
ASSEMBLY BILL NO. 44—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF CLARK COUNTY)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to county hospitals.
(BDR 40-401)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 county hospitals; revising provisions governing meetings of a board of hospital trustees; revising certain provisions related to a hospital advisory board; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes a county or group of counties to establish a public
2 hospital. (NRS 450.020) Existing law also: (1) provides for a board of hospital
3 trustees for a public hospital, which has general powers and duties relating to
4 establishing and maintaining a public hospital; (2) authorizes the appointment of a
5 hospital advisory board in counties where the board of county commissioners is the
6 board of hospital trustees; and (3) requires such a hospital advisory board to
7 exercise the powers and duties delegated to it by the board of hospital trustees.
8 (NRS 450.070, 450.150, 450.175) **Section 2** of this bill changes the name of a
9 “hospital advisory board” to a “hospital governing board” and requires such a board
10 to promulgate bylaws and related policies and procedures.

11 Existing law requires the board of hospital trustees to hold meetings and
12 authorizes the board of hospital trustees to hold a closed meeting to discuss
13 providing or expanding a health care service or acquiring or expanding a facility.
14 (NRS 450.140) **Sections 1 and 3** of this bill additionally: (1) authorize a board of
15 hospital trustees and a hospital governing board to hold a closed meeting for
16 matters related to patient safety, quality of care, peer review of staff or compliance
17 with health care laws and regulations; and (2) clarify that such a meeting is exempt
18 from provisions of NRS requiring the meetings of a public body to be open and
19 public.



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

1 **Section 1.** NRS 450.140 is hereby amended to read as follows:

2 450.140 1. The board of hospital trustees shall hold meetings
3 at least once each month, and shall keep a complete record of all its
4 transactions.

5 2. Except as otherwise provided in NRS 241.0355:

6 (a) In counties where three county commissioners are not
7 members of the board, three members of the board constitute a
8 quorum for the transaction of business.

9 (b) And except as otherwise provided in paragraph (c), in
10 counties where three county commissioners are members of the
11 board, any five of the members constitute a quorum for the
12 transaction of business.

13 (c) In counties where the board of county commissioners is the
14 board of hospital trustees, a majority of the board constitutes a
15 quorum for the transaction of business.

16 3. The board of hospital trustees *or any hospital governing*
17 *board appointed pursuant to NRS 450.175* may hold a closed
18 meeting *exempt from the provisions of chapter 241 of NRS* to
19 discuss:

20 (a) Providing a new health care service at the county hospital or
21 materially expanding a health care service that is currently provided
22 by the county hospital; ~~{or}~~

23 (b) The acquisition of an additional facility by the county
24 hospital or the material expansion of an existing facility of the
25 county hospital ~~{,}~~; *or*

26 (c) *Matters related to the evaluation and improvement of*
27 *patient safety and quality of care, peer review of providers of*
28 *health care at the hospital or the compliance of the hospital with*
29 *laws or regulations relating to the provision of health care.*

30 4. Subsection 3 must not be construed to authorize the board of
31 hospital trustees *or the hospital governing board* to hold a closed
32 meeting to discuss a change of management or ownership or the
33 dissolution of the county hospital.

34 5. ~~{Minutes}~~ *Except as otherwise provided in this subsection,*
35 *minutes* of a closed meeting held pursuant to subsection 3, any
36 supporting material and any recording or transcript of the closed
37 meeting become public records 5 years after the date on which the
38 meeting is held or when the board of hospital trustees *or hospital*
39 *governing board, as applicable,* determines that the matters
40 discussed no longer require confidentiality, whichever occurs first.
41 *Minutes of a closed meeting held pursuant to subsection 3, any*
42 *supporting material and any recording or transcript of the closed*



1 *meeting that contains privileged information are not public*
2 *records.*

3 *6. As used in this section, “provider of health care” has the*
4 *meaning ascribed to it in NRS 629.031.*

5 **Sec. 2.** NRS 450.175 is hereby amended to read as follows:

6 450.175 1. In counties where the board of county
7 commissioners is the board of hospital trustees, the board of hospital
8 trustees may appoint a hospital ~~[advisory]~~ **governing** board which
9 shall exercise *only the* powers and duties delegated to the ~~[advisory]~~
10 **governing** board by the board of hospital trustees. *In counties in*
11 *which the board of hospital trustees appoints a hospital governing*
12 *board, the governing board is the governing body of the county*
13 *hospital when exercising powers and duties delegated to the*
14 *governing board pursuant to this chapter.*

15 2. Members of a hospital ~~[advisory]~~ **governing** board must be
16 appointed by a majority vote of the board of hospital trustees and
17 shall serve at the pleasure of the board.

18 3. Members of the hospital ~~[advisory]~~ **governing** board may
19 receive compensation for their services in an amount not to exceed
20 \$500 per month.

21 *4. The hospital governing board shall promulgate bylaws and*
22 *related policies and procedures consistent with this chapter and all*
23 *applicable local ordinances.*

24 **Sec. 3.** NRS 241.016 is hereby amended to read as follows:

25 241.016 1. The meetings of a public body that are quasi-
26 judicial in nature are subject to the provisions of this chapter.

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

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

30 (b) Judicial proceedings, including, without limitation,
31 proceedings before the Commission on Judicial Selection and,
32 except as otherwise provided in NRS 1.4687, the Commission on
33 Judicial Discipline.

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

37 3. Any provision of law, including, without limitation, NRS
38 91.270, 219A.210, 228.495, 239C.140, 239C.420, 281A.350,
39 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415,
40 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247,
41 388.261, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730,
42 392.147, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534,
43 435.610, 442.774, **450.140**, 463.110, 480.545, 622.320, 622.340,
44 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170,
45 696B.550, 703.196 and 706.1725, which:



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

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

5 ↪ prevails over the general provisions of this chapter.

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

11 **Sec. 4.** 1. Any administrative regulations adopted by an
12 officer, agency or other entity whose name has changed or whose
13 responsibilities have been transferred pursuant to the provisions of
14 this act to another officer, agency or other entity remain in force
15 until amended by the officer, agency or other entity to which the
16 responsibility for the adoption of the regulations has been
17 transferred.

18 2. Any contracts or other agreements entered into by an officer,
19 agency or other entity whose name has been changed or whose
20 responsibilities have been transferred pursuant to the provisions of
21 this act to another officer, agency or other entity are binding upon
22 the officer, agency or other entity to which the responsibility for the
23 administration of the provisions of the contract or other agreement
24 have been transferred. Such contracts and other agreements may be
25 enforced by the officer, agency, or other entity to which the
26 responsibility for the enforcement of the provisions of the contract
27 or other agreement has been transferred.

28 3. Any action taken by an officer, agency or other entity whose
29 name has been changed or whose responsibilities have been
30 transferred pursuant to the provisions of this act to another officer,
31 agency or entity remains in effect as if taken by the officer, agency
32 or other entity to which the responsibility for the enforcement of
33 such actions has been transferred.

34 **Sec. 5.** The Legislative Counsel shall:

35 1. In preparing the reprint and supplements to the Nevada
36 Revised Statutes, appropriately change any references to an officer,
37 agency or other entity whose name is changed or whose
38 responsibilities are transferred pursuant to the provisions of this act
39 to refer to the appropriate officer, agency or other entity.

40 2. In preparing supplements to the Nevada Administrative
41 Code, appropriately change only references to an officer, agency or
42 other entity whose name is changed or whose responsibilities are
43 transferred pursuant to the provisions of this act to refer to the
44 appropriate officer, agency or other entity.



1 **Sec. 6.** This act becomes effective on July 1, 2021.

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