

ASSEMBLY BILL NO. 179—ASSEMBLYWOMEN GORELOW, THOMAS;  
COHEN AND GONZÁLEZ

FEBRUARY 15, 2023

Referred to Committee on Health and Human Services

SUMMARY—Establishes the Perinatal Quality Control Collaborative. (BDR 40-98)

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; establishing the Perinatal Quality Control Collaborative; prescribing the membership, objectives and duties of the Collaborative; providing for the appointment of the Executive Director of the Collaborative; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes the: (1) Advisory Board on Maternal and Child Health to advise the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services, which performs certain duties relating to perinatal care and programs to improve the health of preschool children; and (2) Maternal Mortality Review Committee within the Department to identify and review each incident of maternal mortality in this State. (NRS 442.133, 442.137, 442.764, 442.767) **Section 3** of this bill creates the Perinatal Quality Control Collaborative, which consists of members who are representatives of various governmental agencies and other persons who are involved in maternal and neonatal health care. **Section 3** also establishes procedures governing the meetings and operations of the Collaborative. **Sections 3 and 8** of this bill provide that the meetings of the Collaborative are closed to the public, unless the Chair of the Collaborative opens a meeting to the public. **Section 4** of this bill prescribes the objectives and duties of the Collaborative and the actions the Collaborative is authorized to perform to achieve its objectives. The objectives of the Collaborative are to reduce: (1) the number of premature births; (2) the rate of maternal morbidity and mortality; (3) the number of infants born with neonatal abstinence syndrome and improve the identification of neonatal abstinence syndrome in infants; (4) the disparities in pregnancy-related morbidities or death for economically disadvantaged and racial and ethnic minority groups; and (5) the costs of perinatal care. **Sections 4 and 6** of this bill entitle the Collaborative to access certain records and information necessary to perform its duties. **Sections 4 and 7** of this bill



provide that any record or information the Collaborative receives is confidential, with certain exceptions. **Section 5** of this bill requires the Director of the Department to appoint an Executive Director of the Collaborative to direct and supervise the administrative and technical activities of the Collaborative and perform other duties as may be assigned by the Director.

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

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**Section 1.** Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, "Collaborative" means the Perinatal Quality Control Collaborative created by section 3 of this act.*

**Sec. 3. 1.** *The Perinatal Quality Control Collaborative is hereby created within the Division.*

**2.** *The Collaborative consists of the following members:*

*(a) The Administrator of the Division or a designee of the Administrator;*

*(b) The Chair of the Maternal Mortality Review Committee established by NRS 442.764, or a designee of the Chair;*

*(c) The Chair of the Advisory Board or a designee of the Chair;*

*(d) The Chief Medical Officer or a designee of the Chief Medical Officer;*

*(e) The Dean of the School of Medicine of the University of Nevada, Reno, or a designee of the Dean;*

*(f) The Manager of the Office of Minority Health and Equity of the Department or a designee of the Manager;*

*(g) The President of the Nevada Public Health Association, or its successor organization, or a designee of the President;*

*(h) The Chair of the Nevada Section of the American College of Obstetricians and Gynecologists, or its successor organization, or a designee of the Chair;*

*(i) The President of the Nevada Chapter of the American Academy of Pediatrics, or its successor organization, or a designee of the President;*

*(j) The President of the Nevada Chapter of the American Academy of Family Physicians, or its successor organization, or a designee of the President;*

*(k) The Chair of the Nevada Section of the Association of Women's Health, Obstetric and Neonatal Nurses, or its successor organization, or a designee of the Chair;*



(l) A representative of each hospital, as defined in NRS 449.012, in this State with a maternity unit;

(m) A representative of each freestanding birthing center, as defined in NRS 449.0065, in this State; and

(n) A midwife, appointed by the Director, who is certified as:

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

(2) A Certified Nurse-Midwife or a Certified Midwife by the American Midwifery Certification Board, or its successor organization.

3. An appointed member of the Collaborative serves at the pleasure of the appointing authority.

4. Members of the Collaborative serve without compensation but are entitled to the per diem allowance and travel expenses provided for state officers and employees generally.

5. At its first meeting and annually thereafter, the Collaborative shall elect a Chair and a Vice Chair from among its members.

6. The Collaborative shall meet at the call of the Chair or the Director as is necessary to achieve its objectives and carry out its duties.

