that do not require laboratory services*, to the extent required by regulations of the State Board of Health as is necessary for the discovery of conditions indicating such *preventable or inheritable* disorders.

(b) *Collect and send to the State Public Health Laboratory or cause to be collected and sent to the State Public Health Laboratory any specimens needed for the examinations and tests that must be performed by a laboratory and are required by the regulations adopted pursuant to subsection 1.*

~~3.5.~~ 5. If the examination and tests reveal the existence of such conditions in an infant, the physician, midwife, nurse, obstetric center or hospital attending or assisting at the birth of the infant shall immediately:

(a) Report the condition to the Chief Medical Officer or the representative of the Chief Medical Officer, the local health officer of the county or city within which the infant or the mother of the infant resides, and the local health officer of the county or city in which the child is born; and

(b) Discuss the condition with the parent, parents or other persons responsible for the care of the infant and inform them of the treatment necessary for the amelioration of the condition.

~~4.6.~~ 6. An infant is exempt from examination and testing if either parent files a written objection with the person or institution responsible for making the examination or tests.

Sec. 2. NRS 442.009 is hereby repealed.

Sec. 3. This act becomes effective:

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

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

TEXT OF REPEALED SECTION

442.009 Examination of infants: Priority in contracting with laboratory.



1. Except as otherwise provided in this section, if the State Board of Health requires the Division to provide for the services of a laboratory to determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008, the Division shall contract with a laboratory in the following order of priority:

- (a) The State Public Health Laboratory;
- (b) Any other qualified laboratory located within this State; or
- (c) Any qualified laboratory located outside of this State.

2. The Division shall not contract with a laboratory in a lower category of priority unless the Division determines that:

(a) A laboratory in a higher category of priority is not capable of performing all the tests required to determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008; or

(b) The cost to the Division to contract with a laboratory in a higher category of priority is not financially reasonable or exceeds the amount of money available for that purpose.

3. For the purpose of determining the category of priority of a laboratory only, the Division is not required to comply with any requirement of competitive bidding or other restriction imposed on the procedure for awarding a contract.

