

Amendment No. 455

Assembly Amendment to Assembly Bill No. 181	(BDR 40-522)
Proposed by: Assembly Committee on Health and Human Services	
Amendment Box: Replaces Amendment No. 66.	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the unfunded mandate from A.B. 181.

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.



ASSEMBLY BILL NO. 181—ASSEMBLYWOMAN PETERS

FEBRUARY 26, 2021

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to mental health. (BDR 40-522)

FISCAL NOTE: Effect on Local Government: May Have Fiscal Effect.
Effect on the State: Yes.

~~{CONTAINS UNFUNDED MANDATE (§§ 7-9)
(Not Requested by Affected Local Government)}~~

~

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

AN ACT relating to mental health; providing for the reporting of certain information by certain ~~{health-related facilities}~~ **providers of health care** relating to suicide; requiring certain insurers and other organizations providing health coverage to adhere to certain provisions of federal law; requiring certain insurers and other organizations providing health coverage to submit ~~{a report}~~ **information** demonstrating mental health parity and addiction equity compliance; **providing a penalty**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~{provides for the licensure and regulation of medical facilities, facilities for the dependent and certain other health-related facilities. (NRS 449.029-449.240) Section 1 of this bill requires the State Board of Health to adopt regulations requiring certain medical facilities and facilities for the dependent to report information relating to suicide to the Chief Medical Officer or his or her designee. Sections 2 and 3 of this bill make conforming changes to indicate the placement of section 1 in the Nevada Revised Statutes. Sections 4-6 of this bill authorize certain actions to be taken against a facility that fails to report the required information.}~~ **requires a provider of health care who knows of, or provides services to, a person who has suffered or is suspected of having suffered a drug overdose to report that fact and certain additional information to the Chief Medical Officer pursuant to procedures adopted by regulation by the State Board of Health. (NRS 441A.120, 441A.150) Existing law: (1) makes it a misdemeanor for a provider of health care to willfully fail to make such a report; and (2) additionally subjects a provider of health care who willfully fails to make such a report to an administrative fine. (NRS 441A.920) Sections 6.2 and 6.4 of this bill additionally require a provider of health care who knows of, or provides services to, a person who has died by suicide, has attempted suicide or is suspected of having attempted suicide to report that fact to the Chief Medical Officer pursuant to procedures adopted by regulation by the State Board of Health. Section 6.6 of this bill provides for the confidentiality of personal information concerning a suicide or an attempted suicide reported to the Chief Medical Officer. Section 6.8 of this bill subjects a provider of health care who willfully fails to make such a report to the same misdemeanor penalty and administrative fine as a provider of health care who willfully**

fails to report a drug overdose. Section 6.4 requires the Chief Medical Officer to annually compile and submit to the Patient Protection Commission a report summarizing the information he or she receives from providers of health care concerning suicide.

The federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 prohibits group health plans and health insurance issuers that provide benefits for mental health or substance use disorders from imposing less favorable benefit limitations on those benefits than on medical and surgical benefits. (Pub. L. No. 100-343, 122 Stat. 3765) Existing state law requires certain insurers or other organizations providing health coverage to comply with the Act. (NRS 687B.404) ~~{Sections 7-9}~~ Section 9 of this bill additionally ~~{require}~~ requires health insurers ~~[, including]~~ regulated under state law, other than state and local governmental entities that provide health coverage for their employees, to comply with the Act. ~~{Sections 7-9 also require each insurer or other organization subject to those requirements to submit to the Commissioner of Insurance a report containing certain information that demonstrates compliance with the Act.}~~ Section 9 requires the Commissioner to annually prescribe and provide to insurers a data request that solicits information necessary to evaluate the compliance of the insurer with those federal requirements. Section 8.3 of this bill exempts the adoption and amendment of the data request from requirements concerning the procedures set forth in existing law for adopting regulations. Section 9 requires an insurer to either complete the data request or submit to the Commissioner a copy of a report submitted to the Federal Government demonstrating compliance with those federal requirements. Sections 8.6 and 9 of this bill provide that such information reported by insurers is confidential. Section 9 requires the Commissioner to annually submit a report summarizing the information that he or she receives from insurers to the Patient Protection Commission, the Governor and the Legislature.

