

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

MARCH 15, 2021

Referred to Committee on Commerce and Labor

SUMMARY—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:**

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

15 Existing law: (1) defines the term “obstetric center” to mean a facility that is  
16 not part of a hospital and provides services for normal, uncomplicated births; and



17 (2) provides for the regulation of an obstetric center as a medical facility. (NRS  
18 449.0155, 449.0302) **Sections 1, 1.9, 2, 4, 5, 36.3 and 36.7** of this bill replace the  
19 term “obstetric center” with the term “freestanding birthing center.” **Sections 3 and**  
20 **11** of this bill define the term “freestanding birthing center” to mean a facility that  
21 provides maternity care and birthing services in a location similar to a residence.  
22 **Section 13** of this bill makes a conforming change to indicate the proper placement  
23 of **section 11** in the Nevada Revised Statutes. **Sections 13.5 and 34.5** of this bill  
24 require a freestanding birthing center to be licensed as a medical facility and  
25 comply with provisions governing medical facilities. **Section 36.5** of this bill  
26 declares existing regulations governing obstetric centers void, and **sections 16.5**  
27 **and 36.5** of this bill require the State Board of Health to adopt specific regulations  
28 governing the licensure and operation of freestanding birthing centers. **Section 29.5**  
29 of this bill: (1) requires a freestanding birthing center to meet certain requirements  
30 currently applicable to obstetric centers; (2) requires a freestanding birthing center  
31 to be located within 30 miles of a hospital that offers services relating to pregnancy  
32 and newborn infants; (3) prohibits the performance of surgery at a freestanding  
33 birthing center; and (4) requires a freestanding birthing center to have a director  
34 who possesses certain qualifications. **Section 36.7** of this bill repeals certain  
35 unnecessary definitions, and **sections 34.2, 34.7 and 34.9** of this bill make  
36 conforming changes to add or remove references to those definitions.

37 Existing law: (1) requires the Maternal Mortality Review Committee to  
38 investigate each case of maternal mortality in this State; and (2) authorizes the  
39 Committee to access certain information in the performance of its duties. (NRS  
40 442.767, 442.774) Existing law requires the Chief Medical Officer to establish and  
41 maintain a system for the reporting of information on cancer and other neoplasms.  
42 (NRS 457.230) **Section 9.7** of this bill authorizes the Committee to access  
43 information in that system.

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

1 **Section 1.** NRS 439.805 is hereby amended to read as follows:  
2 439.805 “Medical facility” means:

3 1. A hospital, as that term is defined in NRS 449.012 and  
4 449.0151;

5 2. ~~[An obstetric center.]~~ *A freestanding birthing center*, as that  
6 term is defined in ~~[NRS 449.0151 and 449.0155;]~~ *section 11 of this*  
7 *act*;

8 3. A surgical center for ambulatory patients, as that term is  
9 defined in NRS 449.0151 and 449.019; and

10 4. An independent center for emergency medical care, as that  
11 term is defined in NRS 449.013 and 449.0151.

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

14 *As used in this chapter, “midwife” means:*

15 *1. A person certified as:*

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



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

3 *2. Any other type of midwife.*

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

5 440.030 As used in this chapter, “live birth” means a birth in  
6 which the child shows evidence of life after complete birth. A birth  
7 is complete when the child is entirely outside the ~~mother,~~ *person*  
8 *giving birth*, even if the cord is uncut and the placenta still attached.  
9 The words “evidence of life” include heart action, breathing or  
10 coordinated movement of voluntary muscle.

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

12 440.280 1. If a birth occurs in a hospital or the ~~mother~~  
13 *person giving birth* and child are immediately transported to a  
14 hospital, the person in charge of the hospital or his or her designated  
15 representative shall obtain the necessary information, prepare a birth  
16 certificate, secure the signatures required by the certificate and file it  
17 within 10 days with the health officer of the registration district  
18 where the birth occurred. The physician in attendance shall provide  
19 the medical information required by the certificate and certify to the  
20 fact of birth within 72 hours after the birth. If the physician does not  
21 certify to the fact of birth within the required 72 hours, the person in  
22 charge of the hospital or the designated representative shall  
23 complete and sign the certification.

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

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

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

31 (c) The ~~father, mother~~ *person giving birth* or ~~the~~ *other parent,*  
32 *or* if the ~~father~~ *other parent* is absent and the ~~mother~~ *person*  
33 *giving birth* is incapacitated, the person in charge of the premises  
34 where the birth occurred.

