

Amendment No. 587

Senate Amendment to Assembly Bill No. 287 First Reprint	(BDR 40-799)
<b>Proposed by:</b> Senate Committee on Health and Human Services	
<b>Amends:</b> Summary: Yes Title: Yes 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.

SRF/EWR



Date: 5/18/2021

A.B. No. 287—Providing for the licensing and regulating of freestanding birthing centers. (BDR 40-799)





ASSEMBLY BILL NO. 287—ASSEMBLYWOMEN  
MONROE-MORENO; PETERS AND THOMAS

MARCH 15, 2021

Referred to Committee on Commerce and Labor

SUMMARY—~~[Providing for the licensing and regulating of freestanding birthing centers.]~~ Revises provisions relating to childbirth.  
(BDR 40-799)

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 ~~omitted material~~ is material to be omitted.

AN ACT relating to health care; revising certain terminology relating to pregnancy and birth; providing for the licensing and regulation of freestanding birthing centers; requiring a freestanding birthing center to perform certain screening, report certain information to the local health officer and make certain information available to the Chief Medical Officer; authorizing the Maternal Mortality Review Committee to access certain information; eliminating the licensing and regulation of obstetric centers; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires a midwife to perform certain duties relating to the registration of a birth and the care of a person who is pregnant or a newborn infant. (NRS 440.280, 440.340, 440.740, 440.770, 442.008, 442.030-442.110, 442.600-442.680) ~~Sections 1.1 and 3~~ of this bill define the term “midwife” for those purposes to include a Certified Professional Midwife, a Certified Nurse-Midwife or any other type of midwife. ~~Sections 1.3-2.9, 4.5, 6.3, 6.7, 7.2-7.7, 8.5, 9.3, 9.7~~ 4-9.7, 29.5 and 33.5 of this bill replace the term “mother” and similar terms with references to a person who is pregnant, a person giving birth, a person who gave birth or a person who has given birth, as appropriate, for purposes relating to vital statistics, maternal and child health and medical facilities and related entities. **Section 22** of this bill replaces the term “gender transition” with the term “gender-affirming surgery.” **Section 23** of this bill replaces a reference to lesbian, gay, bisexual, transgender and questioning persons with a reference to persons with various sexual orientations and gender identities and expressions.

Existing law: (1) defines the term “obstetric center” to mean a facility that is not part of a hospital and provides services for normal, uncomplicated births; and (2) provides for the regulation of an obstetric center as a medical facility. (NRS 449.0155, 449.0302) Sections 1, 1.9, 2, 4, 5, 36.3 and 36.7 of this bill replace the term “obstetric center” with the term “freestanding birthing center.” **Sections 3 and 11** of this bill define the term “freestanding birthing center” to mean a facility that provides maternity care and birthing services in a location similar to a residence. ~~[Section 14 of this bill clarifies that a freestanding birthing center is not subject to the same requirements as an obstetric center. Section 12]~~ Section 13 of

this bill makes a conforming change to indicate the proper placement of section 11 in the Nevada Revised Statutes. Sections 13.5 and 34.5 of this bill require a freestanding birthing center to be licensed as a medical facility and comply with provisions governing medical facilities. Section 36.5 of this bill declares existing regulations governing obstetric centers void, and sections 16.5 and 36.5 of this bill ~~{requires}~~ require the State Board of Health to adopt specific regulations ~~{providing for}~~ governing the licensure and operation of freestanding birthing centers . ~~{separately from medical facilities. Section 12 also: (1) requires a freestanding birthing center to be located within 30 miles of a hospital that offers services relating to pregnancy; and (2) prohibits the performing of surgery at a freestanding birthing center. Sections 13 and 15 of this bill make conforming changes to indicate the proper placement of sections 11 and 12 in the Nevada Revised Statutes. Sections 17, 18, 20, 25-29 and 31-33 of this bill authorize certain actions to enforce provisions governing freestanding birthing centers. Sections 16 , 19, 21-24 and 30 of this bill make various other changes to ensure that freestanding birthing centers are treated similarly to other licensed facilities that provide health-related services.~~

~~Existing law requires the Board to develop and distribute to each hospital and obstetric center in the State forms for a voluntary acknowledgement of paternity or parentage. (NRS 440.283, 440.285) Sections 1-9 and 2 of this bill additionally require the Board to distribute these forms to each freestanding birthing center.~~

~~Existing law requires certain persons and entities that provide care for pregnant women and newborn infants to: (1) screen a newborn infant for certain conditions; (2) report information concerning certain conditions to the local health officer; and (3) make certain information concerning birth defects available to the Chief Medical Officer. (NRS 442.008, 442.040, 442.325, 442.610, 442.680) Sections 4, 5 and 7-9 of this bill make these requirements applicable to freestanding birthing centers. Section 6 of this bill provides for the imposition of a fine against a freestanding birthing center that fails to perform the required screening for ophthalmia neonatorum.} Section 29.5 of this bill: (1) requires a freestanding birthing center to meet certain requirements currently applicable to obstetric centers; (2) requires a freestanding birthing center to be located within 30 miles of a hospital that offers services relating to pregnancy and newborn infants; (3) prohibits the performance of surgery at a freestanding birthing center; and (4) requires a freestanding birthing center to have a director who possesses certain qualifications. Section 36.7 of this bill repeals certain unnecessary definitions, and sections 34.2, 34.7 and 34.9 of this bill make conforming changes to add or remove references to those definitions.~~

~~Existing law: (1) requires the Maternal Mortality Review Committee to investigate each case of maternal mortality in this State; and (2) authorizes the Committee to access certain information in the performance of its duties. (NRS 442.767, 442.774) Existing law requires the Chief Medical Officer to establish and maintain a system for the reporting of information on cancer and other neoplasms. (NRS 457.230) Section 9.7 of this bill authorizes the Committee to access information in that system.~~

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

**Section 1. NRS 439.805 is hereby amended to read as follows:**

439.805 "Medical facility" means:

1. A hospital, as that term is defined in NRS 449.012 and 449.0151;
2. ~~{An obstetric center.}~~ A freestanding birthing center, as that term is defined in ~~{NRS 449.0151 and 449.0155.}~~ section 11 of this act;
3. A surgical center for ambulatory patients, as that term is defined in NRS 449.0151 and 449.019; and
4. An independent center for emergency medical care, as that term is defined in NRS 449.013 and 449.0151.

~~Section 1.1.~~ **Sec. 1.1.** Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:

*As used in this chapter, "midwife" means:*

*1. A person certified as:*

*(a) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or*

*(b) A Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; or*

*2. Any other type of midwife.*

**Sec. 1.3.** NRS 440.030 is hereby amended to read as follows:

440.030 As used in this chapter, "live birth" means a birth in which the child shows evidence of life after complete birth. A birth is complete when the child is entirely outside the ~~mother's~~ *person giving birth*, even if the cord is uncut and the placenta still attached. The words "evidence of life" include heart action, breathing or coordinated movement of voluntary muscle.

**Sec. 1.6.** NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the ~~mother's~~ *person giving birth* and child are immediately transported to a hospital, the person in charge of the hospital or his or her designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or the designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the ~~mother's~~ *person giving birth* and child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

(a) The physician in attendance at or immediately after the birth.

(b) Any other person in attendance at or immediately after the birth.

(c) The ~~{father, mother}~~ *person giving birth* or ~~{-}~~ *other parent*, or if the ~~father's~~ *other parent* is absent and the ~~mother's~~ *person giving birth* is incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the ~~mother's~~ *person giving birth* was:

(a) Married at the time of birth, the name of ~~her~~ *the* spouse *of that person* must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the ~~mother's~~ spouse *of the person giving birth* is the other parent of the child; or

(2) The ~~mother's~~ *person giving birth* and a person other than the ~~mother's~~ spouse *of the person giving birth* have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

(b) Widowed at the time of birth but married at the time of conception, the name of ~~her~~ *the* spouse *of the person giving birth* at the time of conception must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the ~~mother's~~ spouse *of the person giving birth* at the time of conception is the other parent of the child; or

(2) The ~~mother~~ *person giving birth* and a person other than the ~~mother's~~ spouse *of the person giving birth* at the time of conception have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

6. If the ~~mother~~ *person giving birth* was unmarried at the time of birth, the name of the other parent may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the other parent of the child; or

(c) The parents of the child have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285. If both parents execute a declaration consenting to the use of the surname of one parent as the surname of the child, the name of that parent must be entered on the original certificate of birth and the surname of that parent must be entered thereon as the surname of the child.