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

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

~~— The Board shall adopt regulations requiring medical facilities, facilities for the dependent and facilities which are required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed to report information relating to suicide to the Chief Medical Officer or his or her designee. The regulations must prescribe:~~

- ~~1. The facilities that are required to make reports;~~
- ~~2. The information that must be reported; and~~
- ~~3. The time within which such a report must be made.}~~ (Deleted by amendment.)

Sec. 2. ~~{NRS 449.029 is hereby amended to read as follows:~~
~~449.029 As used in NRS 449.029 to 449.240, inclusive, and section 1 of this act, unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.}~~ (Deleted by amendment.)

Sec. 3. ~~{NRS 449.0301 is hereby amended to read as follows:~~
~~449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, and section 1 of this act do not apply to:~~

- ~~1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the~~

1 ~~practice of the religion of the church or denomination, except that such a facility~~
2 ~~shall comply with all regulations relative to sanitation and safety applicable to other~~
3 ~~facilities of a similar category.~~

4 ~~2. Foster homes as defined in NRS 424.014.~~

5 ~~3. Any medical facility, facility for the dependent or facility which is~~
6 ~~otherwise required by the regulations adopted by the Board pursuant to NRS~~
7 ~~449.0203 to be licensed that is operated and maintained by the United States~~
8 ~~Government or an agency thereof.] (Deleted by amendment.)~~

9 **Sec. 4.** ~~[NRS 449.160 is hereby amended to read as follows:~~

10 ~~449.160 1. The Division may deny an application for a license or may~~
11 ~~suspend or revoke any license issued under the provisions of NRS 449.029 to~~
12 ~~449.2428, inclusive, and section 1 of this act upon any of the following grounds:~~

13 ~~(a) Violation by the applicant or the licensee of any of the provisions of NRS~~
14 ~~439B.410 or 449.029 to 449.245, inclusive, and section 1 of this act, or of any~~
15 ~~other law of this State or of the standards, rules and regulations adopted thereunder.~~

16 ~~(b) Aiding, abetting or permitting the commission of any illegal act.~~

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

20 ~~(d) Conduct or practice detrimental to the health or safety of the occupants or~~
21 ~~employees of the facility.~~

22 ~~(e) Failure of the applicant to obtain written approval from the Director of the~~
23 ~~Department of Health and Human Services as required by NRS 439A.100 or as~~
24 ~~provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive,~~
25 ~~and section 1 of this act and 449.435 to 449.531, inclusive, and chapter 449A of~~
26 ~~NRS if such approval is required.~~

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

28 ~~(g) Violation of the provisions of NRS 458.112.~~

29 ~~2. In addition to the provisions of subsection 1, the Division may revoke a~~
30 ~~license to operate a facility for the dependent if, with respect to that facility, the~~
31 ~~licensee that operates the facility, or an agent or employee of the licensee:~~

32 ~~(a) Is convicted of violating any of the provisions of NRS 202.470;~~

33 ~~(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360,~~
34 ~~244.3603 or 268.4124; or~~

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

37 ~~3. The Division shall maintain a log of any complaints that it receives relating~~
38 ~~to activities for which the Division may revoke the license to operate a facility for~~
39 ~~the dependent pursuant to subsection 2. The Division shall provide to a facility for~~
40 ~~the care of adults during the day:~~

41 ~~(a) A summary of a complaint against the facility if the investigation of the~~
42 ~~complaint by the Division either substantiates the complaint or is inconclusive;~~

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

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

45 ~~The facility shall make the information available to the public pursuant to NRS~~
46 ~~449.2486.~~