7. A member of the Collaborative who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties as an officer or employee without loss of regular compensation so that the person may prepare for and attend meetings of the Collaborative and perform any work necessary to carry out duties of the Collaborative in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee of the Collaborative to make up the time the member is absent from work to carry out the duties of the Collaborative or use annual leave or compensatory time for the absence.

8. A majority of the members of the Collaborative constitutes a quorum for the transaction of business and a majority of a quorum present at any meeting is sufficient for any official action taken by the Collaborative.

9. The meetings of the Collaborative are closed to the public, unless the Chair opens a meeting to the public.

10. The Collaborative may apply for and accept gifts, grants or donations from any source for the purpose of carrying out the provisions of sections 2 to 5, inclusive, of this act.

**Sec. 4. 1.** The purpose of the Collaborative is to achieve the following objectives in this State:

(a) Decrease the number of premature births;

(b) Lower the rate of maternal morbidity and mortality;



(c) Decrease the number of infants born with neonatal abstinence syndrome;

(d) Improve the identification of neonatal abstinence syndrome in infants;

(e) Reduce pregnancy-related morbidities or death for economically disadvantaged and racial and ethnic minority groups; and

(f) Reduce the costs of perinatal care.

2. The Collaborative shall:

(a) Maintain and publish on its Internet website a list of quality improvement projects to achieve its objectives based on best practices and interventions;

(b) Identify performance metrics to set statewide quality benchmarks relating to the objectives of the Collaborative; and

(c) Provide the most recent data and best practices and interventions on perinatal care to physicians, hospitals, freestanding birthing centers, other relevant persons and entities and the public, including, without limitation, by creating an Internet website and conducting seminars in person and over the Internet.

3. The Collaborative may:

(a) Partner with any hospital, freestanding birthing center, school of medicine, nonprofit organization providing perinatal care or serving an economically disadvantaged or racial or ethnic minority group, expert in perinatal care or data collection and analysis or other interested person or entity to assist the Collaborative in achieving its objectives; and

(b) Take any other actions necessary to achieve the objectives of the Collaborative and carry out its duties.

4. The Collaborative is entitled to access to:

(a) The reports prepared by the Maternal Mortality Review Committee pursuant to paragraphs (e) and (f) of subsection 1 of NRS 442.767 and the data, information and documents used in creating such reports;

(b) Any records of vital statistics maintained by this State or any political subdivision of this State concerning the birth or death of an infant or death of a person who gave birth, if the death occurs not later than 12 months after the birth of the infant;

(c) The statewide system for the collection and analysis of information concerning birth defects and other adverse birth outcomes established pursuant to NRS 442.320;

(d) To the extent authorized by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto, information from



1 *medical facilities and providers of health insurance concerning*  
2 *the cost of perinatal care; and*

3 *(e) Any other information that the Collaborative requires to*  
4 *achieve its objectives and carry out its duties.*

5 *5. Except as otherwise provided in this section, information*  
6 *acquired by, and the records of, the Collaborative are confidential,*  
7 *are not public records, must not be disclosed and are not subject to*  
8 *subpoena, discovery or introduction into evidence in any civil or*  
9 *criminal proceeding.*

10 *6. As used in this section:*

11 *(a) "Medical facility" has the meaning ascribed to it in*  
12 *NRS 439.805.*

13 *(b) "Provider of health insurance" means an insurer,*  
14 *producer of insurance, managing general agent, third-party*  
15 *administrator, organization composed of or using preferred*  
16 *providers of health care or health maintenance organization that*  
17 *insures or assists in insuring persons against bodily injury,*  
18 *disablement or death by accident or accidental means, or the*  
19 *expense thereof, or against disablement or expense resulting from*  
20 *sickness.*

21 *(c) "Vital statistics" has the meaning ascribed to its in*  
22 *NRS 440.080.*

23 **Sec. 5. 1. The Director shall appoint the Executive Director**  
24 **of the Collaborative. The Executive Director:**

25 *(a) Is in the unclassified service of the State and serves at the*  
26 *pleasure of the Director, except that the Executive Director may be*  
27 *removed by the Collaborative upon a finding that the performance*  
28 *of the Executive Director is unsatisfactory.*

29 *(b) Shall direct and supervise the administrative and technical*  
30 *activities of the Collaborative and perform other duties as directed*  
31 *by the Director and as advised by the Collaborative.*

32 *(c) Must not be a member of the Collaborative.*

33 **2. The Division shall provide any additional personnel,**  
34 **facilities, equipment and supplies required by the Collaborative to**  
35 **carry out the provisions of sections 2 to 5, inclusive, of this act.**

