

SENATE BILL NO. 291—SENATOR RATTI

MARCH 18, 2019

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the testing of infants for preventable or inheritable disorders. (BDR 40-111)

FISCAL NOTE: Effect on Local Government: No.  
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 public health; requiring the testing of infants for certain preventable or inheritable disorders; requiring the State Public Health Laboratory to report during a hearing about the reasons for any increased charges for performing such tests; repealing a provision requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to enter into a contract for the provision of certain services of a laboratory; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law requires the State Board of Health, upon the recommendation of  
2 the Chief Medical Officer, to adopt regulations governing examinations and tests  
3 required for the discovery in infants of preventable or inheritable disorders. (NRS  
4 442.008) **Section 1** of this bill generally requires testing for each disorder  
5 recommended by the Health Resources and Services Administration of the United  
6 States Department of Health and Human Services by not later than 4 years after the  
7 recommendation is made. **Section 1** authorizes the exclusion of such a disorder  
8 from the required testing upon a request by the Chief Medical Officer or the person  
9 in charge of the State Public Health Laboratory based on: (1) insufficient funding to  
10 conduct testing for the disorder; or (2) insufficient resources to address the results  
11 of the examination and test. **Section 1** additionally requires any required  
12 examinations and tests that must be performed by a laboratory to be sent to the  
13 State Public Health Laboratory. If the State Public Health Laboratory increases the  
14 amount charged for such examinations and tests, **section 1** requires the Division of  
15 Public and Behavioral Health of the Department of Health and Human Services to  
16 hold a hearing during which the State Public Health Laboratory must provide a  
17 written and verbal fiscal analysis of the reasons for the increased charges.



18 Under existing law, if the State Board of Health requires the Division to  
19 provide the services of a laboratory for the required testing of infants for  
20 preventable and inheritable disorders, the Division is required to contract with the  
21 State Public Health Laboratory unless: (1) the State Public Health Laboratory is not  
22 capable of performing all of the required tests; or (2) the cost to the Division to  
23 contract with the State Public Health Laboratory is not financially reasonable or  
24 exceeds the amount of money available for that purpose. (NRS 442.009) **Section 2**  
25 of this bill repeals this provision.

---

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

1 **Section 1.** NRS 442.008 is hereby amended to read as follows:  
2 442.008 1. The State Board of Health ~~[, upon the~~  
3 ~~recommendation of the Chief Medical Officer:~~  
4 ~~—(a) Shall]~~ *shall* adopt regulations governing examinations and  
5 tests required for the discovery in infants of preventable or  
6 inheritable disorders, including tests for the presence of sickle cell  
7 anemia. ~~]; and~~  
8 ~~—(b) May require the Division to provide for the services of a~~  
9 ~~laboratory in accordance with NRS 442.009 to determine the~~  
10 ~~presence of certain preventable or inheritable disorders in an infant~~  
11 ~~pursuant to this section.]~~  
12 2. *Except as otherwise provided in this subsection, the*  
13 *examinations and tests required pursuant to subsection 1 must*  
14 *include tests and examinations for each disorder recommended to*  
15 *be screened by the Health Resources and Services Administration*  
16 *of the United States Department of Health and Human Services by*  
17 *not later than 4 years after the recommendation is published. The*  
18 *State Board may exclude any such disorder upon request of the*  
19 *Chief Medical Officer or the person in charge of the State Public*  
20 *Health Laboratory based on:*  
21 *(a) Insufficient funding to conduct testing for the disorder; or*  
22 *(b) Insufficient resources to address the results of the*  
23 *examination and test.*  
24 3. *Any examination or test required by the regulations*  
25 *adopted pursuant to subsection 1 which must be performed by a*  
26 *laboratory must be sent to the State Public Health Laboratory. If*  
27 *the State Public Health Laboratory increases the amount charged*  
28 *for performing such an, examination or test pursuant to NRS*  
29 *439.240, the Division shall hold a public hearing during which the*  
30 *State Public Health Laboratory shall provide to the Division a*  
31 *written and verbal fiscal analysis of the reasons for the increased*  
32 *charges.*



1 4. Any physician, midwife, nurse, obstetric center or hospital  
2 of any nature attending or assisting in any way any infant, or the  
3 mother of any infant, at childbirth shall ~~make~~ :

4 (a) *Make* or cause to be made an examination of the infant,  
5 including standard tests ~~that~~ *that do not require laboratory services*,  
6 to the extent required by regulations of the State Board of Health as  
7 is necessary for the discovery of conditions indicating such  
8 *preventable or inheritable* disorders.

9 (b) *Collect and send to the State Public Health Laboratory or*  
10 *cause to be collected and sent to the State Public Health*  
11 *Laboratory any specimens needed for the examinations and tests*  
12 *that must be performed by a laboratory and are required by the*  
13 *regulations adopted pursuant to subsection 1.*

14 ~~3.5~~ 5. If the examination and tests reveal the existence of such  
15 conditions in an infant, the physician, midwife, nurse, obstetric  
16 center or hospital attending or assisting at the birth of the infant  
17 shall immediately:

18 (a) Report the condition to the Chief Medical Officer or the  
19 representative of the Chief Medical Officer, the local health officer  
20 of the county or city within which the infant or the mother of the  
21 infant resides, and the local health officer of the county or city in  
22 which the child is born; and

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

26 ~~4.6~~ 6. An infant is exempt from examination and testing if  
27 either parent files a written objection with the person or institution  
28 responsible for making the examination or tests.

29 **Sec. 2.** NRS 442.009 is hereby repealed.

30 **Sec. 3.** This act becomes effective:

31 1. Upon passage and approval for the purpose of adopting any  
32 regulations and performing any other preparatory administrative  
33 tasks that are necessary to carry out the provisions of this act; and

34 2. On January 1, 2020, for all other purposes.

---

---

### TEXT OF REPEALED SECTION

---

---

#### **442.009 Examination of infants: Priority in contracting with laboratory.**

1. Except as otherwise provided in this section, if the State Board of Health requires the Division to provide for the services of a laboratory to determine the presence of certain preventable or



inheritable disorders in an infant pursuant to NRS 442.008, the Division shall contract with a laboratory in the following order of priority:

- (a) The State Public Health Laboratory;
- (b) Any other qualified laboratory located within this State; or
- (c) Any qualified laboratory located outside of this State.

2. The Division shall not contract with a laboratory in a lower category of priority unless the Division determines that:

(a) A laboratory in a higher category of priority is not capable of performing all the tests required to determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008; or

(b) The cost to the Division to contract with a laboratory in a higher category of priority is not financially reasonable or exceeds the amount of money available for that purpose.

3. For the purpose of determining the category of priority of a laboratory only, the Division is not required to comply with any requirement of competitive bidding or other restriction imposed on the procedure for awarding a contract.