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

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

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

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



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

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

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

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

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

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

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

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

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

39 7. An order entered or a declaration executed pursuant to  
40 subsection 6 must be submitted to the local health officer, the local  
41 health officer's authorized representative, or the attending physician  
42 or midwife before a proper certificate of birth is forwarded to the  
43 State Registrar. The order or declaration must then be delivered to  
44 the State Registrar for filing. The State Registrar's file of orders and  
45 declarations must be sealed and the contents of the file may be



1 examined only upon order of a court of competent jurisdiction or at  
2 the request of either parent or the Division of Welfare and  
3 Supportive Services of the Department of Health and Human  
4 Services as necessary to carry out the provisions of 42 U.S.C. §  
5 654a. The local health officer shall complete the original certificate  
6 of birth in accordance with subsection 6 and other provisions of this  
7 chapter.

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

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

11 440.283 1. The Board shall:

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

16 (b) Distribute the declarations to:

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

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

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

29 3. Before providing a declaration for the acknowledgment of  
30 paternity to the ~~mother-of~~ *person who gave birth to* a child or a  
31 person who wishes to acknowledge the paternity of the child, the  
32 agencies described in paragraph (b) of subsection 1 shall ensure that  
33 the ~~mother~~ *person who gave birth* and the person who wishes to  
34 acknowledge paternity are given notice, orally and in writing, of the  
35 rights, responsibilities and legal consequences of, and the  
36 alternatives to, signing the declaration for the acknowledgment of  
37 paternity.

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

39 440.285 1. The Board shall:

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

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

44 2. Before providing a declaration for the acknowledgment of  
45 parentage to the ~~mother-of~~ *person who gave birth to* a child or a



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

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

9 440.287 1. If a ~~mother~~ *person who has given birth* or a  
10 person who has signed a declaration for the voluntary  
11 acknowledgment of paternity developed by the Board pursuant to  
12 NRS 440.283 or a declaration for the voluntary acknowledgment of  
13 parentage developed by the Board pursuant to NRS 440.285 with  
14 the ~~mother~~ *person who has given birth* rescinds the  
15 acknowledgment pursuant to subsection 2 of NRS 126.053, the  
16 State Registrar shall not issue a new certificate of birth to remove  
17 the name of the person who originally acknowledged paternity or  
18 parentage, as applicable, unless a court issues an order establishing  
19 that the person who acknowledged paternity or parentage, as  
20 applicable, is not the father or parent, as applicable, of the child.

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

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

24 440.325 1. In the case of the paternity or parentage of a child  
25 being established by the:

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

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

34 (c) Order of a district court,

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

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

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



1 4. The State Registrar shall, upon the request of the Division of  
2 Welfare and Supportive Services of the Department of Health and  
3 Human Services, open a file that has been sealed pursuant to  
4 subsection 3 to allow the Division to compare the information  
5 contained in the declaration or order upon which the new certificate  
6 was made with the information maintained pursuant to 42 U.S.C. §  
7 654a.

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

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

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

21 442.003 As used in this chapter, unless the context requires  
22 otherwise:

23 1. "Advisory Board" means the Advisory Board on Maternal  
24 and Child Health.

25 2. "Department" means the Department of Health and Human  
26 Services.

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

28 4. "Division" means the Division of Public and Behavioral  
29 Health of the Department.

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

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

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

35 ~~{7.}~~ 8. *"Midwife" means:*

36 (a) *A person certified as:*

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

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

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

42 9. ~~{“Obstetric center” has the meaning ascribed to it in~~  
43 ~~NRS 449.0155.~~

44 ~~—8.—~~ "Provider of health care or other services" means:



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

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

8 (c) A licensed nurse;

9 (d) A licensed psychologist;

10 (e) A licensed marriage and family therapist;

11 (f) A licensed clinical professional counselor;

12 (g) A licensed social worker;

13 (h) A licensed dietitian; or

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

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

16 442.008 1. The State Board of Health shall adopt regulations  
17 governing examinations and tests required for the discovery in  
18 infants of preventable or inheritable disorders, including tests for the  
19 presence of sickle cell disease and its variants and sickle cell trait.