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

50 ~~(a) Any complaints included in the log maintained by the Division pursuant to~~
51 ~~subsection 3; and~~

52 ~~(b) Any disciplinary actions taken by the Division pursuant to subsection 2.]~~
53 **(Deleted by amendment.)**

Sec. 5. ~~[NRS 449.163 is hereby amended to read as follows:~~

~~449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, and section 1 of this act, or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:~~

~~(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;~~

~~(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;~~

~~(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;~~

~~(d) Impose an administrative penalty of not more than \$5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and~~

~~(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:~~

~~(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or~~

~~(2) Improvements are made to correct the violation.~~

~~2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:~~

~~(a) Suspend the license of the facility until the administrative penalty is paid; and~~

~~(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.~~

~~3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, and section 1 of this act, or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.~~

~~4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, and section 1 of this act, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature. (Deleted by amendment.)~~

Sec. 6. ~~[NRS 449.240 is hereby amended to read as follows:~~

~~449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive [], and section 1 of this act.] (Deleted by amendment.)~~

Sec. 6.2. NRS 441A.120 is hereby amended to read as follows:

441A.120 1. The Board shall adopt regulations governing the control of communicable diseases in this State, including regulations specifically relating to the control of such diseases in educational, medical and correctional institutions. The regulations must specify:

(a) The diseases which are known to be communicable.

(b) The communicable diseases which are known to be sexually transmitted.

(c) The procedures for investigating and reporting cases or suspected cases of communicable diseases, including the time within which these actions must be taken.

(d) For each communicable disease, the procedures for testing, treating, isolating and quarantining a person or group of persons who have been exposed to or have or are suspected of having the disease.

(e) A method for ensuring that any testing, treatment, isolation or quarantine of a person or a group of persons pursuant to this chapter is carried out in the least restrictive manner or environment that is appropriate and acceptable under current medical and public health practices.

2. The Board shall adopt regulations governing the procedures for reporting cases or suspected cases of drug overdose, suicide and attempted suicide to the Chief Medical Officer or his or her designee, including the time within which such reports must be made and the information that such reports must include.

3. The duties set forth in the regulations adopted by the Board pursuant to subsection 1 must be performed by:

(a) In a district in which there is a district health officer, the district health officer or the district health officer's designee; or

(b) In any other area of the State, the Chief Medical Officer or the Chief Medical Officer's designee.

Sec. 6.4. NRS 441A.150 is hereby amended to read as follows:

441A.150 1. A provider of health care who knows of, or provides services to, a person who has or is suspected of having a communicable disease shall report that fact to the health authority in the manner prescribed by the regulations of the Board. If no provider of health care is providing services, each person having knowledge that another person has a communicable disease shall report that fact to the health authority in the manner prescribed by the regulations of the Board.

2. A provider of health care who knows of, or provides services to, a person who has suffered or is suspected of having suffered a drug overdose shall report that fact and the information required by the Board pursuant to NRS 441A.120 to the Chief Medical Officer or his or her designee in the manner prescribed by the regulations of the Board. The Chief Medical Officer or his or her designee shall upload that information to the database of the program established pursuant to NRS 453.162 if the program allows for the upload of such information.

3. A provider of health care who knows of, or provides services to, a person who has died by suicide, has attempted suicide or is suspected of having attempted suicide shall report that fact and the information required by the Board pursuant to NRS 441A.120 to the Chief Medical Officer or his or her designee in the manner prescribed by the regulations of the Board. The Chief Medical Officer shall annually compile and submit to the Patient Protection Commission created by NRS 439.908 a report summarizing the information reported pursuant to this subsection.

4. A medical facility in which more than one provider of health care may know of, or provide services to, a person who has or is suspected of having a communicable disease, ~~for~~ who has suffered or is suspected of having suffered a drug overdose or who has died by suicide, has attempted suicide or is suspected of having attempted suicide shall establish administrative procedures to ensure that the health authority or Chief Medical Officer or his or her designee, as applicable, is notified.

