

---

---

ASSEMBLY BILL NO. 317—ASSEMBLYWOMAN CARLTON

MARCH 18, 2019

---

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the licensing and operation of certain medical facilities. (BDR 40-1034)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

---

---

AN ACT relating to health care; authorizing the State Board of Health to require the licensing of certain facilities; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to consider certain factors before issuing a new license; requiring certain facilities to obtain approval before offering new medical services; prohibiting a hospital from operating facilities located a certain distance from the hospital; revising provisions governing approval to operate a center for the treatment of trauma and the operation of such a center; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law authorizes the State Board of Health to adopt regulations requiring  
2 the licensing of facilities that provide medical care or treatment but are not required  
3 by law to be licensed. (NRS 449.0303) **Section 1** of this bill additionally authorizes  
4 the Board to require the licensing of any facility that performs any procedure that  
5 involved breaking the skin of a person. **Section 6** of this bill makes a conforming  
6 change.

7 Existing law requires a facility that is licensed by the Division of Public and  
8 Behavioral Health of the Department of Health and Human Services to receive  
9 approval to amend the license before providing certain services at the facility. Such  
10 approval must be based on a determination by the Division that there is an adequate  
11 need in the community for the services in the community in which the facility is  
12 located. (NRS 449.087) **Sections 2-4** of this bill require: (1) the Division to make a  
13 similar determination before issuing a new license; and (2) a facility to receive such  
14 approval any time the facility offers a new medical service. **Section 5** of this bill



15 prohibits a hospital from operating a facility that provides emergency medical  
16 services which is located further than 30 miles from the hospital.

17 Existing law requires: (1) a person to obtain the approval of the Administrator  
18 of the Division before operating a center for the treatment of trauma; and (2)  
19 establishes requirements concerning the operation of a center for the treatment of  
20 trauma. (NRS 450B.236, 450B.237) **Section 7** of this bill additionally prohibits an  
21 entity from operating a center for the treatment of trauma without the approval of  
22 the Administrator. **Section 8** of this bill requires the State Board of Health to adopt  
23 criteria for designating a center as a Level I, II, III or IV center for the treatment of  
24 trauma based on the level of care that the center is capable of providing. **Section 8**  
25 requires the Administrator, upon granting approval to operate a center for the  
26 treatment of trauma, to designate the center as a Level I, II, III or IV center for the  
27 treatment of trauma. **Section 7** prohibits the operator of a center for the treatment of  
28 trauma from representing that the center provides care for trauma at Level I, II, III  
29 or IV or charging patients for such care unless the center has been designated by the  
30 Administrator as capable of providing care at the applicable level. **Section 8**  
31 additionally: (1) requires a hospital to charge a patient for the level of trauma care  
32 that the patient actually receives; and (2) prohibits a hospital from charging an  
33 activation fee for trauma care provided at a Level III or IV.

---

---

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

1 **Section 1.** NRS 449.0303 is hereby amended to read as  
2 follows:

3 449.0303 The Board may adopt regulations requiring the  
4 licensing of a facility other than those required to be licensed  
5 pursuant to NRS 449.029 to 449.2428, inclusive, if the:

- 6 1. Facility provides any type of medical care or treatment ~~(1)~~ *or*  
7 *performs any procedure that requires breaking the skin of a*  
8 *person;* and  
9 2. Regulation is necessary to protect the health of the general  
10 public.

11 **Sec. 2.** NRS 449.040 is hereby amended to read as follows:

12 449.040 1. Any person, state or local government or agency  
13 thereof desiring a license under the provisions of NRS 449.029 to  
14 449.2428, inclusive, must file with the Division an application on a  
15 form prescribed, prepared and furnished by the Division, containing:

16 ~~(1)~~ (a) The name of the applicant and, if a natural person,  
17 whether the applicant has attained the age of 21 years.

18 ~~(2)~~ (b) The type of facility to be operated.

19 ~~(3)~~ (c) The location of the facility.

20 ~~(4)~~ (d) In specific terms, the nature of services and type of care  
21 to be offered, as defined in the regulations.

22 ~~(5)~~ (e) The number of beds authorized by the Director of the  
23 Department of Health and Human Services or, if such authorization  
24 is not required, the number of beds the facility will contain.