20 2. Except as otherwise provided in this subsection, the  
21 examinations and tests required pursuant to subsection 1 must  
22 include tests and examinations for each disorder recommended to be  
23 screened by the Health Resources and Services Administration of  
24 the United States Department of Health and Human Services by not  
25 later than 4 years after the recommendation is published. The State  
26 Board may exclude any such disorder upon request of the Chief  
27 Medical Officer or the person in charge of the State Public Health  
28 Laboratory based on:

29 (a) Insufficient funding to conduct testing for the disorder; or

30 (b) Insufficient resources to address the results of the  
31 examination and test.

32 3. Any examination or test required by the regulations adopted  
33 pursuant to subsection 1 which must be performed by a laboratory  
34 must be sent to the State Public Health Laboratory. If the State  
35 Public Health Laboratory increases the amount charged for  
36 performing such an examination or test pursuant to NRS 439.240,  
37 the Division shall hold a public hearing during which the State  
38 Public Health Laboratory shall provide to the Division a written and  
39 verbal fiscal analysis of the reasons for the increased charges.

40 4. Except as otherwise provided in subsection 7, the  
41 regulations adopted pursuant to subsection 1 concerning tests for the  
42 presence of sickle cell disease and its variants and sickle cell trait  
43 must require the screening for sickle cell disease and its variants and  
44 sickle cell trait of:





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

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

6 5. Any physician, midwife, nurse, ~~[obstetric center]~~  
7 *freestanding birthing center* or hospital of any nature attending or  
8 assisting in any way any infant, or the ~~[mother of]~~ *person who gave*  
9 *birth to* any infant, at childbirth shall:

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

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

20 6. If the examination and tests reveal the existence of such  
21 conditions in an infant, the physician, midwife, nurse, ~~[obstetric~~  
22 ~~center]~~ *freestanding birthing center* or hospital attending or  
23 assisting at the birth of the infant shall immediately:

24 (a) Report the condition to the Chief Medical Officer or the  
25 representative of the Chief Medical Officer, the local health officer  
26 of the county or city within which the infant or the ~~[mother of]~~  
27 *person who gave birth to* the infant resides, and the local health  
28 officer of the county or city in which the child is born; and

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

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

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

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

38 442.040 1. Any physician, midwife, nurse, ~~[obstetric center]~~  
39 *freestanding birthing center* or hospital of any nature, parent,  
40 relative or person attending or assisting in any way any infant, or the  
41 ~~[mother of]~~ *person who gave birth to* any infant, at childbirth, or  
42 any time within 2 weeks after childbirth, knowing the condition  
43 defined in NRS 442.030 to exist, shall immediately report such fact  
44 in writing to the local health officer of the county, city or other



1 political subdivision within which the infant or the ~~mother of~~  
2 *person who gave birth to* any infant may reside.

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

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

12 **Sec. 6.** (Deleted by amendment.)

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

14 442.130 1. The Department is hereby designated as the  
15 agency of this State to administer, through the Division, a maternal  
16 and child health program, and to supervise the administration of  
17 those services included in the program which are not administered  
18 directly by it.

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

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

24 442.137 The purpose of the Advisory Board is to advise the  
25 Administrator of the Division concerning perinatal care to enhance  
26 the survivability and health of infants and ~~mothers.~~ *persons who*  
27 *are pregnant, are giving birth and have given birth,* and  
28 concerning programs to improve the health of preschool children, to  
29 achieve the following objectives:

30 1. Ensuring the availability and accessibility of primary care  
31 health services;

32 2. Reducing the rate of infant mortality;

33 3. Reducing the incidence of preventable diseases and  
34 handicapping conditions among children;

35 4. Identifying the most effective methods of preventing fetal  
36 alcohol syndrome and collecting information relating to the  
37 incidence of fetal alcohol syndrome in this state;

38 5. Preventing the consumption of alcohol by women during  
39 pregnancy;

40 6. Reducing the need for inpatient and long-term care services;

41 7. Increasing the number of children who are appropriately  
42 immunized against disease;

43 8. Increasing the number of children from low-income families  
44 who are receiving assessments of their health;



1 9. Ensuring that services to follow up the assessments are  
2 available, accessible and affordable to children identified as in need  
3 of those services;

4 10. Assisting the Division in developing a program of public  
5 education that it is required to develop pursuant to NRS 442.385,  
6 including, without limitation, preparing and obtaining information  
7 relating to fetal alcohol syndrome;

8 11. Assisting the University of Nevada School of Medicine in  
9 reviewing, amending and distributing the guidelines it is required to  
10 develop pursuant to NRS 442.390; and

11 12. Promoting the health of infants and ~~mothers~~ *persons who*  
12 *are pregnant, are giving birth or have given birth* by ensuring the  
13 availability and accessibility of affordable perinatal services.

