

SENATE BILL NO. 90—SENATOR HARDY

FEBRUARY 3, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to the regulation of providers of health care. (BDR 54-188)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 professional regulation; requiring certain investigations of a provider of health care to be recorded as “a review and evaluation”; providing that an investigation recorded as a review and evaluation is not an investigation for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the licensure, certification or registration and regulation of various providers of health care, including the investigation of alleged misconduct by such a provider of health care and the imposition of disciplinary action against such a provider of health care. (Chapters 450B, 630-637B, 639-640B, 640D-641C and 652 of NRS) This bill requires an entity responsible for regulating providers of health care that determines as a result of an investigation that there are no reasonable grounds to believe that the provider of health care has committed a violation to refer to the investigation as a “review and evaluation.” This bill also provides that an investigation recorded as a review and evaluation is not an investigation for purposes related to employment, professional licensure or credentialing, education or liability or health insurance.

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law, if a health care licensing authority investigates a complaint against a licensee or other information received by the health care licensing



1 *authority concerning a licensee and determines that there are no*
2 *reasonable grounds to believe that the licensee has committed a*
3 *violation, the health care licensing authority must refer to the*
4 *investigation as a review and evaluation in all records maintained*
5 *by the health care licensing authority.*

6 2. *An investigation that is recorded as a review and*
7 *evaluation pursuant to subsection 1 is not an investigation for:*

8 (a) *The purposes of applying for employment, a professional*
9 *license or other professional credential or any educational*
10 *opportunity; or*

11 (b) *Any purpose relating to liability insurance or health*
12 *insurance.*

13 3. *As used in this section:*

14 (a) *"Health care licensing authority" means:*

15 (1) *Each board created pursuant to chapters 630 to 637B,*
16 *inclusive, 639 to 640B, inclusive, and 640D to 641C, inclusive, of*
17 *NRS.*

18 (2) *The Division of Public and Behavioral Health of the*
19 *Department of Health and Human Services when performing its*
20 *duties under chapter 652 of NRS.*

21 (b) *"Licensee" means the holder of a license, certificate,*
22 *registration or other professional credential issued by a health*
23 *care licensing authority.*

24 **Sec. 2.** Chapter 450B of NRS is hereby amended by adding
25 thereto a new section to read as follows:

26 1. *If a health authority investigates a complaint against the*
27 *holder of a license as an attendant or a certificate as an*
28 *emergency medical technician, advanced emergency medical*
29 *technician or paramedic or other information received by the*
30 *health authority concerning the holder of such a license or*
31 *certificate and determines that there are no reasonable grounds to*
32 *believe that the holder of the license or certificate has committed a*
33 *violation, the health authority must refer to the investigation as a*
34 *review and evaluation in all records maintained by the health*
35 *authority.*

36 2. *An investigation that is recorded as a review and*
37 *evaluation pursuant to subsection 1 is not an investigation for:*

38 (a) *The purposes of applying for employment, a professional*
39 *license or other professional credential or any educational*
40 *opportunity; or*

41 (b) *Any purpose relating to liability insurance or health*
42 *insurance.*

43 **Sec. 3.** 1. The provisions of sections 1 and 2 of this act apply
44 to any investigation of a provider of health care conducted by a



1 health care licensing authority or a health authority, as applicable,
2 before, on or after October 1, 2021.

3 2. As used in this section:

4 (a) “Health authority” has the meaning ascribed to it in
5 NRS 450B.077.

6 (b) “Health care licensing authority” has the meaning ascribed to
7 it in section 1 of this act.

8 (c) “Provider of health care” has the meaning ascribed to it in
9 NRS 629.031.

10 **Sec. 4.** 1. This section becomes effective upon passage and
11 approval.

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

13 (a) Upon passage and approval for the purpose of performing
14 any other preparatory administrative tasks that are necessary to carry
15 out the provisions of this act; and

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