7. An order entered or a declaration executed pursuant to subsection 6 must be submitted to the local health officer, the local health officer's authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or declaration must then be delivered to the State Registrar for filing. The State Registrar's file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of either parent or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

**Sec. 1.9.** NRS 440.283 is hereby amended to read as follows:

440.283 1. The Board shall:

(a) Develop a declaration to be signed under penalty of perjury for the voluntary acknowledgment of paternity in this State that complies with the requirements prescribed by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 652(a); and

(b) Distribute the declarations to:

(1) Each hospital ~~or~~ *or obstetric center or freestanding birthing center* in this State; and

(2) Any other entity authorized to provide services relating to the voluntary acknowledgment of paternity pursuant to the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

2. Subject to the provisions of subsection 3, the State Registrar of Vital Statistics and the entities described in paragraph (b) of subsection 1 shall offer to provide services relating to the voluntary acknowledgment of paternity in the manner prescribed in the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

3. Before providing a declaration for the acknowledgment of paternity to the ~~mother of~~ *person who gave birth to* a child or a person who wishes to acknowledge the paternity of the child, the agencies described in paragraph (b) of

subsection 1 shall ensure that the ~~{mother}~~ *person who gave birth* and the person who wishes to acknowledge paternity are given notice, orally and in writing, of the rights, responsibilities and legal consequences of, and the alternatives to, signing the declaration for the acknowledgment of paternity.

**Sec. 2.** NRS 440.285 is hereby amended to read as follows:

440.285 1. The Board shall:

(a) Develop a declaration to be signed under penalty of perjury for the voluntary acknowledgment of parentage in this State; and

(b) Distribute the declarations to each hospital ~~or~~ *or* ~~obstetric center or freestanding birthing center~~ in this State.

2. Before providing a declaration for the acknowledgment of parentage to the ~~{mother of}~~ *person who gave birth to* a child or a person who wishes to acknowledge the parentage of a child, the agencies described in paragraph (b) of subsection 1 shall ensure that the ~~{mother}~~ *person who gave birth* and the person who wishes to acknowledge parentage are given notice, orally and in writing, of the rights, responsibilities and legal consequences of, and the alternatives to, signing the declaration for the acknowledgment of parentage.

**Sec. 2.3.** NRS 440.287 is hereby amended to read as follows:

440.287 1. If a ~~{mother}~~ *person who has given birth* or a person who has signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285 with the ~~{mother}~~ *person who has given birth* rescinds the acknowledgment pursuant to subsection 2 of NRS 126.053, the State Registrar shall not issue a new certificate of birth to remove the name of the person who originally acknowledged paternity or parentage, as applicable, unless a court issues an order establishing that the person who acknowledged paternity or parentage, as applicable, is not the father or parent, as applicable, of the child.

2. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

**Sec. 2.6.** NRS 440.325 is hereby amended to read as follows:

440.325 1. In the case of the paternity or parentage of a child being established by the:

(a) ~~{Mother}~~ *Person who gave birth* and ~~{father}~~ *other parent* acknowledging paternity of a child by signing a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283;

(b) ~~{Mother}~~ *Person who gave birth* and another person acknowledging parentage of the child by signing a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285; or

(c) Order of a district court,

the State Registrar, upon the receipt of the declaration or court order, shall prepare a new certificate of birth in the name of the child as shown in the declaration or order with no reference to the fact of legitimation.

2. The new certificate must be identical with the certificate registered for the birth of a child born in wedlock.

3. Except as otherwise provided in subsection 4, the evidence upon which the new certificate was made and the original certificate must be sealed and filed and may be opened only upon the order of a court of competent jurisdiction.

4. The State Registrar shall, upon the request of the Division of Welfare and Supportive Services of the Department of Health and Human Services, open a file that has been sealed pursuant to subsection 3 to allow the Division to compare the information contained in the declaration or order upon which the new certificate was made with the information maintained pursuant to 42 U.S.C. § 654a.

1       **Sec. 2.9.** NRS 440.610 is hereby amended to read as follows:

2       440.610 Each certificate, as provided for in this chapter, filed within 6 months  
3 after the time prescribed for their filing, shall be prima facie evidence of the facts  
4 therein stated. Data pertaining to the ~~father of~~ *parent who did not give birth to* a  
5 child is such evidence if the alleged ~~father~~ *parent* is, or becomes, the ~~husband~~  
6 *spouse* of the ~~mother~~ *person who gave birth to the child* in a legal marriage; if  
7 not, the data pertaining to the ~~father of~~ *parent who did not give birth to* a child is  
8 not such evidence in any civil or criminal proceeding adverse to the interests of the  
9 alleged father, or of his heirs, devisees or other successors in interest, if the  
10 paternity is controverted.

11       **Sec. 3.** NRS 442.003 is hereby amended to read as follows:

12       442.003 As used in this chapter, unless the context requires otherwise:

13       1. "Advisory Board" means the Advisory Board on Maternal and Child  
14 Health.

15       2. "Department" means the Department of Health and Human Services.

16       3. "Director" means the Director of the Department.

17       4. "Division" means the Division of Public and Behavioral Health of the  
18 Department.

19       5. "Fetal alcohol syndrome" includes fetal alcohol effects.

20       6. *"Freestanding birthing center" has the meaning ascribed to it in section*  
21 *11 of this act.*

22       7. "Laboratory" has the meaning ascribed to it in NRS 652.040.

23       ~~7.7~~ 8. *"Midwife" means:*

24       (a) *A person certified as:*

25               (1) *A Certified Professional Midwife by the North American Registry of*  
26 *Midwives, or its successor organization; or*

27               (2) *A Certified Nurse-Midwife by the American Midwifery Certification*  
28 *Board, or its successor organization; or*

29       (b) *Any other type of midwife.*

30       9. ~~"Obstetric center" has the meaning ascribed to it in NRS 449.0155.~~

31       ~~8.10.7~~ "Provider of health care or other services" means:

32       (a) A clinical alcohol and drug counselor who is licensed, or an alcohol and  
33 drug counselor who is licensed or certified, pursuant to chapter 641C of NRS;

34       (b) A physician or a physician assistant who is licensed pursuant to chapter 630  
35 or 633 of NRS and who practices in the area of obstetrics and gynecology, family  
36 practice, internal medicine, pediatrics or psychiatry;

37       (c) A licensed nurse;

38       (d) A licensed psychologist;

39       (e) A licensed marriage and family therapist;

40       (f) A licensed clinical professional counselor;

41       (g) A licensed social worker;

42       (h) A licensed dietitian; or

43       (i) The holder of a certificate of registration as a pharmacist.

44       **Sec. 4.** NRS 442.008 is hereby amended to read as follows:

45       442.008 1. The State Board of Health shall adopt regulations governing  
46 examinations and tests required for the discovery in infants of preventable or  
47 inheritable disorders, including tests for the presence of sickle cell disease and its  
48 variants and sickle cell trait.

49       2. Except as otherwise provided in this subsection, the examinations and tests  
50 required pursuant to subsection 1 must include tests and examinations for each  
51 disorder recommended to be screened by the Health Resources and Services  
52 Administration of the United States Department of Health and Human Services by  
53 not later than 4 years after the recommendation is published. The State Board may

1 exclude any such disorder upon request of the Chief Medical Officer or the person  
2 in charge of the State Public Health Laboratory based on:

- 3 (a) Insufficient funding to conduct testing for the disorder; or
- 4 (b) Insufficient resources to address the results of the examination and test.

5 3. Any examination or test required by the regulations adopted pursuant to  
6 subsection 1 which must be performed by a laboratory must be sent to the State  
7 Public Health Laboratory. If the State Public Health Laboratory increases the  
8 amount charged for performing such an examination or test pursuant to NRS  
9 439.240, the Division shall hold a public hearing during which the State Public  
10 Health Laboratory shall provide to the Division a written and verbal fiscal analysis  
11 of the reasons for the increased charges.

12 4. Except as otherwise provided in subsection 7, the regulations adopted  
13 pursuant to subsection 1 concerning tests for the presence of sickle cell disease and  
14 its variants and sickle cell trait must require the screening for sickle cell disease and  
15 its variants and sickle cell trait of:

16 (a) Each newborn child who is susceptible to sickle cell disease and its variants  
17 and sickle cell trait as determined by regulations of the State Board of Health; and

18 (b) Each biological parent of a child who wishes to undergo such screening.

19 5. Any physician, midwife, nurse, ~~obstetric center~~ freestanding birthing  
20 center or hospital of any nature attending or assisting in any way any infant, or the  
21 ~~mother of~~ person who gave birth to any infant, at childbirth shall:

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

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

30 6. If the examination and tests reveal the existence of such conditions in an  
31 infant, the physician, midwife, nurse, ~~obstetric center~~ freestanding birthing  
32 center or hospital attending or assisting at the birth of the infant shall immediately:

33 (a) Report the condition to the Chief Medical Officer or the representative of  
34 the Chief Medical Officer, the local health officer of the county or city within  
35 which the infant or the ~~mother of~~ person who gave birth to the infant resides, and  
36 the local health officer of the county or city in which the child is born; and

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

40 7. An infant is exempt from examination and testing if either parent files a  
41 written objection with the person or institution responsible for making the  
42 examination or tests.

43 8. As used in this section, "sickle cell disease and its variants" has the  
44 meaning ascribed to it in NRS 439.4927.