14 **Sec. 7.** (Deleted by amendment.)

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

16 442.400 The agency which provides child welfare services or a  
17 licensed child-placing agency shall inquire, during its initial contact  
18 with a natural parent of a child who is to be placed for adoption,  
19 about consumption of alcohol by or any substance use disorder of  
20 the ~~mother of~~ *person who gave birth to* the child during  
21 pregnancy. The information obtained from the inquiry must be:

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

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

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

28 442.405 1. The agency which provides child welfare services  
29 shall inquire, during its initial contact with a natural parent of a child  
30 who is to be placed in a family foster home, about consumption of  
31 alcohol by or any substance use disorder of the ~~mother of~~ *person*  
32 *who gave birth to* the child during pregnancy. The information  
33 obtained from the inquiry must be:

34 (a) Provided to the provider of foster care pursuant to NRS  
35 424.038; and

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

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

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

42 442.410 An agency which provides child welfare services shall  
43 inquire, during its initial contact with a natural parent of a child  
44 whom a court has determined must be kept in temporary or  
45 permanent custody, about consumption of alcohol by or any



1 substance use disorder of the ~~mother of~~ *person who gave birth to*  
2 the child during pregnancy. The information obtained from the  
3 inquiry must be:

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

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

9 **Sec. 8.** (Deleted by amendment.)

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

11 442.650 A provider of health care who attends or assists at the  
12 delivery of a child shall, if the ~~mother~~ *person giving birth* has not  
13 been tested for the human immunodeficiency virus earlier during her  
14 pregnancy or the results of an earlier test are not available, ensure  
15 that a rapid test for the human immunodeficiency virus is performed  
16 on the child unless a parent or legal guardian of the child objects to  
17 the performance of the test because it is contrary to the religious  
18 beliefs of the parent or legal guardian.

19 **Sec. 9.** (Deleted by amendment.)

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

21 442.761 “Severe maternal morbidity” means an unexpected  
22 incident during childbirth that has a serious negative effect on the  
23 short-term or long-term health of the ~~mother~~ *person who is giving*  
24 *birth or has given birth to a child.*

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

26 442.774 1. The Committee is entitled to access to:

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

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

33 (c) Any medical or mental health records of the ~~mother~~;  
34 *person who gave birth to a child;*

35 (d) Any records of social and rehabilitative services or of any  
36 other social service agency which has provided services to the  
37 ~~mother~~ *person who gave birth to a child* or the ~~mother’s~~ family  
38 ~~of the person who gave birth to a child;~~ ~~and~~

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

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

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



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

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

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

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

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

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

25 **Sec. 10.** (Deleted by amendment.)

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

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

33 **Sec. 12.** (Deleted by amendment.)

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

35 449.001 As used in this chapter, unless the context otherwise  
36 requires, the words and terms defined in NRS 449.0015 to  
37 449.0195, inclusive, *and section 11 of this act* have the meanings  
38 ascribed to them in those sections.

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

41 449.0151 “Medical facility” includes:

- 42 1. A surgical center for ambulatory patients;
- 43 2. ~~An obstetric center;~~ *A freestanding birthing center;*
- 44 3. An independent center for emergency medical care;
- 45 4. An agency to provide nursing in the home;



- 1 5. A facility for intermediate care;
- 2 6. A facility for skilled nursing;
- 3 7. A facility for hospice care;
- 4 8. A hospital;
- 5 9. A psychiatric hospital;
- 6 10. A facility for the treatment of irreversible renal disease;
- 7 11. A rural clinic;
- 8 12. A nursing pool;
- 9 13. A facility for modified medical detoxification;
- 10 14. A facility for refractive surgery;
- 11 15. A mobile unit; and
- 12 16. A community triage center.

13 **Sec. 14.** (Deleted by amendment.)

14 **Sec. 15.** (Deleted by amendment.)

15 **Sec. 16.** (Deleted by amendment.)