36 **Sec. 6. NRS 442.774 is hereby amended to read as follows:**

37 **442.774 1. The Committee is entitled to access to:**

38 *(a) All final investigative information of law enforcement*  
39 *agencies regarding a maternal death or incident of severe maternal*  
40 *morbidity being investigated by the Committee for which the*  
41 *investigation by the law enforcement agency has been closed;*

42 *(b) Any autopsy and coroner's investigative records relating to*  
43 *the death or incident;*

44 *(c) Any medical or mental health records of the person who*  
45 *gave birth to a child;*



(d) Any records of social and rehabilitative services or of any other social service agency which has provided services to the person who gave birth to a child or the family of the person who gave birth to a child;

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

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

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

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

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

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

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

5. Except as otherwise provided in this section **§** and section 4 of this act, information acquired by, and the records of, the Committee are confidential, are not public records, must not be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

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

**Sec. 7.** NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,



1 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,  
2 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,  
3 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,  
4 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,  
5 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,  
6 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,  
7 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,  
8 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,  
9 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,  
10 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570,  
11 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105,  
12 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,  
13 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420,  
14 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,  
15 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150,  
16 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195,  
17 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,  
18 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438,  
19 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,  
20 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910,  
21 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,  
22 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,  
23 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,  
24 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242,  
25 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080,  
26 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,  
27 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,  
28 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,  
29 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,  
30 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045,  
31 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,  
32 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,  
33 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,  
34 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,  
35 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,  
36 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,  
37 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534,  
38 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116,  
39 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,  
40 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,  
41 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209,  
42 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,  
43 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555,  
44 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,  
45 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940,



1 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,  
2 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,  
3 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,  
4 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,  
5 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,  
6 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,  
7 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,  
8 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,  
9 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672,  
10 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332,  
11 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,  
12 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055,  
13 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158,  
14 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087,  
15 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,  
16 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,  
17 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,  
18 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,  
19 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,  
20 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,  
21 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,  
22 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,  
23 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,  
24 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130,  
25 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480,  
26 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,  
27 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,  
28 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,  
29 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,  
30 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,  
31 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,  
32 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,  
33 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,  
34 711.600, *and section 4 of this act*, sections 35, 38 and 41 of chapter  
35 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes  
36 of Nevada 2013 and unless otherwise declared by law to be  
37 confidential, all public books and public records of a governmental  
38 entity must be open at all times during office hours to inspection by  
39 any person, and may be fully copied or an abstract or memorandum  
40 may be prepared from those public books and public records. Any  
41 such copies, abstracts or memoranda may be used to supply the  
42 general public with copies, abstracts or memoranda of the records or  
43 may be used in any other way to the advantage of the governmental  
44 entity or of the general public. This section does not supersede or in  
45 any manner affect the federal laws governing copyrights or enlarge,





1 diminish or affect in any other manner the rights of a person in any  
2 written book or record which is copyrighted pursuant to federal law.

3 2. A governmental entity may not reject a book or record  
4 which is copyrighted solely because it is copyrighted.

5 3. A governmental entity that has legal custody or control of a  
6 public book or record shall not deny a request made pursuant to  
7 subsection 1 to inspect or copy or receive a copy of a public book or  
8 record on the basis that the requested public book or record contains  
9 information that is confidential if the governmental entity can  
10 redact, delete, conceal or separate, including, without limitation,  
11 electronically, the confidential information from the information  
12 included in the public book or record that is not otherwise  
13 confidential.

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

19 (a) The public record:

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

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

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

24 (1) Give access to proprietary software; or

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

28 5. An officer, employee or agent of a governmental entity who  
29 has legal custody or control of a public record:

30 (a) Shall not refuse to provide a copy of that public record in the  
31 medium that is requested because the officer, employee or agent has  
32 already prepared or would prefer to provide the copy in a different  
33 medium.

34 (b) Except as otherwise provided in NRS 239.030, shall, upon  
35 request, prepare the copy of the public record and shall not require  
36 the person who has requested the copy to prepare the copy himself  
37 or herself.

38 **Sec. 8.** NRS 241.016 is hereby amended to read as follows:

39 241.016 1. The meetings of a public body that are quasi-  
40 judicial in nature are subject to the provisions of this chapter.

41 2. The following are exempt from the requirements of this  
42 chapter:

43 (a) The Legislature of the State of Nevada.

44 (b) Judicial proceedings, including, without limitation,  
45 proceedings before the Commission on Judicial Selection and,



except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, *and section 3 of this act*, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