~~44~~ 5. A laboratory director shall, in the manner prescribed by the Board, notify the health authority of the identification by his or her medical laboratory of the presence of any communicable disease in the jurisdiction of that health

1 authority. The health authority shall not presume a diagnosis of a communicable
2 disease on the basis of the notification received from the laboratory director.

3 ~~§ 6.~~ 6. If more than one medical laboratory is involved in testing a specimen,
4 the laboratory that is responsible for reporting the results of the testing directly to
5 the provider of health care for the patient shall also be responsible for reporting to
6 the health authority.

7 **Sec. 6.6. NRS 441A.220 is hereby amended to read as follows:**

8 441A.220 All information of a personal nature about any person provided by
9 any other person reporting a case or suspected case of a communicable disease, a
10 ~~for~~ drug overdose, suicide or attempted suicide, or by any person who has a
11 communicable disease, ~~for~~ has suffered a drug overdose, has died by suicide or
12 has attempted suicide, or as determined by investigation of the health authority, is
13 confidential medical information and must not be disclosed to any person under any
14 circumstances, including pursuant to any subpoena, search warrant or discovery
15 proceeding, except:

16 1. As otherwise provided in NRS 439.538.

17 2. For statistical purposes, provided that the identity of the person is not
18 discernible from the information disclosed.

19 3. In a prosecution for a violation of this chapter.

20 4. In a proceeding for an injunction brought pursuant to this chapter.

21 5. In reporting the actual or suspected abuse or neglect of a child or elderly
22 person.

23 6. To any person who has a medical need to know the information for his or
24 her own protection or for the well-being of a patient or dependent person, as
25 determined by the health authority in accordance with regulations of the Board.

26 7. If the person who is the subject of the information consents in writing to
27 the disclosure.

28 8. Pursuant to subsection 4 of NRS 441A.320 or NRS 629.069.

29 9. If the disclosure is made to the Department of Health and Human Services
30 and the person about whom the disclosure is made has been diagnosed as having
31 acquired immunodeficiency syndrome or an illness related to the human
32 immunodeficiency virus and is a recipient of or an applicant for Medicaid.

33 10. To a firefighter, police officer or person providing emergency medical
34 services if the Board has determined that the information relates to a communicable
35 disease significantly related to that occupation. The information must be disclosed
36 in the manner prescribed by the Board.

37 11. If the disclosure is authorized or required by NRS 239.0115 or another
38 specific statute.

39 **Sec. 6.8. NRS 441A.920 is hereby amended to read as follows:**

40 441A.920 Every provider of health care, medical facility or medical
41 laboratory that willfully fails, neglects or refuses to comply with any regulation of
42 the Board relating to the reporting of a communicable disease ~~for~~, a drug overdose
43 a suicide or an attempted suicide or any requirement of this chapter is guilty of a
44 misdemeanor and, in addition, may be subject to an administrative fine of \$1,000
45 for each violation, as determined by the Board.

46 **Sec. 7. ~~NRS 287.010 is hereby amended to read as follows:~~**

47 ~~287.010 1. The governing body of any county, school district, municipal~~
48 ~~corporation, political subdivision, public corporation or other local governmental~~
49 ~~agency of the State of Nevada may:~~

50 ~~(a) Adopt and carry into effect a system of group life, accident or health~~
51 ~~insurance, or any combination thereof, for the benefit of its officers and employees,~~
52 ~~and the dependents of officers and employees who elect to accept the insurance and~~

1 ~~who, where necessary, have authorized the governing body to make deductions~~
2 ~~from their compensation for the payment of premiums on the insurance.~~

3 ~~—(b) Purchase group policies of life, accident or health insurance, or any~~
4 ~~combination thereof, for the benefit of such officers and employees, and the~~
5 ~~dependents of such officers and employees, as have authorized the purchase, from~~
6 ~~insurance companies authorized to transact the business of such insurance in the~~
7 ~~State of Nevada, and, where necessary, deduct from the compensation of officers~~
8 ~~and employees the premiums upon insurance and pay the deductions upon the~~
9 ~~premiums.~~

