

SENATE BILL NO. 364—SENATOR SCHEIBLE

MARCH 25, 2021

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to emergency medical care for a victim of sexual assault or attempted sexual assault. (BDR 40-1004)

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

CONTAINS UNFUNDED MANDATE (§ 2)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; requiring certain medical facilities to provide training relating to caring for victims of sexual assault and attempted sexual assault to employees who provide such care; requiring such facilities to provide emergency contraception to such victims upon request; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a hospital or independent center for emergency medical care to provide a victim of sexual assault or attempted sexual assault who is treated by the hospital or independent center for emergency medical care with a written and oral explanation of medically and factually accurate written information concerning emergency contraception and certain other services for victims of sexual assault and attempted sexual assault. (NRS 449.1885) **Section 1** of this bill requires the State Board of Health to adopt regulations requiring a hospital or independent center for emergency medical care to provide certain training to persons who provide care to victims of sexual assault or attempted sexual assault. **Section 2** of this bill requires each hospital and independent center for emergency medical care who treats a victim of sexual assault or attempted sexual assault to: (1) inform the victim of the right of the victim to receive emergency contraception; and (2) provide the victim such contraception upon request. A hospital or independent center for emergency medical care that fails to provide the training required pursuant to **section 1** or comply with the requirements of **section 2** would be subject to disciplinary action, including the denial, suspension or revocation of a license and various administrative sanctions. (NRS 449.160, 449.163)



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

Section 1. 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) *Regulations requiring a hospital or independent center for emergency medical care to provide training to each employee who provides care to victims of sexual assault or attempted sexual assault concerning appropriate care for such persons, including, without limitation, training concerning the requirements of NRS 449.1885.*

(g) 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 Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

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

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

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

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

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

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

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

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

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

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what



1 services of personalized care will be available to the person and the
2 amount that will be charged for those services throughout the
3 resident's stay at the facility.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



(a) Except as otherwise provided in paragraph (b), require a natural person responsible for the operation of a provider of community-based living arrangement services and each employee of a provider of community-based living arrangement services who supervises or provides support to recipients of community-based living arrangement services to complete training concerning the provision of community-based living arrangement services to persons with mental illness and 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. As used in this section, “living unit” means an individual private accommodation designated for a resident within the facility.

Sec. 2. NRS 449.1885 is hereby amended to read as follows:

449.1885 1. The Division shall establish a working group consisting of representatives of hospitals and independent centers for emergency medical care and experts in treating the effects of sexual assault and attempted sexual assault. The working group shall:

(a) Develop a document to be provided to victims of sexual assault and attempted sexual assault pursuant to subsection 3, which must consist of medically and factually accurate written information concerning:

(1) Emergency contraception and prophylactic antibiotics, including, without limitation, possible side effects of using those medications and the locations of facilities or pharmacies where those medications are available;

(2) Contact information for law enforcement agencies in this State; and



(3) Other services available to victims of sexual assault and attempted sexual assault in all regions of this State, including, without limitation, counseling, a list of clinics and other facilities that specialize in serving victims of sexual assault and a list of locations that provide testing for sexually transmitted diseases. Such information must be organized in a manner that allows a victim to easily identify the services available in his or her region of the State.

(b) Update the document as necessary.

2. The Division shall:

(a) Distribute copies of the document developed pursuant to subsection 1 to each hospital and independent center for emergency medical care located in this State; and

(b) Post the document on an Internet website maintained by the Division.

3. Each hospital or independent center for emergency medical care shall ensure that each victim of sexual assault or attempted sexual assault who is treated by the hospital or independent center for emergency medical care is provided with:

(a) A copy of the document developed pursuant to subsection 1; and

(b) An oral explanation of the information contained in the document **[H] and an oral and written explanation of the provisions of subsection 4.**

4. If a victim of sexual assault or attempted sexual assault who is receiving treatment at a hospital or independent center for emergency medical care requests emergency contraception, the hospital or independent center for emergency medical care shall ensure that the victim is provided all doses of emergency contraception necessary to prevent pregnancy, including, without limitation, any doses that must be self-administered after the patient leaves the hospital or independent center for emergency medical care.

5. As used in this section:

(a) "Emergency contraception" means methods of birth control which, when administered within a specified period after intercourse, may prevent pregnancy from occurring.

(b) "Sexual assault" means a violation of NRS 200.366 or 200.368.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period



1 prescribed for the return of a fiscal note in NRS 218D.475. This
2 section applies retroactively from and after March 22, 2021.

3 **Sec. 5.** 1. This section becomes effective upon passage and
4 approval.

5 2. Sections 1, 2 and 3 of this act become effective:

6 (a) Upon passage and approval for the purpose of adopting any
7 regulations and performing any other preparatory administrative
8 tasks that are necessary to carry out the provisions of this act; and

9 (b) On October 1, 2021, for all other purposes.

