

Amendment No. 270

Assembly Amendment to Assembly Bill No. 179	(BDR 40-98)
Proposed by: Assembly Committee on Health and Human Services	
Amends: 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.

EWR/AAK



Date: 4/21/2023

A.B. No. 179—Establishes the Perinatal Quality Control Collaborative.
(BDR 40-98)



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 and Clinical 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;~~ include reducing: (1) the number of premature births; (2) the rate of maternal morbidity and mortality; (3) the rate of maternal substance use disorder; (4) the number of infants born with neonatal abstinence syndrome and improve the identification of neonatal abstinence syndrome in infants; ~~(4)~~ (5) the disparities in pregnancy-related morbidities or death for economically disadvantaged and racial and ethnic minority groups; and ~~(5)~~ (6) 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 4 requires the Collaborative to biennially report its findings and recommendations to the Legislature.** **Section 5** of this bill requires the Director of the Department to appoint ~~an~~ : (1) 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; and (2) a Clinical Director of the Collaborative to direct and supervise the

clinical activities of the Collaborative and perform other duties as may be assigned by the Director.

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

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 at least 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;~~ A physician who practices in this State and specializes in the area of perinatology, appointed by the Administrator;

(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,~~ system of hospitals under common ownership that operates a hospital with a maternity unit ~~in~~ in this State; and

(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. *In addition to the members required by subsection 2, the Collaborative may include, at the discretion of the persons and entities listed in this subsection:*

(a) The dean of any school of medicine in this State approved by the Liaison Committee on Medical Education of the American Medical Association and the

Association of American Medical Colleges, or its successor organization, or a designee of the dean;

(b) The dean of any school of osteopathic medicine in this State accredited by the Commission on Osteopathic College Accreditation of the American Osteopathic Association, or its successor organization, or a designee of the dean; and

(c) A representative of any freestanding birthing center, as defined in NRS 449.0065, in this State.

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

~~(4.)~~ 5. 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.)~~ 6. At its first meeting and annually thereafter, the Collaborative shall elect a Chair and a Vice Chair from among its members.

~~(6.)~~ 7. 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.)~~ 8. 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.)~~ 9. 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.)~~ 10. The meetings of the Collaborative are closed to the public, unless the Chair opens a meeting to the public.

~~(10.)~~ 11. 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]~~ purposes of the Collaborative ~~[is to achieve the following objectives in this State]~~ include, without limitation:

(a) ~~[Decrease]~~ Decreasing the number of premature births ~~[+] in this State;~~

(b) ~~[Lower]~~ Lowering the ~~[rate]~~ rates of maternal morbidity and mortality ~~[+] in this State;~~

(c) ~~[Decrease]~~ Decreasing the rate of maternal substance use disorder and the number of infants born with neonatal abstinence syndrome ~~[+] in this State;~~

(d) ~~[Improve]~~ Increasing the identification of neonatal abstinence syndrome in infants ~~[+] in this State;~~

(e) ~~[Reduce]~~ Reducing pregnancy-related morbidities or death for economically disadvantaged and racial and ethnic minority groups ~~[+] in this State; and~~

(f) ~~[Reduce]~~ Reducing the costs of perinatal care ~~[+] in this State.~~

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 ~~II~~;

(d) Review and analyze the recommendations:

(1) Contained in the report prepared by the Maternal Mortality Review Committee pursuant to paragraph (f) of subsection 1 of NRS 442.767;

(2) Contained in the report prepared by the Executive Committee to Review the Death of Children pursuant to paragraph (f) of subsection 2 of NRS 432B.409; and

(3) Of any other program or committee established by any agency or political subdivision of this State to address fetal death or the death of infants;

(e) Develop recommendations to improve perinatal care in this State, prioritizing the recommendations described in paragraph (d); and

(f) On or before June 30 of each even-numbered year:

(1) Compile a report of its findings and recommendations;

(2) Submit the report compiled pursuant to subparagraph (1) to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services; and

(3) Present the report compiled pursuant to subparagraph (1) at a meeting of the Joint Interim Standing Committee on Health and Human Services.

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) The report prepared by the Executive Committee to Review the Death of Children pursuant to paragraph (f) of subsection 2 of NRS 432B.409;

(c) 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)~~ (d) 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]~~

(e) If the all-payer claims database is established pursuant to NRS 439B.835, information from ~~[medical facilities and providers of health insurance]~~ the all-payer claims database concerning the cost of perinatal care; and

~~(e)~~ (f) Any other information that the Collaborative requires to achieve its objectives and carry out its duties.

5. Except as otherwise provided in this section, information acquired by, and the records of, the Collaborative 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. As used in this section:

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

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

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

Sec. 5. 1. The Director shall appoint ~~the~~ :

(a) The Executive Director of the Collaborative.

(b) The Clinical Director of the Collaborative. The Clinical Director must:

(I) Have received the degree of:

(I) Doctor of medicine from a medical school approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges, or its successor organization; or

(II) Doctor of osteopathic medicine from a school of osteopathic medicine accredited by the Commission on Osteopathic College Accreditation of the American Osteopathic Association, or its successor organization;

(2) Have completed a residency program in obstetrics and gynecology approved by the Accreditation Council for Graduate Medical Education, its successor organization or an equivalent organization;

(3) Be currently certified in obstetrics and gynecology by a specialty board of the American Board of Medical Specialties, its successor organization or an equivalent organization;

(4) Be licensed to practice medicine or osteopathic medicine in the District of Columbia or any state or territory of the United States;

(5) Have at least 5 years of clinical practice experience in the specialty area of obstetrics and gynecology; and

(6) To the extent practicable:

(I) Have completed a fellowship program in maternal-fetal medicine approved by the Accreditation Council for Graduate Medical Education, its successor organization or an equivalent organization; and

(II) Be currently certified in maternal-fetal medicine, or be eligible for such certification by a specialty board of the American Board of Medical Specialties, its successor organization or an equivalent organization.

2. The Executive Director:

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

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

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

~~2.~~ 3. The Clinical Director:

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

(b) Shall direct and supervise the clinical activities of the Collaborative and perform other duties as directed by the Director and as advised by the Collaborative.

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

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

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

442.774 1. The Committee is entitled to access to:

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

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

(c) Any medical or mental health records of the person who 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 ~~(4)~~ *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,

1 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161,
2 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090,
3 130.312, 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, 178.5691,
5 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604,
6 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521,
7 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
8 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
9 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473,
10 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030,
11 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,
12 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
13 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.180, 268.095,
14 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
15 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086,
16 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855,
17 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908,
18 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
19 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775,
20 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
21 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257,
22 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
23 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513,
24 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925,
25 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
26 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
27 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535,
28 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280,
29 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
30 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
31 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360,
32 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754,
33 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
34 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245,
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36 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
37 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935,
38 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
39 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070,
40 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
41 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210,
42 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
43 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,
44 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
45 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327,
46 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405,
47 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303,
48 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085,
49 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570,
50 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580,
51 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225,
52 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262,
53 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,

642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 4 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

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

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

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

(1) Give access to proprietary software; or

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

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

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

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

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

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

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

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, 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.

Sec. 9. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.