10 ~~—(c) Provide group life, accident or health coverage through a self-insurance~~
11 ~~reserve fund and, where necessary, deduct contributions to the maintenance of the~~
12 ~~fund from the compensation of officers and employees and pay the deductions into~~
13 ~~the fund. The money accumulated for this purpose through deductions from the~~
14 ~~compensation of officers and employees and contributions of the governing body~~
15 ~~must be maintained as an internal service fund as defined by NRS 354.543. The~~
16 ~~money must be deposited in a state or national bank or credit union authorized to~~
17 ~~transact business in the State of Nevada. Any independent administrator of a fund~~
18 ~~created under this section is subject to the licensing requirements of chapter 683A~~
19 ~~of NRS, and must be a resident of this State. Any contract with an independent~~
20 ~~administrator must be approved by the Commissioner of Insurance as to the~~
21 ~~reasonableness of administrative charges in relation to contributions collected and~~
22 ~~benefits provided. The provisions of NRS 687B.404, 687B.408, 689B.030 to~~
23 ~~689B.050, inclusive, 689B.287 and 689B.500 apply to coverage provided pursuant~~
24 ~~to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and~~
25 ~~689B.500 only apply to coverage for active officers and employees of the~~
26 ~~governing body, or the dependents of such officers and employees.~~

27 ~~—(d) Defray part or all of the cost of maintenance of a self-insurance fund or of~~
28 ~~the premiums upon insurance. The money for contributions must be budgeted for in~~
29 ~~accordance with the laws governing the county, school district, municipal~~
30 ~~corporation, political subdivision, public corporation or other local governmental~~
31 ~~agency of the State of Nevada.~~

32 ~~—2. If a school district offers group insurance to its officers and employees~~
33 ~~pursuant to this section, members of the board of trustees of the school district must~~
34 ~~not be excluded from participating in the group insurance. If the amount of the~~
35 ~~deductions from compensation required to pay for the group insurance exceeds the~~
36 ~~compensation to which a trustee is entitled, the difference must be paid by the~~
37 ~~trustee.~~

38 ~~—3. In any county in which a legal services organization exists, the governing~~
39 ~~body of the county, or of any school district, municipal corporation, political~~
40 ~~subdivision, public corporation or other local governmental agency of the State of~~
41 ~~Nevada in the county, may enter into a contract with the legal services organization~~
42 ~~pursuant to which the officers and employees of the legal services organization, and~~
43 ~~the dependents of those officers and employees, are eligible for any life, accident or~~
44 ~~health insurance provided pursuant to this section to the officers and employees,~~
45 ~~and the dependents of the officers and employees, of the county, school district,~~
46 ~~municipal corporation, political subdivision, public corporation or other local~~
47 ~~governmental agency.~~

48 ~~—4. If a contract is entered into pursuant to subsection 3, the officers and~~
49 ~~employees of the legal services organization;~~

50 ~~—(a) Shall be deemed, solely for the purposes of this section, to be officers and~~
51 ~~employees of the county, school district, municipal corporation, political~~
52 ~~subdivision, public corporation or other local governmental agency with which the~~
53 ~~legal services organization has contracted; and~~

~~1. (b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.~~

~~2. 5. A contract that is entered into pursuant to subsection 2:~~

~~3. (a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.~~

~~4. (b) Does not become effective unless approved by the Commissioner.~~

~~5. (c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.~~

~~6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.] (Deleted by amendment.)~~

Sec. 8. ~~NRS 287.04335 is hereby amended to read as follows:~~

~~287.04335 If the Board provides health insurance through a plan of self insurance, it shall comply with the provisions of NRS 687B.404, 687B.409, 689B.255, 695G.150, 695G.155, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.174, inclusive, 695G.177, 695G.200 to 695G.220, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.] (Deleted by amendment.)~~

Sec. 8.3. **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) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(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.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

(n) The Cannabis Compliance Board.