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

18 449.0302 1. The Board shall adopt:

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

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

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

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

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

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

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

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

43 (b) Residential facilities for groups,



1 ↪ which provide care to persons with Alzheimer's disease or other  
2 severe dementia, as described in paragraph (a) of subsection 2 of  
3 NRS 449.1845.

4 3. The Board shall adopt separate regulations for:

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

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

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

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

17 5. In addition to the training requirements prescribed pursuant  
18 to NRS 449.093, the Board shall establish minimum qualifications  
19 for administrators and employees of residential facilities for groups.  
20 In establishing the qualifications, the Board shall consider the  
21 related standards set by nationally recognized organizations which  
22 accredit such facilities.

23 6. The Board shall adopt separate regulations regarding the  
24 assistance which may be given pursuant to NRS 453.375 and  
25 454.213 to an ultimate user of controlled substances or dangerous  
26 drugs by employees of residential facilities for groups. The  
27 regulations must require at least the following conditions before  
28 such assistance may be given:

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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





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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

10 (a) Except as otherwise provided in paragraph (b), require a  
11 natural person responsible for the operation of a provider of  
12 community-based living arrangement services and each employee of  
13 a provider of community-based living arrangement services who  
14 supervises or provides support to recipients of community-based  
15 living arrangement services to complete training concerning the  
16 provision of community-based living arrangement services to  
17 persons with mental illness and continuing education concerning the  
18 particular population served by the provider;

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

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

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

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

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



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

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

5 **Sec. 17.** (Deleted by amendment.)

6 **Sec. 18.** (Deleted by amendment.)

7 **Sec. 19.** (Deleted by amendment.)

8 **Sec. 20.** (Deleted by amendment.)

9 **Sec. 21.** (Deleted by amendment.)

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

11 449.102 A medical facility, facility for the dependent or facility  
12 which is otherwise required by regulations adopted by the Board  
13 pursuant to NRS 449.0303 to be licensed shall:

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

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

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

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

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

36 449.103 1. To enable an agent or employee of a medical  
37 facility, facility for the dependent or facility which is otherwise  
38 required by regulations adopted by the Board pursuant to NRS  
39 449.0303 to be licensed who provides care to a patient or resident of  
40 the facility to more effectively treat patients or care for residents, as  
41 applicable, the Board shall, by regulation, require such a facility to  
42 conduct training relating specifically to cultural competency for any  
43 agent or employee of the facility who provides care to a patient or  
44 resident of the facility so that such an agent or employee may better  
45 understand patients or residents who have different cultural



1 backgrounds, including, without limitation, patients or residents  
2 who are:

- 3 (a) From various ~~[gender,]~~ racial and ethnic backgrounds;
- 4 (b) From various religious backgrounds;
- 5 (c) ~~[Lesbian, gay, bisexual, transgender and questioning~~  
6 ~~persons;]~~ *Persons with various sexual orientations and gender*  
7 *identities or expressions;*
- 8 (d) Children and senior citizens;
- 9 (e) Persons with a mental or physical disability; and
- 10 (f) Part of any other population that such an agent or employee  
11 may need to better understand, as determined by the Board.

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

- 18 **Sec. 24.** (Deleted by amendment.)
- 19 **Sec. 25.** (Deleted by amendment.)
- 20 **Sec. 26.** (Deleted by amendment.)
- 21 **Sec. 27.** (Deleted by amendment.)
- 22 **Sec. 28.** (Deleted by amendment.)
- 23 **Sec. 29.** (Deleted by amendment.)

24 **Sec. 29.5.** NRS 449.198 is hereby amended to read as follows:  
25 449.198 ~~[An obstetric]~~ *1. A freestanding birthing* center  
26 must:

- 27 ~~[H.]~~ (a) Provide sufficient space for members of the family of  
28 the pregnant ~~[woman]~~ *person* and other persons chosen by the  
29 ~~[woman]~~ *pregnant person* to assist ~~[her]~~ with the birth; ~~[and~~  
30 ~~—2.]~~ (b) Have obstetrical services available to meet the needs of  
31 an acute patient ~~[H.]~~; *and*

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

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

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

- 40 (a) *A physician;*
- 41 (b) *A person who:*
  - 42 (1) *Is certified as a Certified Professional Midwife by the*
  - 43 *North American Registry of Midwives, or its successor*
  - 44 *organization; and*



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

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

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

9           (c) *A certified nurse-midwife.*

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

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

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

16        **Sec. 30.** (Deleted by amendment.)