25 ~~(6)~~ (f) The name of the person in charge of the facility.



1 ~~[7.]~~ (g) Such other information as may be required by the  
2 Division for the proper administration and enforcement of NRS  
3 449.029 to 449.2428, inclusive.

4 ~~[8.]~~ (h) Evidence satisfactory to the Division that the applicant  
5 is of reputable and responsible character. If the applicant is a firm,  
6 association, organization, partnership, business trust, corporation or  
7 company, similar evidence must be submitted as to the members  
8 thereof and the person in charge of the facility for which application  
9 is made. If the applicant is a political subdivision of the State or  
10 other governmental agency, similar evidence must be submitted as  
11 to the person in charge of the institution for which application is  
12 made.

13 ~~[9.]~~ (i) Evidence satisfactory to the Division of the ability of the  
14 applicant to comply with the provisions of NRS 449.029 to  
15 449.2428, inclusive, and the standards and regulations adopted by  
16 the Board.

17 ~~[10.]~~ (j) Evidence satisfactory to the Division that the facility  
18 conforms to the zoning regulations of the local government within  
19 which the facility will be operated or that the applicant has applied  
20 for an appropriate reclassification, variance, permit for special use  
21 or other exception for the facility.

22 *2. A licensee must obtain the approval of the Division to*  
23 *amend his or her license to operate a facility before the addition of*  
24 *any medical service not previously offered or authorized by the*  
25 *license.*

26 **Sec. 3.** NRS 449.080 is hereby amended to read as follows:

27 449.080 1. If, after investigation ~~[.]~~ *of an applicant for a new*  
28 *license or approval to amend a license to operate a facility before*  
29 *the addition of a medical service not previously offered or*  
30 *authorized by the license,* the Division finds that ~~[the:]~~ :

31 (a) ~~[Applicant]~~ *The applicant* is in full compliance with the  
32 provisions of NRS 449.029 to 449.2428, inclusive;

33 (b) ~~[Applicant]~~ *The applicant* is in substantial compliance with  
34 the standards and regulations adopted by the Board;

35 (c) ~~[Applicant,]~~ *The applicant,* if he or she has undertaken a  
36 project for which approval is required pursuant to NRS 439A.100,  
37 has obtained the approval of the Director of the Department of  
38 Health and Human Services; ~~[and]~~

39 (d) ~~[Facility]~~ *The facility* conforms to the applicable zoning  
40 regulations ~~[.]~~;

41 (e) *On the basis of the standards adopted by the Board*  
42 *pursuant to NRS 449.087, there are an adequate number of cases*  
43 *in the community to be served to support issuing the license or*  
44 *amending the license to add the service, as applicable; and*



1 *(f) The applicant satisfies any other standards adopted by the*  
2 *Board pursuant to NRS 449.087,*

3 *→ the Division shall issue the license to the applicant ~~{} or approve~~*  
4 *the amendment to the license, as applicable.*

5 2. A license applies only to the person to whom it is issued, is  
6 valid only for the premises described in the license and is not  
7 transferable.

8 3. *The Division may revoke approval for a licensee to provide*  
9 *any service authorized by its license if the licensee fails to*  
10 *maintain substantial compliance with the standards adopted by the*  
11 *Board pursuant to NRS 449.087 for the provision of services, or*  
12 *with any condition included in any written approval of the*  
13 *Director issued pursuant to the provisions of NRS 439A.100.*

14 **Sec. 4.** NRS 449.087 is hereby amended to read as follows:

15 449.087 ~~{1. A licensee must obtain the approval of the~~  
16 ~~Division to amend his or her license to operate a facility before the~~  
17 ~~addition of any of the following services:~~

18 ~~—(a) The intensive care of newborn babies.~~

19 ~~—(b) The treatment of burns.~~

20 ~~—(c) The transplant of organs.~~

21 ~~—(d) The performance of open heart surgery.~~

22 ~~—(e) A center for the treatment of trauma.~~

23 ~~2. The Division shall approve an application to amend a license~~  
24 ~~to allow a facility to provide any of the services described in~~  
25 ~~subsection 1 if:~~

26 ~~—(a) The applicant satisfies the requirements contained in~~  
27 ~~NRS 449.080;~~