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 adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the

1 Employment Security Division of the Department of Employment, Training and
2 Rehabilitation;

3 (b) Chapters 616A to 617, inclusive, of NRS for the determination of contested
4 claims;

5 (c) Chapter 91 of NRS for the judicial review of decisions of the Administrator
6 of the Securities Division of the Office of the Secretary of State; and

7 (d) NRS 90.800 for the use of summary orders in contested cases,

8 ➔ prevail over the general provisions of this chapter.

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

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

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

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

21 (c) A regulation adopted by the State Board of Education pursuant to NRS
22 388.255 or 394.1694;

23 (d) The judicial review of decisions of the Public Utilities Commission of
24 Nevada;

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

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

31 (g) The adoption, amendment or repeal of rules governing the conduct of
32 contests and exhibitions of unarmed combat by the Nevada Athletic Commission
33 pursuant to NRS 467.075; ~~for~~

34 (h) The adoption, amendment or repeal of regulations by the Director of the
35 Department of Health and Human Services pursuant to NRS 447.335 to 447.350,
36 inclusive ~~for~~; or

37 (i) The adoption or amendment of a data request by the Commissioner of
38 Insurance pursuant to NRS 687B.404.

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

42 **Sec. 8.6. NRS 239.010 is hereby amended to read as follows:**

43 239.010 1. Except as otherwise provided in this section and NRS 1.4683,
44 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516,
45 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150,
46 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
47 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
48 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
49 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382,
50 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007,
51 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,
52 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129,
53 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070,

1 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662,
2 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
3 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475,
4 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300,
5 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
6 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140,
7 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,
8 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130,
9 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105,
10 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
11 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387,
12 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
13 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351,
14 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
15 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240,
16 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160,
17 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,
18 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501,
19 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365,
20 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325,
21 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447,
22 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115,
23 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749,
24 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205,
25 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
26 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840,
27 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220,
28 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773,
29 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164,
30 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
31 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790,
32 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093,
33 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469,
34 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,
35 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210,
36 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
37 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,
38 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
39 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,
40 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214,
41 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485,
42 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620,
43 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191,
44 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800,
45 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060,
46 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,
47 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
48 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275,
49 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370,
50 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152,
51 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260,
52 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
53 687A.110, 687A.115, 687B.404, 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.325, 706.1725, 706A.230, 710.159, 711.600, 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, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. 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 the medium that is requested 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. 9. NRS 687B.404 is hereby amended to read as follows:

687B.404 **1.** An insurer or other organization providing health coverage pursuant to chapter ~~287~~ **689A**, 689B, **689C**, 695A, 695B, 695C, ~~695F~~ **695G** of NRS, **including, without limitation, a health maintenance organization or managed care organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid**, shall ~~comply with~~ **adhere to** the **applicable** provisions of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, Public Law 110-343, Division C, Title V, Subtitle B, and any federal regulations issued pursuant

thereto ~~is, regardless of whether the insurer or other organization is actually subject to those provisions.~~

2. ~~On or before July 1 of each year, an insurer or other organization providing health coverage described in subsection 1 shall submit to the Commissioner a report which includes, for each health benefit plan under which the insurer or organization provides coverage to residents of this State:~~

~~(a) A description of the process used to develop or select the criteria for determining whether services or procedures are medically necessary with regard to:~~

~~(1) Mental health or addiction benefits; and~~

~~(2) Medical and surgical benefits;~~

~~(b) Identification of any nonquantitative treatment limitations that apply to mental health or addiction benefits or medical and surgical benefits within each classification of benefits;~~

~~(c) A description of the factors used to determine whether a nonquantitative treatment limitation will apply to a benefit and any factors that were considered but rejected;~~