45 **Sec. 5.** NRS 442.040 is hereby amended to read as follows:

46 442.040 1. Any physician, midwife, nurse, ~~obstetric center~~ freestanding  
47 birthing center or hospital of any nature, parent, relative or person attending or  
48 assisting in any way any infant, or the ~~mother of~~ person who gave birth to  
49 any infant, at childbirth, or any time within 2 weeks after childbirth, knowing the  
50 condition defined in NRS 442.030 to exist, shall immediately report such fact in  
51 writing to the local health officer of the county, city or other political subdivision  
52 within which the infant or the ~~mother of~~ person who gave birth to any infant may  
53 reside.

2. Midwives shall immediately report conditions to some qualified practitioner of medicine and thereupon withdraw from the case except as they may act under the physician's instructions.

3. On receipt of such report, the health officer, or the physician notified by a midwife, shall immediately give to the parents or persons having charge of such infant a warning of the dangers to the eye or eyes of the infant, and shall, for indigent cases, provide the necessary treatment at the expense of the county, city or other political subdivision.

**Sec. 6.** ~~NRS 442.110 is hereby amended to read as follows:~~  
~~442.110 Any physician, midwife, nurse, manager or person in charge of an obstetric center, freestanding birthing center or hospital, parent, relative or person attending upon or assisting at the birth of an infant who violates any of the provisions of NRS 442.020 to 442.100, inclusive, shall be punished by a fine of not more than \$250.~~ **(Deleted by amendment.)**

**Sec. 6.3.** NRS 442.130 is hereby amended to read as follows:

442.130 1. The Department is hereby designated as the agency of this State to administer, through the Division, a maternal and child health program, and to supervise the administration of those services included in the program which are not administered directly by it.

2. The purpose of such program shall be to develop, extend and improve health services, and to provide for development of demonstration services in needy areas for ~~mothers~~ **persons who are pregnant, are giving birth or have given birth** and children.

**Sec. 6.7.** NRS 442.137 is hereby amended to read as follows:

442.137 The purpose of the Advisory Board is to advise the Administrator of the Division concerning perinatal care to enhance the survivability and health of infants and ~~mothers,~~ **persons who are pregnant, are giving birth and have given birth**, and concerning programs to improve the health of preschool children, to achieve the following objectives:

1. Ensuring the availability and accessibility of primary care health services;
2. Reducing the rate of infant mortality;
3. Reducing the incidence of preventable diseases and handicapping conditions among children;
4. Identifying the most effective methods of preventing fetal alcohol syndrome and collecting information relating to the incidence of fetal alcohol syndrome in this state;
5. Preventing the consumption of alcohol by women during pregnancy;
6. Reducing the need for inpatient and long-term care services;
7. Increasing the number of children who are appropriately immunized against disease;
8. Increasing the number of children from low-income families who are receiving assessments of their health;
9. Ensuring that services to follow up the assessments are available, accessible and affordable to children identified as in need of those services;
10. Assisting the Division in developing a program of public education that it is required to develop pursuant to NRS 442.385, including, without limitation, preparing and obtaining information relating to fetal alcohol syndrome;
11. Assisting the University of Nevada School of Medicine in reviewing, amending and distributing the guidelines it is required to develop pursuant to NRS 442.390; and
12. Promoting the health of infants and ~~mothers~~ **persons who are pregnant, are giving birth or have given birth** by ensuring the availability and accessibility of affordable perinatal services.

1       **Sec. 7.** ~~NRS 442.325 is hereby amended to read as follows:~~

2       ~~442.325 1. Except as otherwise provided in subsection 2, the chief~~  
3 ~~administrative officer of each hospital, [and] obstetric center and freestanding~~  
4 ~~birthing center or a representative of the officer shall:~~

5       ~~(a) Prepare and make available to the Chief Medical Officer or a representative~~  
6 ~~of the Officer a list of:~~

7       ~~(1) Patients who are under 7 years of age and have been diagnosed with~~  
8 ~~one or more birth defects; and~~

9       ~~(2) Patients discharged with adverse birth outcomes; and~~

10       ~~(b) Make available to the Chief Medical Officer or a representative of the~~  
11 ~~Officer the records of the hospital, [or] obstetric center or freestanding birthing~~  
12 ~~center regarding:~~

13       ~~(1) Patients who are under 7 years of age and have been diagnosed with~~  
14 ~~one or more birth defects; and~~

15       ~~(2) Patients discharged with adverse birth outcomes;~~

16       ~~2. The name of a patient must be excluded from the information prepared and~~  
17 ~~made available pursuant to subsection 1 if the patient or, if the patient is a minor, a~~  
18 ~~parent or legal guardian of the patient has requested in writing to exclude the name~~  
19 ~~of the patient from that information in the manner prescribed by the State Board of~~  
20 ~~Health pursuant to NRS 442.320. The provisions of this subsection do not relieve~~  
21 ~~the chief administrative officer of the duty of preparing and making available the~~  
22 ~~information required by subsection 1.~~

23       ~~3. The Chief Medical Officer or a representative of the Officer shall abstract~~  
24 ~~from the records and lists required to be prepared and made available pursuant to~~  
25 ~~this section such information as is required by the State Board of Health for~~  
26 ~~inclusion in the system.~~

27       ~~4. As used in this section, "hospital" has the meaning ascribed to it in NRS~~  
28 ~~449.012.] (Deleted by amendment.)~~

29       **Sec. 7.2.** NRS 442.400 is hereby amended to read as follows:

30       442.400 The agency which provides child welfare services or a licensed  
31 child-placing agency shall inquire, during its initial contact with a natural parent of  
32 a child who is to be placed for adoption, about consumption of alcohol by or any  
33 substance use disorder of the ~~[mother of]~~ *person who gave birth to* the child during  
34 pregnancy. The information obtained from the inquiry must be:

35       1. Included in the report provided to the adopting parents of the child pursuant  
36 to NRS 127.152; and

37       2. Reported to the Division on a form prescribed by the Division. The report  
38 must not contain any identifying information and may be used only for statistical  
39 purposes.

40       **Sec. 7.5.** NRS 442.405 is hereby amended to read as follows:

41       442.405 1. The agency which provides child welfare services shall inquire,  
42 during its initial contact with a natural parent of a child who is to be placed in a  
43 family foster home, about consumption of alcohol by or any substance use disorder  
44 of the ~~[mother of]~~ *person who gave birth to* the child during pregnancy. The  
45 information obtained from the inquiry must be:

46       (a) Provided to the provider of foster care pursuant to NRS 424.038; and

47       (b) Reported to the Division on a form prescribed by the Division. The report  
48 must not contain any identifying information and may be used only for statistical  
49 purposes.

50       2. As used in this section, "family foster home" has the meaning ascribed to it  
51 in NRS 424.013.

1       **Sec. 7.7.** NRS 442.410 is hereby amended to read as follows:

2       442.410 An agency which provides child welfare services shall inquire,  
3 during its initial contact with a natural parent of a child whom a court has  
4 determined must be kept in temporary or permanent custody, about consumption of  
5 alcohol by or any substance use disorder of the ~~[mother of]~~ *person who gave birth*  
6 *to* the child during pregnancy. The information obtained from the inquiry must be:

7       1. Included in the report the agency is required to make pursuant to NRS  
8 432B.540; and

9       2. Reported to the Division on a form prescribed by the Division. The report  
10 must not contain any identifying information and may be used only for statistical  
11 purposes.

12       **Sec. 8.** ~~NRS 442.610 is hereby amended to read as follows:~~

13       ~~442.610 "Provider of health care" means:~~

14       ~~1. A provider of health care as defined in NRS 629.031;~~

15       ~~2. A midwife; and~~

16       ~~3. An obstetric center or freestanding birthing center licensed pursuant to~~  
17 ~~chapter 449 of NRS.] (Deleted by amendment.)~~

18       **Sec. 8.5.** NRS 442.650 is hereby amended to read as follows:

19       442.650 A provider of health care who attends or assists at the delivery of a  
20 child shall, if the ~~[mother]~~ *person giving birth* has not been tested for the human  
21 immunodeficiency virus earlier during her pregnancy or the results of an earlier test  
22 are not available, ensure that a rapid test for the human immunodeficiency virus is  
23 performed on the child unless a parent or legal guardian of the child objects to the  
24 performance of the test because it is contrary to the religious beliefs of the parent or  
25 legal guardian.