28 ~~—(b) The Division determines on the basis of the standards~~  
29 ~~adopted by the Board pursuant to subsection 4 that there are an~~  
30 ~~adequate number of cases in the community to be served to support~~  
31 ~~amending the license to add the service; and~~

32 ~~—(c) The Division determines that the applicant satisfies any other~~  
33 ~~standards adopted by the Board pursuant to subsection 4.~~

34 ~~3. The Division may revoke its approval if the licensee fails to~~  
35 ~~maintain substantial compliance with the standards adopted by the~~  
36 ~~Board pursuant to subsection 4 for the provision of such services, or~~  
37 ~~with any conditions included in the written approval of the Director~~  
38 ~~issued pursuant to the provisions of NRS 439A.100.~~

39 ~~4.] The Board shall:~~

40 ~~{(a)}~~ 1. Adopt standards which have been adopted by  
41 appropriate national organizations to be used by the Division in  
42 determining whether there are an adequate number of cases in the  
43 community to be served to support *issuing a license or* amending  
44 the license of a licensee to add a *medical* service pursuant to ~~{this~~  
45 ~~section;}~~ *NRS 449.080;* and



1 ~~[(b)]~~ 2. Adopt such other standards as it deems necessary for  
2 determining whether to approve the provision of services pursuant  
3 to ~~[this section.]~~ *NRS 449.080.*

4 **Sec. 5.** NRS 449.189 is hereby amended to read as follows:  
5 449.189 *1. A hospital shall not operate a facility that*  
6 *provides emergency medical services which is located more than*  
7 *30 miles from the hospital.*

8 *2.* An independent center to provide emergency medical care  
9 shall not be operated unless a physician and registered nurse are on  
10 the premises.

11 **Sec. 6.** NRS 449.209 is hereby amended to read as follows:  
12 449.209 1. In addition to the requirements and prohibitions  
13 set forth in NRS 449.0305, and notwithstanding any exceptions set  
14 forth in that section, a licensed medical facility or an employee of  
15 such a medical facility shall not:

16 (a) Refer a person to a residential facility for groups that is not  
17 licensed by the Division; or

18 (b) Refer a person to a residential facility for groups if the  
19 licensed medical facility or its employee knows or reasonably  
20 should know that the residential facility for groups, or the services  
21 provided by the residential facility for groups, are not appropriate  
22 for the condition of the person being referred.

23 2. If a licensed medical facility or an employee of such a  
24 medical facility violates the provisions of subsection 1, the licensed  
25 medical facility is liable for a civil penalty to be recovered by the  
26 Attorney General in the name of the Board for the first offense of  
27 not more than \$10,000 and for a second or subsequent offense of not  
28 less than \$10,000 or more than \$20,000. Unless otherwise required  
29 by federal law, the Board shall deposit all civil penalties collected  
30 pursuant to this section into a separate account in the State General  
31 Fund to be used for the enforcement of this section and the  
32 protection of the health, safety, well-being and property of residents  
33 of residential facilities for groups.

34 3. The Board shall:

35 (a) Establish and maintain a system to track violations of this  
36 section and NRS 449.0305. Except as otherwise provided in this  
37 paragraph, records created by or for the system are public records  
38 and are available for public inspection. The following information is  
39 confidential:

40 (1) Any personally identifying information relating to a  
41 person who is referred to a residential facility for groups.

42 (2) Information which may not be disclosed under federal  
43 law.

44 (b) Educate the public regarding the requirements and  
45 prohibitions set forth in this section and NRS 449.0305.



1 4. As used in this section, "licensed medical facility" means:  
2 (a) A medical facility that is required to be licensed pursuant to  
3 this section and NRS 449.029 to 449.2428, inclusive.

4 (b) A facility for the dependent that is required to be licensed  
5 pursuant to this section and NRS 449.029 to 449.2428, inclusive.

6 (c) A facility that ~~[provides medical care or treatment and]~~ is  
7 required by regulation of the Board to be licensed pursuant to  
8 NRS 449.0303.