17        **Sec. 31.** (Deleted by amendment.)

18        **Sec. 32.** (Deleted by amendment.)

19        **Sec. 33.** (Deleted by amendment.)

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

21        449.245 1. No hospital licensed under the provisions of NRS  
22 449.029 to 449.2428, inclusive, may release from the hospital or  
23 otherwise surrender physical custody of any child under 6 months of  
24 age, whose living parent or guardian is known to the hospital, to any  
25 person other than a parent, guardian or relative by blood or marriage  
26 of that child, without a written authorization signed by a living  
27 parent, who must be the ~~mother~~ *person who gave birth to the*  
28 *child* if unwed, or guardian specifying the particular person or  
29 agency to whom the child may be released and the permanent  
30 address of that person or agency.

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

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



1 address of the person or agency to whom physical custody of the  
2 child was delivered.

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

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

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

13 **Sec. 34.** (Deleted by amendment.)

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

16 449A.001 As used in this chapter, unless the context otherwise  
17 requires, the words and terms defined in NRS ~~[449A.003]~~ **449A.007**  
18 to 449A.081, inclusive, have the meanings ascribed to them in those  
19 sections.

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

22 449A.050 "Medical facility" ~~[includes:~~

- 23 ~~—1. A surgical center for ambulatory patients;~~  
24 ~~—2. An obstetric center;~~  
25 ~~—3. An independent center for emergency medical care;~~  
26 ~~—4. An agency to provide nursing in the home;~~  
27 ~~—5. A facility for intermediate care;~~  
28 ~~—6. A facility for skilled nursing;~~  
29 ~~—7. A facility for hospice care;~~  
30 ~~—8. A hospital;~~  
31 ~~—9. A psychiatric hospital;~~  
32 ~~—10. A facility for the treatment of irreversible renal disease;~~  
33 ~~—11. A rural clinic;~~  
34 ~~—12. A nursing pool;~~  
35 ~~—13. A facility for modified medical detoxification;~~  
36 ~~—14. A facility for refractive surgery;~~  
37 ~~—15. A mobile unit; and~~  
38 ~~—16. A community triage center.]~~ *has the meaning ascribed to it*  
39 *in NRS 449.0151.*

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

42 449A.114 1. Except as otherwise provided in subsection 2,  
43 before a facility for intermediate care, facility for skilled nursing or  
44 residential facility for groups transfers a patient to another medical



1 facility or facility for the dependent or discharges the patient from  
2 the facility, the facility shall:

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

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

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

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

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

18 3. As used in this section **§**:

19 (a) *“Facility for intermediate care” has the meaning ascribed*  
20 *to it in NRS 449.0038.*

21 (b) *“Facility for skilled nursing” has the meaning ascribed to*  
22 *it in NRS 449.0039.*

23 (c) “Ombudsman” means the State Long-Term Care  
24 Ombudsman appointed pursuant to NRS 427A.125.

25 (d) *“Residential facility for groups” had the meaning ascribed*  
26 *to it in NRS 449.017.*

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

29 449A.218 “Facility” means a facility licensed pursuant to  
30 chapter 449 of NRS that is a psychiatric hospital , *as defined in*  
31 *NRS 449.0165*, or a unit of a hospital that is specifically designated  
32 to provide care and services to persons with psychiatric or  
33 developmental disabilities.

34 **Sec. 35.** (Deleted by amendment.)

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

38 **Sec. 36.3.** The Legislative Counsel shall:

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

43 2. In preparing supplements to the Nevada Administrative  
44 Code, substitute appropriately the term “freestanding birthing  
45 center” for the term “obstetric center” as previously used.



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

7     **Sec. 36.7.** NRS 449.0155, 449A.003, 449A.005, 449A.009,  
8 449A.011, 449A.013, 449A.015, 449A.019, 449A.021, 449A.023,  
9 449A.025, 449A.027, 449A.029, 449A.033, 449A.035, 449A.037,  
10 449A.039, 449A.041, 449A.043, 449A.047, 449A.052, 449A.054,  
11 449A.056, 449A.058, 449A.060, 449A.062, 449A.066, 449A.068,  
12 449A.073, 449A.075, 449A.077 and 449A.079 are hereby repealed.

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

15     2. Sections 1 to 36.7, inclusive, of this act become effective:

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

19     (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.