26       **Sec. 9.** ~~NRS 442.680 is hereby amended to read as follows:~~

27       ~~442.680 1. Except as otherwise provided in subsection 3, any physician,~~  
28 ~~midwife or nurse attending or assisting in any way any infant at childbirth at an~~  
29 ~~obstetric center, a freestanding birthing center or a hospital which regularly offers~~  
30 ~~obstetric services in the normal course of business and not only on an emergency~~  
31 ~~basis shall make or cause to be made an examination of the infant, to determine~~  
32 ~~whether the infant may suffer from critical congenital heart disease, including,~~  
33 ~~without limitation, conducting pulse oximetry screening. If the physician, midwife~~  
34 ~~or nurse who conducts the examination is not the attending physician of the infant,~~  
35 ~~the physician, midwife or nurse shall submit the results of the examination to the~~  
36 ~~attending physician of the infant.~~

37       ~~2. If the examination reveals that an infant may suffer from critical congenital~~  
38 ~~heart disease, the attending physician of the infant shall conduct an examination to~~  
39 ~~confirm whether the infant does suffer from critical congenital heart disease. If the~~  
40 ~~attending physician determines that the infant suffers from critical congenital heart~~  
41 ~~disease, the attending physician must:~~

42       ~~(a) Report the condition to the Chief Medical Officer or a representative of the~~  
43 ~~Chief Medical Officer; and~~

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

47       ~~3. An examination of an infant is not required pursuant to this section if either~~  
48 ~~parent files a written objection with the person responsible for conducting the~~  
49 ~~examination or with the obstetric center, freestanding birthing center or hospital~~  
50 ~~at which the infant is born.~~

51       ~~4. The State Board of Health may adopt such regulations as necessary to carry~~  
52 ~~out the provisions of this section.] (Deleted by amendment.)~~

1       **Sec. 9.3.** NRS 442.761 is hereby amended to read as follows:

2       442.761 “Severe maternal morbidity” means an unexpected incident during  
3 childbirth that has a serious negative effect on the short-term or long-term health of  
4 the ~~[mother-]~~ *person who is giving birth or has given birth to a child.*

5       **Sec. 9.7.** NRS 442.774 is hereby amended to read as follows:

6       442.774 1. The Committee is entitled to access to:

7       (a) All final investigative information of law enforcement agencies regarding a  
8 maternal death or incident of severe maternal morbidity being investigated by the  
9 Committee for which the investigation by the law enforcement agency has been  
10 closed;

11       (b) Any autopsy and coroner’s investigative records relating to the death or  
12 incident;

13       (c) Any medical or mental health records of the ~~[mother-]~~ *person who gave*  
14 *birth to a child;*

15       (d) Any records of social and rehabilitative services or of any other social  
16 service agency which has provided services to the ~~[mother-]~~ *person who gave birth*  
17 *to a child* or the ~~[mother-’s]~~ family ~~[;]~~ *of the person who gave birth to a child;*  
18 ~~[and]~~

19       (e) *The system for the reporting of information on cancer and other*  
20 *neoplasms established pursuant to NRS 457.230; and*

21       *(f) Any other records determined by the Committee to be necessary to perform*  
22 *its duties, except for records of a law enforcement agency not described in*  
23 *paragraph (a).*

24       2. The Committee may, if appropriate, meet and share information with:

25       (a) A multidisciplinary team to review the death of the victim of a crime that  
26 constitutes domestic violence organized or sponsored pursuant to NRS 217.475; or

27       (b) The Committee on Domestic Violence appointed pursuant to NRS 228.470.

28       3. The Committee may petition the district court for the issuance of, and the  
29 district court may issue, a subpoena to compel the production of any books, records  
30 or papers described in subsection 1 that are relevant to the cause of any death or  
31 incident of severe maternal morbidity being investigated by the Committee. Except  
32 as otherwise provided in NRS 239.0115, any books, records or papers received by  
33 the Committee pursuant to the subpoena shall be deemed confidential and  
34 privileged and not subject to disclosure.

35       4. The Committee may use data collected concerning a maternal death or  
36 incident of severe maternal morbidity for the purpose of research or to prevent  
37 future maternal mortality and severe maternal morbidity if the data is aggregated  
38 and does not allow for the identification of any person.

39       5. Except as otherwise provided in this section, information acquired by, and  
40 the records of, the Committee are confidential, are not public records, must not be  
41 disclosed, and are not subject to subpoena, discovery or introduction into evidence  
42 in any civil or criminal proceeding.

43       6. The meetings of the Committee are closed to the public.

44       **Sec. 10.** ~~[Chapter 449 of NRS is hereby amended by adding thereto the~~  
45 ~~*provisions set forth as sections 11 and 12 of this act.*]~~ *(Deleted by amendment.)*

46       **Sec. 11.** *Chapter 449 of NRS is hereby amended by adding thereto a new*  
47 *section to read as follows:*

48       *“Freestanding birthing center” means a facility that provides maternity care*  
49 *and birthing services using a family-centered approach in which births are*  
50 *planned to occur in a location similar to a residence that is not the usual place of*  
51 *residence of the person giving birth to a child.*

52       **Sec. 12.** ~~[; The Board shall adopt]~~

~~1. (a) Regulations providing for the licensure of freestanding birthing centers; and~~

~~2. (b) Any other regulations necessary for the regulation of freestanding birthing centers.~~

~~3. Any regulations adopted pursuant to this section:~~

~~4. (a) Must align with the standards established by the American Association of Birth Centers, or its successor organization, the accrediting body of the Commission for the Accreditation of Birth Centers, or its successor organization, or another nationally recognized organization for accrediting freestanding birthing centers; and~~

~~5. (b) Must allow the provision of supervised training to providers of health care, as appropriate, at a freestanding birthing center.~~

~~6. 3. A freestanding birthing center must be located within 30 miles of a hospital that offers obstetric, neonatal and emergency services relating to pregnancy.~~

~~7. 4. Surgery, including, without limitation, the use of forceps, vacuum extractions, Caesarean sections and tubal ligations, must not be performed at a freestanding birthing center. (Deleted by amendment.)~~

Sec. 13. NRS 449.001 is hereby amended to read as follows:

449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.0195, inclusive, *and section 11 of this act* have the meanings ascribed to them in those sections.

Sec. 13.5. NRS 449.0151 is hereby amended to read as follows:

449.0151 "Medical facility" includes:

1. A surgical center for ambulatory patients;
2. ~~[An obstetric center.]~~ A freestanding birthing center;
3. An independent center for emergency medical care;
4. An agency to provide nursing in the home;
5. A facility for intermediate care;
6. A facility for skilled nursing;
7. A facility for hospice care;
8. A hospital;
9. A psychiatric hospital;
10. A facility for the treatment of irreversible renal disease;
11. A rural clinic;
12. A nursing pool;
13. A facility for modified medical detoxification;
14. A facility for refractive surgery;
15. A mobile unit; and
16. A community triage center.

Sec. 14. ~~[NRS 449.0155 is hereby amended to read as follows:~~

~~449.0155 "Obstetric center" means a facility that is not part of a hospital and provides services for normal, uncomplicated births. The term does not include a freestanding birthing center.] (Deleted by amendment.)~~

Sec. 15. ~~[NRS 449.029 is hereby amended to read as follows:~~

~~449.029 As used in NRS 449.029 to 449.240, inclusive, and section 12 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. 16. ~~[NRS 449.0301 is hereby amended to read as follows:~~

~~449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, and section 12 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 practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.~~

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

~~3. Any medical facility, facility for the dependent, [or] facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed or freestanding birthing center that is operated and maintained by the United States Government or an agency thereof.] (Deleted by amendment.)~~

**Sec. 16.5. NRS 449.0302 is hereby amended to read as follows:**

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Regulations that prescribe the specific types of discrimination prohibited by NRS 449.101.

(f) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups, which provide care to persons with Alzheimer's disease or other severe dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the

1 Board shall consider the related standards set by nationally recognized  
2 organizations which accredit such facilities.

3 6. The Board shall adopt separate regulations regarding the assistance which  
4 may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of  
5 controlled substances or dangerous drugs by employees of residential facilities for  
6 groups. The regulations must require at least the following conditions before such  
7 assistance may be given:

8 (a) The ultimate user's physical and mental condition is stable and is following  
9 a predictable course.

10 (b) The amount of the medication prescribed is at a maintenance level and does  
11 not require a daily assessment.

12 (c) A written plan of care by a physician or registered nurse has been  
13 established that:

14 (1) Addresses possession and assistance in the administration of the  
15 medication; and

16 (2) Includes a plan, which has been prepared under the supervision of a  
17 registered nurse or licensed pharmacist, for emergency intervention if an adverse  
18 condition results.

19 (d) Except as otherwise authorized by the regulations adopted pursuant to NRS  
20 449.0304, the prescribed medication is not administered by injection or  
21 intravenously.

22 (e) The employee has successfully completed training and examination  
23 approved by the Division regarding the authorized manner of assistance.

24 7. The Board shall adopt separate regulations governing the licensing and  
25 operation of residential facilities for groups which provide assisted living services.  
26 The Board shall not allow the licensing of a facility as a residential facility for  
27 groups which provides assisted living services and a residential facility for groups  
28 shall not claim that it provides "assisted living services" unless:

29 (a) Before authorizing a person to move into the facility, the facility makes a  
30 full written disclosure to the person regarding what services of personalized care  
31 will be available to the person and the amount that will be charged for those  
32 services throughout the resident's stay at the facility.

33 (b) The residents of the facility reside in their own living units which:

34 (1) Except as otherwise provided in subsection 8, contain toilet facilities;

35 (2) Contain a sleeping area or bedroom; and

36 (3) Are shared with another occupant only upon consent of both occupants.