9 **Sec. 7.** NRS 450B.236 is hereby amended to read as follows:

10 450B.236 **1.** A person *or entity* shall not operate a center for  
11 the treatment of trauma without first applying for and obtaining the  
12 written approval of the Administrator of the Division ~~[ ]~~ *pursuant to*  
13 *NRS 450B.237.*

14 **2.** *Before an operator of a center for the treatment of trauma*  
15 *may represent that the center provides care for trauma at a*  
16 *particular level and before the operator may charge patients for*  
17 *providing that level of care, the center must be designated at that*  
18 *level in accordance with the regulations adopted pursuant to*  
19 *NRS 450B.237.*

20 **Sec. 8.** NRS 450B.237 is hereby amended to read as follows:

21 450B.237 **1.** The board shall establish a program for treating  
22 persons who require treatment for trauma and for transporting and  
23 admitting such persons to centers for the treatment of trauma. The  
24 program must provide for the development, operation and  
25 maintenance of a system of communication to be used in  
26 transporting such persons to the appropriate centers.

27 **2.** The State Board of Health shall adopt regulations which  
28 establish the standards for the designation of hospitals as centers for  
29 the treatment of trauma. The State Board of Health shall consider  
30 the standards adopted by the American College of Surgeons for a  
31 center for the treatment of trauma as a guide for such regulations.  
32 *The regulations must prescribe criteria for designating a center as*  
33 *a Level I, II, III or IV center for the treatment of trauma based on*  
34 *the level of care that the center is capable of providing.* The  
35 Administrator of the Division shall not ~~[approve]~~ :

36 (a) *Approve* a proposal to designate a hospital as a center for the  
37 treatment of trauma unless the hospital meets the standards  
38 established pursuant to this subsection.

39 (b) *Designate a center for the treatment of trauma at a*  
40 *particular level unless the center meets the standards established*  
41 *by regulation for the applicable level.*

42 **3.** Each district board of health in a county whose population is  
43 700,000 or more shall adopt regulations which establish the  
44 standards for the designation of hospitals in the county as centers for  
45 the treatment of trauma which are consistent with the regulations



1 adopted by the State Board of Health pursuant to subsection 2. A  
2 district board of health shall not approve a proposal to designate a  
3 hospital as a center for the treatment of trauma unless the hospital  
4 meets the standards established pursuant to this subsection.

5 4. A proposal to designate a hospital located in a county whose  
6 population is 700,000 or more as a center for the treatment of  
7 trauma:

8 (a) Must be approved by the Administrator of the Division and  
9 by the district board of health of the county in which the hospital is  
10 located; and

11 (b) May not be approved unless the district board of health of  
12 the county in which the hospital is located has established and  
13 adopted a comprehensive trauma system plan concerning the  
14 treatment of trauma in the county, which includes, without  
15 limitation, consideration of the future trauma needs of the county,  
16 consideration of and plans for the development and designation of  
17 new centers for the treatment of trauma in the county based on the  
18 demographics of the county and the manner in which the county  
19 may most effectively provide trauma services to persons in the  
20 county.

21 5. Upon approval by the Administrator of the Division and, if  
22 the hospital is located in a county whose population is 700,000 or  
23 more, the district board of health of the county in which the hospital  
24 is located, of a proposal to designate a hospital as a center for the  
25 treatment of trauma, the Administrator of the Division shall **[issue]** :

26 (a) *Issue* written approval which designates the hospital as such  
27 a center **[H]**; and

28 (b) *Designate the center as a Level I, II, III or IV center for*  
29 *the treatment of trauma in accordance with the regulations*  
30 *adopted pursuant to subsection 2.*

31 6. As a condition of continuing *the* designation *of* the hospital  
32 *as a center for the treatment of trauma, the hospital* must comply  
33 with the following requirements:

34 (a) The hospital must admit any injured person who requires  
35 medical care.

36 (b) Any physician who provides treatment for trauma must be  
37 qualified to provide that treatment.

38 (c) The hospital must maintain the standards specified in the  
39 regulations adopted pursuant to subsections 2 and 3.

40 (d) *The hospital must charge a patient only for the level of*  
41 *trauma care that the patient actually receives rather than the*  
42 *highest level for which the hospital is designated pursuant to*  
43 *subsection 5.*

44 (e) *The hospital must not charge a patient a fee for activation*  
45 *of a team to provide trauma care at level III or IV.*



1     **Sec. 9.** This act becomes effective on July 1, 2019.

⑩