~~(d) A description of the specific evidentiary standards used to establish the factors described in paragraph (c) and any evidence relied upon in designing each nonquantitative treatment limitation;~~

~~(e) A description of the comparative analyses, including, without limitation, the results of the analyses, performed to determine that:~~

~~(1) The process and strategies used to design and apply each nonquantitative treatment limitation for mental health or addiction benefits are comparable to, and are applied no more stringently than, the processes and strategies used to design and apply each nonquantitative treatment limitation for medical and surgical benefits; and~~

~~(2) Each nonquantitative treatment limitation for mental health or addiction benefits is, in practice, applied comparably to, and no more stringently than, each nonquantitative treatment limitation for medical and surgical benefits; and~~

~~(f) Disclose the specific findings and conclusions reached by the insurer or other organization providing health coverage as a result of the analyses described in paragraph (e) indicating that the insurer or other organization is in compliance with the requirements of subsection 1.~~

~~3. As used in this section:~~

~~(a) "Health benefit plan" means a policy, contract, certificate or agreement offered or issued by an insurer or other organization described in subsection 1 to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.~~

~~(b) "Medically necessary" has the meaning ascribed to it in NRS 695C.055.~~

~~(c) "Nonquantitative treatment limitation" means a treatment limitation, as defined in 45 C.F.R. § 146.136, which is not expressed numerically.] the Commissioner shall prescribe and provide to each insurer or other organization providing health coverage subject to the provisions of subsection 1 a data request that solicits information necessary to evaluate the compliance of an insurer or other organization with the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, Public Law 110-343, Division C, Title V, Subtitle B, including, without limitation, the comparative analyses specified in 42 U.S.C. § 300gg-26(a)(8).~~

3. On or before October 1 of each year, each insurer or other organization providing health coverage subject to the provisions of subsection 1 shall:

1 (a) Complete and submit to the Commissioner the data request prescribed
2 pursuant to subsection 2; or

3 (b) Submit to the Commissioner a copy of a report submitted by the insurer
4 or other organization to the Federal Government demonstrating compliance with
5 the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction
6 Equity Act of 2008, Public Law 110-343, Division C, Title V, Subtitle B,
7 including, without limitation, the comparative analyses specified in 42 U.S.C. §
8 300gg-26(a)(8). The Commissioner may request from an insurer or other
9 organization who submits a copy of such a report any supplemental information
10 necessary to determine whether the insurer or other organization is in
11 compliance with that federal law.

12 4. Any information provided by an insurer or other organization to the
13 Commissioner pursuant to subsection 3 is confidential.

14 5. On or before December 31 of each year, the Commissioner shall compile
15 a report summarizing the information submitted to the Commissioner pursuant to
16 this section and submit the report to:

17 (a) The Patient Protection Commission created by NRS 439.908;

18 (b) The Governor; and

19 (c) The Director of the Legislative Counsel Bureau for transmittal to;

20 (1) In even-numbered years, the next regular session of the Legislature;
21 and

22 (2) In odd-numbered years, the Legislative Committee on Health Care.

23 6. The Commissioner may adopt any regulations necessary to carry out the
24 provisions of this section.

25 ~~Sec. 10. [The provisions of NRS 354.599 do not apply to any additional~~
26 ~~expenses of a local government that are related to the provisions of this act.]~~
27 ~~(Deleted by amendment.)~~

28 Sec. 10.5. The provisions of subsection 1 of NRS 218D.380 do not apply
29 to any provision of this act which adds or revises a requirement to submit a
30 report to the Legislature.

31 Sec. 11. 1. This section becomes effective upon passage and approval.

32 2. Sections 1 to ~~10.1~~ 10.5, inclusive, of this act become effective:

33 (a) Upon passage and approval for the purposes of adopting any regulations
34 and performing any other preparatory administrative tasks that are necessary to
35 carry out the provisions of this act; and

36 (b) On January 1, 2022, for all other purposes.