37 (c) The facility provides personalized care to the residents of the facility and  
38 the general approach to operating the facility incorporates these core principles:

39 (1) The facility is designed to create a residential environment that actively  
40 supports and promotes each resident's quality of life and right to privacy;

41 (2) The facility is committed to offering high-quality supportive services  
42 that are developed by the facility in collaboration with the resident to meet the  
43 resident's individual needs;

44 (3) The facility provides a variety of creative and innovative services that  
45 emphasize the particular needs of each individual resident and the resident's  
46 personal choice of lifestyle;

47 (4) The operation of the facility and its interaction with its residents  
48 supports, to the maximum extent possible, each resident's need for autonomy and  
49 the right to make decisions regarding his or her own life;

50 (5) The operation of the facility is designed to foster a social climate that  
51 allows the resident to develop and maintain personal relationships with fellow  
52 residents and with persons in the general community;

1 (6) The facility is designed to minimize and is operated in a manner which  
2 minimizes the need for its residents to move out of the facility as their respective  
3 physical and mental conditions change over time; and

4 (7) The facility is operated in such a manner as to foster a culture that  
5 provides a high-quality environment for the residents, their families, the staff, any  
6 volunteers and the community at large.

7 8. The Division may grant an exception from the requirement of subparagraph  
8 (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential  
9 facility for groups on or before July 1, 2005, and which is authorized to have 10 or  
10 fewer beds and was originally constructed as a single-family dwelling if the  
11 Division finds that:

12 (a) Strict application of that requirement would result in economic hardship to  
13 the facility requesting the exception; and

14 (b) The exception, if granted, would not:

15 (1) Cause substantial detriment to the health or welfare of any resident of  
16 the facility;

17 (2) Result in more than two residents sharing a toilet facility; or

18 (3) Otherwise impair substantially the purpose of that requirement.

19 9. The Board shall, if it determines necessary, adopt regulations and  
20 requirements to ensure that each residential facility for groups and its staff are  
21 prepared to respond to an emergency, including, without limitation:

22 (a) The adoption of plans to respond to a natural disaster and other types of  
23 emergency situations, including, without limitation, an emergency involving fire;

24 (b) The adoption of plans to provide for the evacuation of a residential facility  
25 for groups in an emergency, including, without limitation, plans to ensure that  
26 nonambulatory patients may be evacuated;

27 (c) Educating the residents of residential facilities for groups concerning the  
28 plans adopted pursuant to paragraphs (a) and (b); and

29 (d) Posting the plans or a summary of the plans adopted pursuant to paragraphs  
30 (a) and (b) in a conspicuous place in each residential facility for groups.

31 10. The regulations governing the licensing and operation of facilities for  
32 transitional living for released offenders must provide for the licensure of at least  
33 three different types of facilities, including, without limitation:

34 (a) Facilities that only provide a housing and living environment;

35 (b) Facilities that provide or arrange for the provision of supportive services for  
36 residents of the facility to assist the residents with reintegration into the community,  
37 in addition to providing a housing and living environment; and

38 (c) Facilities that provide or arrange for the provision of programs for alcohol  
39 and other substance use disorders, in addition to providing a housing and living  
40 environment and providing or arranging for the provision of other supportive  
41 services.

42 ➤ The regulations must provide that if a facility was originally constructed as a  
43 single-family dwelling, the facility must not be authorized for more than eight beds.

44 11. The Board shall adopt regulations applicable to providers of community-  
45 based living arrangement services which:

46 (a) Except as otherwise provided in paragraph (b), require a natural person  
47 responsible for the operation of a provider of community-based living arrangement  
48 services and each employee of a provider of community-based living arrangement  
49 services who supervises or provides support to recipients of community-based  
50 living arrangement services to complete training concerning the provision of  
51 community-based living arrangement services to persons with mental illness and  
52 continuing education concerning the particular population served by the provider;

(b) Exempt a person licensed or certified pursuant to title 54 of NRS from the requirements prescribed pursuant to paragraph (a) if the Board determines that the person is required to receive training and continuing education substantially equivalent to that prescribed pursuant to that paragraph;

(c) Require a natural person responsible for the operation of a provider of community-based living arrangement services to receive training concerning the provisions of title 53 of NRS applicable to the provision of community-based living arrangement services; and

(d) Require an applicant for a license to provide community-based living arrangement services to post a surety bond in an amount equal to the operating expenses of the applicant for 2 months, place that amount in escrow or take another action prescribed by the Division to ensure that, if the applicant becomes insolvent, recipients of community-based living arrangement services from the applicant may continue to receive community-based living arrangement services for 2 months at the expense of the applicant.

12. *The Board shall adopt separate regulations governing the licensing and operation of freestanding birthing centers. Such regulations must:*

*(a) Align with the standards established by the American Association of Birth Centers, or its successor organization, the accrediting body of the Commission for the Accreditation of Birth Centers, or its successor organization, or another nationally recognized organization for accrediting freestanding birthing centers; and*

*(b) Allow the provision of supervised training to providers of health care, as appropriate, at a freestanding birthing center.*

13. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

**Sec. 17.** ~~NRS 449.0307 is hereby amended to read as follows:~~

~~449.0307 The Division may:~~

~~1. Upon receipt of an application for a license, conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation, policies and purposes of any person proposing to engage in the operation of a medical facility, a facility for the dependent [or] , a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed [.] or a freestanding birthing center. The facility is subject to inspection and approval as to standards for safety from fire, on behalf of the Division, by the State Fire Marshal.~~

~~2. Upon receipt of a complaint against 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 [.] or freestanding birthing center, except for a complaint concerning the cost of services, conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation, policies, procedures and records of that facility or any other 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 or freestanding birthing center which may have information pertinent to the complaint.~~

~~3. Employ such professional, technical and clerical assistance as it deems necessary to carry out the provisions of NRS 449.029 to 449.245, inclusive [.] , and section 12 of this act. ] (Deleted by amendment.)~~

**Sec. 18.** ~~NRS 449.0308 is hereby amended to read as follows:~~

~~449.0308 1. Except as otherwise provided in this section, the Division may charge and collect from 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 or freestanding birthing center or a person who operates such a facility without a license issued by the Division the actual costs incurred by~~

1 the Division for the enforcement of the provisions of NRS 449.029 to 449.2428,  
2 inclusive, ~~and section 12 of this act~~, including, without limitation, the actual cost of  
3 conducting an inspection or investigation of the facility.

4 ~~2. The Division shall not charge and collect the actual cost for enforcement~~  
5 ~~pursuant to subsection 1 if the enforcement activity is:~~

6 ~~(a) Related to the issuance or renewal of a license for which the Board charges~~  
7 ~~a fee pursuant to NRS 449.050 or 449.089; or~~

8 ~~(b) Conducted pursuant to an agreement with the Federal Government which~~  
9 ~~has appropriated money for that purpose.~~

10 ~~3. Any money collected pursuant to subsection 1 may be used by the Division~~  
11 ~~to administer and carry out the provisions of NRS 449.029 to 449.2428, inclusive,~~  
12 ~~and section 12 of this act and the regulations adopted pursuant thereto.~~

13 ~~4. The provisions of this section do not apply to any costs incurred by the~~  
14 ~~Division for the enforcement of the provisions of NRS 449.24185, 449.2419 or~~  
15 ~~449.24195.] (Deleted by amendment.)~~

16 **Sec. 19.** ~~NRS 449.089 is hereby amended to read as follows:~~

17 ~~449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428,~~  
18 ~~inclusive, and section 12 of this act expires on December 31 following its issuance~~  
19 ~~and is renewable for 1 year upon reapplication and payment of all fees required~~  
20 ~~pursuant to NRS 449.050 unless the Division finds, after an investigation, that the~~  
21 ~~facility has not~~

22 ~~(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428,~~  
23 ~~inclusive, and section 12 of this act or the standards and regulations adopted by the~~  
24 ~~Board;~~

25 ~~(b) Obtained the approval of the Director of the Department of Health and~~  
26 ~~Human Services before undertaking a project, if such approval is required by NRS~~  
27 ~~439A.100; or~~

28 ~~(c) Conformed to all applicable local zoning regulations.~~

29 ~~2. Each reapplication for an agency to provide personal care services in the~~  
30 ~~home, an agency to provide nursing in the home, a community health worker pool,~~  
31 ~~a facility for intermediate care, a facility for skilled nursing, a provider of~~  
32 ~~community based living arrangement services, a hospital described in 42 U.S.C. §~~  
33 ~~1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to~~  
34 ~~children, a psychiatric residential treatment facility, a residential facility for groups,~~  
35 ~~a program of hospice care, a home for individual residential care, a facility for the~~  
36 ~~care of adults during the day, a facility for hospice care, a nursing pool, a peer~~  
37 ~~support recovery organization, the distinct part of a hospital which meets the~~  
38 ~~requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. §~~  
39 ~~483.5, a hospital that provides swing bed services as described in 42 C.F.R. §~~  
40 ~~482.58 or, if residential services are provided to children, a medical facility or~~  
41 ~~facility for the treatment of alcohol or other substance use disorders must include,~~  
42 ~~without limitation, a statement that the facility, hospital, agency, program, pool,~~  
43 ~~organization or home is in compliance with the provisions of NRS 449.115 to~~  
44 ~~449.125, inclusive, and 449.174.~~

45 ~~3. Each reapplication for an agency to provide personal care services in the~~  
46 ~~home, a community health worker pool, a facility for intermediate care, a facility~~  
47 ~~for skilled nursing, a facility for the care of adults during the day, a peer support~~  
48 ~~recovery organization, a residential facility for groups or a home for individual~~  
49 ~~residential care must include, without limitation, a statement that the holder of the~~  
50 ~~license to operate, and the administrator or other person in charge and employees~~  
51 ~~of, the facility, agency, pool, organization or home are in compliance with the~~  
52 ~~provisions of NRS 449.093.] (Deleted by amendment.)~~

1       **Sec. 20.** ~~[NRS 449.091 is hereby amended to read as follows:~~

2       ~~449.091 1. The Division may cancel the license of a medical facility,~~  
3 ~~facility for the dependent, [or a] facility which is required by the regulations~~  
4 ~~adopted by the Board pursuant to NRS 449.0303 to be licensed or freestanding~~  
5 ~~birthing center and issue a provisional license, effective for a period determined by~~  
6 ~~the Division, to such a facility if it:~~

7       ~~(a) Is in operation at the time of the adoption of standards and regulations~~  
8 ~~pursuant to the provisions of NRS 449.029 to 449.2428, inclusive, and section 12~~  
9 ~~of this act and the Division determines that the facility requires a reasonable time~~  
10 ~~under the particular circumstances within which to comply with the standards and~~  
11 ~~regulations; or~~

12       ~~(b) Has failed to comply with the standards or regulations and the Division~~  
13 ~~determines that the facility is in the process of making the necessary changes or has~~  
14 ~~agreed to make the changes within a reasonable time.~~

15       ~~2. The provisions of subsection 1 do not require the issuance of a license or~~  
16 ~~prevent the Division from refusing to renew or from revoking or suspending any~~  
17 ~~license where the Division deems such action necessary for the health and safety of~~  
18 ~~the occupants of any facility.] (Deleted by amendment.)~~

19       **Sec. 21.** ~~[NRS 449.101 is hereby amended to read as follows:~~

20       ~~449.101 1. A medical facility, facility for the dependent, [or] facility which~~  
21 ~~is otherwise required by regulations adopted by the Board pursuant to NRS~~  
22 ~~449.0303 to be licensed or freestanding birthing center and any employee or~~  
23 ~~independent contractor of such a facility shall not discriminate in the admission of,~~  
24 ~~or the provision of services to, a patient or resident based wholly or partially on the~~  
25 ~~actual or perceived race, color, religion, national origin, ancestry, age, gender,~~  
26 ~~physical or mental disability, sexual orientation, gender identity or expression or~~  
27 ~~human immunodeficiency virus status of the patient or resident or any person with~~  
28 ~~whom the patient or resident associates.~~

29       ~~2. A medical facility, facility for the dependent, [or] facility which is~~  
30 ~~otherwise required by regulations adopted by the Board pursuant to NRS 449.0303~~  
31 ~~to be licensed or freestanding birthing center shall:~~

32       ~~(a) Develop and carry out policies to prevent the specific types of prohibited~~  
33 ~~discrimination described in the regulations adopted by the Board pursuant to NRS~~  
34 ~~449.0302 and meet any other requirements prescribed by regulations of the Board;~~  
35 ~~and~~

36       ~~(b) Post prominently in the facility and include on any Internet website used to~~  
37 ~~market the facility the following statement:~~

38  
39       ~~Name of facility does not discriminate and does not permit discrimination,~~  
40 ~~including, without limitation, bullying, abuse or harassment, on the basis of~~  
41 ~~actual or perceived race, color, religion, national origin, ancestry, age,~~  
42 ~~gender, physical or mental disability, sexual orientation, gender identity or~~  
43 ~~expression or HIV status, or based on association with another person on~~  
44 ~~account of that person's actual or perceived race, color, religion, national~~  
45 ~~origin, ancestry, age, gender, physical or mental disability, sexual~~  
46 ~~orientation, gender identity or expression or HIV status.~~

47  
48       ~~3. In addition to the statement prescribed by subsection 2, a facility for skilled~~  
49 ~~nursing, facility for intermediate care or residential facility for groups shall post~~  
50 ~~prominently in the facility and include on any Internet website used to market the~~  
51 ~~facility;~~

52       ~~(a) Notice that a patient or resident who has experienced prohibited~~  
53 ~~discrimination may file a complaint with the Division; and~~

~~(b) The contact information for the Division.~~  
~~4. The provisions of this section shall not be construed to:~~  
~~(a) Require a medical facility, facility for the dependent, [or] facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed or freestanding birthing center or an employee or independent contractor thereof to take or refrain from taking any action in violation of reasonable medical standards; or~~  
~~(b) Prohibit a medical facility, facility for the dependent, [or] facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed or freestanding birthing center from adopting a policy that is applied uniformly and in a nondiscriminatory manner, including, without limitation, such a policy that bans or restricts sexual relations.] (Deleted by amendment.)~~

**Sec. 22.** NRS 449.102 is hereby amended to read as follows:

449.102 A medical facility, facility for the dependent ~~or~~ or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed ~~for freestanding birthing center~~ shall:

1. Maintain the confidentiality of personally identifiable information concerning the sexual orientation of a patient or resident, whether the patient or resident is transgender or has undergone ~~[a gender transition]~~ gender-affirming surgery and the human immunodeficiency virus status of the patient or resident and take reasonable actions to prevent the unauthorized disclosure of such information;

2. Prohibit employees or independent contractors of the facility who are not performing a physical examination or directly providing care to a patient or resident from being present during any portion of the physical examination or care, as applicable, during which the patient or resident is fully or partially unclothed without the express permission of the patient or resident or the authorized representative of the patient or resident;

3. Use visual barriers, including, without limitation, doors, curtains and screens, to provide privacy for patients or residents who are fully or partially unclothed; and

4. Allow a patient or resident to refuse to be examined, observed or treated by an employee or independent contractor of the facility for a purpose that is primarily educational rather than therapeutic.

**Sec. 23.** NRS 449.103 is hereby amended to read as follows:

449.103 1. To enable an agent or employee of a medical facility, facility for the dependent ~~or~~ or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed ~~for freestanding birthing center~~ who provides care to a patient or resident of the facility to more effectively treat patients or care for residents, as applicable, the Board shall, by regulation, require such a facility to conduct training relating specifically to cultural competency for any agent or employee of the facility who provides care to a patient or resident of the facility so that such an agent or employee may better understand patients or residents who have different cultural backgrounds, including, without limitation, patients or residents who are:

(a) From various ~~[gender]~~ racial and ethnic backgrounds;

(b) From various religious backgrounds;

(c) ~~[Lesbian, gay, bisexual, transgender and questioning persons;]~~ Persons with various sexual orientations and gender identities or expressions;

(d) Children and senior citizens;

(e) Persons with a mental or physical disability; and

(f) Part of any other population that such an agent or employee may need to better understand, as determined by the Board.

2. The training relating specifically to cultural competency conducted by a medical facility, facility for the dependent ~~or~~ facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed ~~for freestanding birthing center~~ pursuant to subsection 1 must be provided through a course or program that is approved by the Department of Health and Human Services.

**Sec. 24.** ~~[NRS 449.104 is hereby amended to read as follows:~~

~~449.104 The Board shall adopt regulations that require a medical facility, facility for the dependent, [or] facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed or freestanding birthing center to:~~

~~1. Develop policies to ensure that a patient or resident is addressed by his or her preferred name and pronoun and in accordance with his or her gender identity or expression;~~

~~2. Adapt electronic records to reflect the gender identities or expressions of patients or residents with diverse gender identities or expressions, including, without limitation:~~

~~(a) If the facility is a medical facility, adapting health records to meet the medical needs of patients or residents with diverse sexual orientations and gender identities or expressions, including, without limitation, integrating information concerning sexual orientation and gender identity or expression into electronic systems for maintaining health records; and~~

~~(b) If the facility is a facility for the dependent or other residential facility, adapting electronic records to include:~~

~~(1) The preferred name and pronoun and gender identity or expression of a resident; and~~

~~(2) Any other information prescribed by regulation of the Board.] (Deleted by amendment.)~~

**Sec. 25.** ~~[NRS 449.132 is hereby amended to read as follows:~~

~~449.132 Every 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 or freestanding birthing center may be inspected at any time, with or without notice, as often as is necessary by:~~

~~1. The Division of Public and Behavioral Health to ensure compliance with all applicable regulations and standards; and~~

~~2. Any person designated by the Aging and Disability Services Division of the Department of Health and Human Services to investigate complaints made against the facility.] (Deleted by amendment.)~~

**Sec. 26.** ~~[NRS 449.160 is hereby amended to read as follows:~~

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

~~(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, and section 12 of this act or of any other law of this State or of the standards, rules and regulations adopted thereunder.~~

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

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

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

~~(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as~~

provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ~~and section 12 of this act~~, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

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

~~(g) Violation of the provisions of NRS 458.112;~~

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

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

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

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

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

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

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

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

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

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

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

~~(b) Any disciplinary actions taken by the Division pursuant to subsection 2.]~~

**(Deleted by amendment.)**

**Sec. 27.** ~~[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 or freestanding birthing center violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, and section 12 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 12 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 12 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. 28.** ~~[NRS 449.165 is hereby amended to read as follows:~~

~~449.165 The Board shall adopt regulations establishing the criteria for the imposition of each sanction prescribed by NRS 449.163. These regulations must:~~

~~1. Prescribe the circumstances and manner in which each sanction applies;~~

~~2. Minimize the time between identification of a violation and the imposition of a sanction;~~

~~3. Provide for the imposition of incrementally more severe sanctions for repeated or uncorrected violations;~~

~~4. Provide for less severe sanctions for lesser violations of applicable state statutes, conditions, standards or regulations; and~~

~~5. Establish an administrative penalty to be imposed if a violation by a medical facility, a facility for the dependent, [or] a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed or a freestanding birthing center causes harm or the risk of harm to more than one person.] (Deleted by amendment.)~~

**Sec. 29.** ~~[NRS 449.171 is hereby amended to read as follows:~~

~~449.171 1. If the Division suspends the license of a medical facility, a facility for the dependent, [or] a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed or a freestanding birthing center pursuant to the provisions of this chapter, or if a facility otherwise ceases to operate, including, without limitation, pursuant to an action or order of a health authority pursuant to chapter 441A of NRS, the Division may, if deemed necessary by the Administrator of the Division, take control of and ensure the safety of the medical records of the facility.~~

~~2. Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, the Division shall:~~

~~(a) Maintain the confidentiality of the medical records obtained pursuant to subsection 1.~~

~~(b) Share medical records obtained pursuant to subsection 1 with law enforcement agencies in this State and other governmental entities which have authority to license the facility or to license the owners or employees of the facility.~~

~~1. (c) Release a medical record obtained pursuant to subsection 1 to the patient or legal guardian of the patient who is the subject of the medical record.~~

~~2. The Board shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations for contracting with a person to maintain any medical records under the control of the Division pursuant to subsection 1 and for payment by the facility of the cost of maintaining medical records.~~ (Deleted by amendment.)

Sec. 29.5. NRS 449.198 is hereby amended to read as follows:

449.198. ~~{An obstetric}~~ 1. A freestanding birthing center must:

~~{A}~~ (a) Provide sufficient space for members of the family of the pregnant ~~{woman}~~ person and other persons chosen by the ~~{woman}~~ pregnant person to assist ~~{her}~~ with the birth; ~~and~~

~~2. (b) Have obstetrical services available to meet the needs of an acute patient ~~{A}~~; and~~

~~(c) Be located within 30 miles of a hospital that offers obstetric, neonatal and emergency services relating to pregnancy.~~

2. Surgery, including, without limitation, the use of forceps, vacuum extractions, cesarean sections and tubal ligations, must not be performed at a freestanding birthing center.

3. A freestanding birthing center must have a director who is responsible for the operation of the freestanding birthing center. The director of a freestanding birthing center must be:

(a) A physician;

(b) A person certified as a Certified Professional Midwife by the North American Registry of Midwives, or its successor organization;

(c) A person who:

(I) Is certified as a Certified Midwife by the American Midwifery Certification Board, or its successor organization; and

(2) Has successfully completed a program of education and training in midwifery that:

(I) Is accredited by the Midwifery Education Accreditation Council, or its successor organization; and

(II) Provides instruction and training in the Essential Competencies for Midwifery Practice prescribed by the International Confederation of Midwives, or its successor organization; or

(d) A certified nurse-midwife.

4. As used in this section, "certified nurse-midwife" means a person who is:

(a) Certified as a Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; and

(b) Licensed as an advanced practice registered nurse pursuant to NRS 632.237.

Sec. 30. [NRS 449.209 is hereby amended to read as follows:

~~449.209. 1. In addition to the requirements and prohibitions set forth in NRS 449.0305, and notwithstanding any exceptions set forth in that section, a licensed medical facility or an employee of such a medical facility shall not:~~

~~(a) Refer a person to a residential facility for groups that is not licensed by the Division; or~~

~~(b) Refer a person to a residential facility for groups if the licensed medical facility or its employee knows or reasonably should know that the residential facility for groups, or the services provided by the residential facility for groups, are not appropriate for the condition of the person being referred.~~

~~2. If a licensed medical facility or an employee of such a medical facility violates the provisions of subsection 1, the licensed medical facility is liable for a~~

1 civil penalty to be recovered by the Attorney General in the name of the Board for  
2 the first offense of not more than \$10,000 and for a second or subsequent offense of  
3 not less than \$10,000 or more than \$20,000. Unless otherwise required by federal  
4 law, the Board shall deposit all civil penalties collected pursuant to this section into  
5 a separate account in the State General Fund to be used for the enforcement of this  
6 section and the protection of the health, safety, well-being and property of residents  
7 of residential facilities for groups.

8 ~~3. The Board shall:~~

9 ~~(a) Establish and maintain a system to track violations of this section and NRS~~  
10 ~~449.0305. Except as otherwise provided in this paragraph, records created by or for~~  
11 ~~the system are public records and are available for public inspection. The following~~  
12 ~~information is confidential:~~

13 ~~(1) Any personally identifying information relating to a person who is~~  
14 ~~referred to a residential facility for groups.~~

15 ~~(2) Information which may not be disclosed under federal law.~~

16 ~~(b) Educate the public regarding the requirements and prohibitions set forth in~~  
17 ~~this section and NRS 449.0305.~~

18 ~~4. As used in this section, "licensed medical facility" means:~~

19 ~~(a) A medical facility that is required to be licensed pursuant to NRS 449.029~~  
20 ~~to 449.2428, inclusive [ ], and section 12 of this act.~~

21 ~~(b) A facility for the dependent that is required to be licensed pursuant to NRS~~  
22 ~~449.029 to 449.2428, inclusive [ ], and section 12 of this act.~~

23 ~~(c) A facility that provides medical care or treatment and is required by~~  
24 ~~regulation of the Board to be licensed pursuant to NRS 449.0303.~~

25 ~~(d) A freestanding birthing center that is required to be licensed pursuant to~~  
26 ~~NRS 449.029 to 449.2428, inclusive, and section 12 of this act.] (Deleted by~~  
27 ~~amendment.)~~

28 **Sec. 31.** [NRS 449.210 is hereby amended to read as follows:

29 ~~449.210 1. In addition to the payment of the amount required by NRS~~  
30 ~~449.0308 and any civil penalty imposed pursuant to subsection 4, a person who~~  
31 ~~operates a medical facility, facility for the dependent, [or] a facility which is~~  
32 ~~required by the regulations adopted by the Board pursuant to NRS 449.0303 to be~~  
33 ~~licensed or freestanding birthing center without a license issued by the Division is~~  
34 ~~guilty of a misdemeanor.~~

35 ~~2. If the Division believes that a person is operating a medical facility, facility~~  
36 ~~for the dependent, [or] a facility which is required by the regulations adopted by~~  
37 ~~the Board pursuant to NRS 449.0303 to be licensed or freestanding birthing center~~  
38 ~~without such a license, the Division may issue an order to cease and desist the~~  
39 ~~operation of the facility. The order must be served upon the person by personal~~  
40 ~~delivery or by certified or registered mail, return receipt requested. The order is~~  
41 ~~effective upon service.~~

42 ~~3. If a person does not voluntarily cease operating a medical facility, facility~~  
43 ~~for the dependent, [or a] facility which is required by the regulations adopted by~~  
44 ~~the Board pursuant to NRS 449.0303 to be licensed or freestanding birthing center~~  
45 ~~without a license or apply for licensure within 30 days after the date of service of~~  
46 ~~the order pursuant to subsection 2, the Division may bring an action in a court of~~  
47 ~~competent jurisdiction pursuant to NRS 449.220.~~

48 ~~4. Upon a showing by the Division that a person is operating a medical~~  
49 ~~facility, facility for the dependent, [or a] facility which is required by the~~  
50 ~~regulations adopted by the Board pursuant to NRS 449.0303 to be licensed or~~  
51 ~~freestanding birthing center without a license, a court of competent jurisdiction~~  
52 ~~may:~~

53 ~~(a) Enjoin the person from operating the facility.~~

~~(b) Impose a civil penalty on the operator to be recovered by the Division of not more than \$10,000 for the first offense or not less than \$10,000 or more than \$25,000 for a second or subsequent offense.~~

~~5. Unless otherwise required by federal law, the Division shall deposit all civil penalties collected pursuant to paragraph (b) of subsection 4 into a separate account in the State General Fund to be used to administer and carry out the provisions of NRS 449.001 to 449.420, inclusive, and sections 11 and 12 of this act and to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards.]~~

**(Deleted by amendment.)**

**Sec. 32.** ~~[NRS 449.220 is hereby amended to read as follows:~~

~~449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.029 to 449.242, inclusive [;], and section 12 of this act.~~

~~(a) Without first obtaining a license therefor; or~~

~~(b) After his or her license has been revoked or suspended by the Division;~~

~~2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.]~~

**(Deleted by amendment.)**

**Sec. 33.** ~~[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 12 of this act.]~~ **(Deleted by amendment.)**

**Sec. 33.5.** NRS 449.245 is hereby amended to read as follows:

449.245 1. No hospital licensed under the provisions of NRS 449.029 to 449.2428, inclusive, may release from the hospital or otherwise surrender physical custody of any child under 6 months of age, whose living parent or guardian is known to the hospital, to any person other than a parent, guardian or relative by blood or marriage of that child, without a written authorization signed by a living parent, who must be the ~~[mother]~~ *person who gave birth to the child* if unwed, or guardian specifying the particular person or agency to whom the child may be released and the permanent address of that person or agency.

2. Upon the release or other surrender of physical custody of the child, the hospital shall require from the person to whom the child is released such reasonable proof of identity as the hospital may deem necessary for compliance with the provisions of this section. The hospital shall furnish a true copy of the written authorization to the Division of Child and Family Services of the Department of Health and Human Services before the release or other surrender by it of physical custody of the child. The copy must be furnished to the Division immediately upon receipt by the hospital.

3. Any person to whom any such child is released who thereafter surrenders physical custody of that child to any other person or agency shall, upon demand by the Division of Child and Family Services, disclose to the Division the name and permanent address of the person or agency to whom physical custody of the child was delivered.

4. Except as otherwise provided in NRS 239.0115, all information received by the Division of Child and Family Services pursuant to the provisions of this section is confidential and must be protected from disclosure in the same manner that information is protected under NRS 432.035.

5. Compliance with the provisions of this section is not a substitute for compliance with NRS 127.220 to 127.310, inclusive, governing placements for adoption and permanent free care.

6. A violation of any provision of this section is a misdemeanor.

**Sec. 34.** ~~NRS 449.246 is hereby amended to read as follows:~~  
~~449.246 1. Before discharging an unmarried woman who has borne a child, a hospital, [or] obstetric center or freestanding birthing center shall provide to the child's parents:~~

~~(a) The opportunity to sign, in the hospital, a declaration for the voluntary acknowledgment of paternity developed pursuant to NRS 440.283;~~

~~(b) Written materials about establishing paternity;~~

~~(c) The forms necessary to acknowledge paternity voluntarily;~~

~~(d) A written description of the rights and responsibilities of acknowledging paternity; and~~

~~(e) The opportunity to speak by telephone with personnel of the program for enforcement of child support who are trained to clarify information and answer questions about the establishment of paternity;~~

~~2. The Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services shall adopt the regulations necessary to ensure that the services provided by a hospital, [or] obstetric center or freestanding birthing center pursuant to this section are in compliance with the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C). (Deleted by amendment.)~~

**Sec. 34.2.** NRS 449A.001 is hereby amended to read as follows:

449A.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[449A.003]~~ 449A.007 to 449A.081, inclusive, have the meanings ascribed to them in those sections.

**Sec. 34.5.** NRS 449A.050 is hereby amended to read as follows:

449A.050 "Medical facility" ~~[includes:~~

~~1. A surgical center for ambulatory patients;~~

~~2. An obstetric center;~~

~~3. An independent center for emergency medical care;~~

~~4. An agency to provide nursing in the home;~~

~~5. A facility for intermediate care;~~

~~6. A facility for skilled nursing;~~

~~7. A facility for hospice care;~~

~~8. A hospital;~~

~~9. A psychiatric hospital;~~

~~10. A facility for the treatment of irreversible renal disease;~~

~~11. A rural clinic;~~

~~12. A nursing pool;~~

~~13. A facility for modified medical detoxification;~~

~~14. A facility for refractive surgery;~~

~~15. A mobile unit; and~~

~~16. A community triage center.] has the meaning ascribed to it in NRS 449.0151.~~

**Sec. 34.7.** NRS 449A.114 is hereby amended to read as follows:

449A.114 1. Except as otherwise provided in subsection 2, before a facility for intermediate care, facility for skilled nursing or residential facility for groups transfers a patient to another medical facility or facility for the dependent or discharges the patient from the facility, the facility shall:

(a) At least 30 calendar days before transferring or discharging the patient, provide the patient and the Ombudsman with written notice of the intent to transfer or discharge the patient; and

(b) Within 10 calendar days after providing written notice to the patient and the Ombudsman pursuant to paragraph (a), allow the patient and any person authorized by the patient the opportunity to meet in person with the administrator of the facility to discuss the proposed transfer or discharge.

2. The provisions of this section do not apply to:

(a) A voluntary discharge or transfer of a patient to another medical facility or facility for the dependent at the request of the patient; or

(b) The transfer of a patient to another facility because the condition of the patient necessitates an immediate transfer to a facility for a higher level of care.

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

(a) "Facility for intermediate care" has the meaning ascribed to it in NRS 449.0038.

(b) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.

(c) "Ombudsman" means the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125.

(d) "Residential facility for groups" had the meaning ascribed to it in NRS 449.017.

Sec. 34.9. NRS 449A.218 is hereby amended to read as follows:

449A.218 "Facility" means a facility licensed pursuant to chapter 449 of NRS that is a psychiatric hospital, as defined in NRS 449.0165, or a unit of a hospital that is specifically designated to provide care and services to persons with psychiatric or developmental disabilities.

~~Sec. 35. [NRS 449A.056 is hereby amended to read as follows:~~

~~449A.056 "Obstetric center" [means a facility that is not part of a hospital and provides services for normal, uncomplicated births.] has the meaning ascribed to it in NRS 449.0155.] (Deleted by amendment.)~~

~~Sec. 36. Any valid license as an obstetric center issued [to a freestanding birthing center] before January 1, 2022, shall be deemed to be a license as a freestanding birthing center and remains valid until its date of expiration.~~

Sec. 36.3. The Legislative Counsel shall:

1. In preparing the Nevada Revises Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the term "freestanding birthing center" for the term "obstetric center" as previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the term "freestanding birthing center" for the term "obstetric center" as previously used.

Sec. 36.5. The regulations adopted by the State Board of Health pursuant to NRS 439.200 and 449.0302 which are codified as NAC 449.6113 to 449.61178, inclusive, are hereby declared void. In preparing the supplements to the Nevada Administrative Code on or after January 1, 2022, the Legislative Counsel shall remove those regulations.

Sec. 36.7. NRS 449.0155, 449A.003, 449A.005, 449A.009, 449A.011, 449A.013, 449A.015, 449A.019, 449A.021, 449A.023, 449A.025, 449A.027, 449A.029, 449A.033, 449A.035, 449A.037, 449A.039, 449A.041, 449A.043, 449A.047, 449A.052, 449A.054, 449A.056, 449A.058, 449A.060, 449A.062, 449A.066, 449A.068, 449A.073, 449A.075, 449A.077 and 449A.079 are hereby repealed.

Sec. 37. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~36.1~~ 36.7, inclusive, of this act become effective:
- (a) 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
- (b) On January 1, 2022, for all other purposes.

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### LEADLINES OF REPEALED SECTIONS

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- 449.0155 "Obstetric center" defined.
- 449A.003 "Agency to provide nursing in the home" defined.
- 449A.005 "Agency to provide personal care services in the home" defined.
- 449A.009 "Community-based living arrangement services" defined.
- 449A.011 "Community health worker" defined.
- 449A.013 "Community health worker pool" defined.
- 449A.015 "Community triage center" defined.
- 449A.019 "Facility for hospice care" defined.
- 449A.021 "Facility for intermediate care" defined.
- 449A.023 "Facility for modified medical detoxification" defined.
- 449A.025 "Facility for refractive surgery" defined.
- 449A.027 "Facility for skilled nursing" defined.
- 449A.029 "Facility for the care of adults during the day" defined.
- 449A.033 "Facility for the treatment of alcohol or other substance use disorders" defined.
- 449A.035 "Facility for the treatment of irreversible renal disease" defined.
- 449A.037 "Facility for transitional living for released offenders" defined.
- 449A.039 "Halfway house for persons recovering from alcohol or other substance use disorders" defined.
- 449A.041 "Home for individual residential care" defined.
- 449A.043 "Hospice care" defined.
- 449A.047 "Independent center for emergency medical care" defined.
- 449A.052 "Mobile unit" defined.
- 449A.054 "Nursing pool" defined.
- 449A.056 "Obstetric center" defined.
- 449A.058 "Palliative services" defined.
- 449A.060 "Peer support recovery organization" defined.
- 449A.062 "Peer support services" defined.
- 449A.066 "Provider of supported living arrangement services" defined.
- 449A.068 "Psychiatric hospital" defined.
- 449A.073 "Residential facility for groups" defined.
- 449A.075 "Rural clinic" defined.
- 449A.077 "Supported living arrangement services" defined.
- 449A.079 "Surgical center for ambulatory patients" defined.