

ASSEMBLY BILL NO. 112—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON HEALTH CARE)

PREFILED JANUARY 23, 2009

Referred to Committee on Health and Human Services

SUMMARY—Establishes provisions relating to the coordinated response to public health emergencies and other health events. (BDR 40-214)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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 public health; requiring the Governor to determine whether a public health emergency or other health event requires a coordinated response if there is an immediate threat to the health and safety of the public; providing for the establishment of an emergency team to coordinate a response to a public health emergency or other health event; prescribing the membership, duties and scope of authority of such an emergency team; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law requires the Health Division of the Department of Health and  
2 Human Services and city, county and district boards of health to protect the public  
3 health of the residents of this State. (Chapter 439 of NRS)

4 **Section 15.5** of this bill requires the Governor to determine whether a public  
5 health emergency or other health event exists that requires a coordinated response  
6 by an emergency team when there is an immediate threat to the health and safety of  
7 the public. **Section 15.5** also prescribes the membership of such an emergency  
8 team.

9 **Section 15.7** of this bill prescribes the duties of the emergency team, including  
10 the investigation of the response of each state agency, division, board and other  
11 entity that is represented on the emergency team and the coordination of the  
12 response to the public health emergency or other health event with those agencies,  
13 divisions, boards and other entities.



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14 **Section 15.8** of this bill requires the chairman of the emergency team or his  
15 designee to provide information to the public and to certain persons regarding the  
16 progress of the work of the emergency team and to submit a report on the findings  
17 of the emergency team upon the resolution of the public health emergency or other  
18 health event.

19 **Section 15.9** of this bill requires the emergency team to make  
20 recommendations to the State Board of Health and local boards of health regarding  
21 regulations and policies concerning public health emergencies or other health  
22 events and to evaluate the response of each state agency, division, board and other  
23 entities represented on the emergency team.

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

1 **Section 1.** Chapter 439 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 15.1 to 15.9, inclusive, of  
3 this act.

4 **Sec. 2.** (Deleted by amendment.)

5 **Sec. 3.** (Deleted by amendment.)

6 **Sec. 4.** (Deleted by amendment.)

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

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

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

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

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

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

13 **Sec. 11.** (Deleted by amendment.)

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

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

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

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

18 **Sec. 15.1.** *As used in sections 15.1 to 15.9, inclusive, of this*  
19 *act, unless the context otherwise requires, the words and terms*  
20 *defined in sections 15.2, 15.3 and 15.4 of this act have the*  
21 *meanings ascribed to them in those sections.*

22 **Sec. 15.2.** *“Emergency team” means an emergency team*  
23 *designated in an executive order of the Governor pursuant to*  
24 *section 15.5 of this act to respond to a public health emergency or*  
25 *other health event.*

26 **Sec. 15.3.** *“Health care facility” means any facility licensed*  
27 *pursuant to chapter 449 of NRS.*

28 **Sec. 15.4.** *“Provider of health care” has the meaning*  
29 *ascribed to it in NRS 629.031.*

30 **Sec. 15.5. 1.** *Except as otherwise provided in chapter 414 of*  
31 *NRS, if a health authority identifies within its jurisdiction a public*  
32 *health emergency or other health event that is an immediate threat*



1 *to the health and safety of the public in a health care facility or the*  
2 *office of a provider of health care, the health authority shall*  
3 *immediately transmit to the Governor a report of the immediate*  
4 *threat.*

5 *2. Upon receiving a report pursuant to subsection 1, the*  
6 *Governor shall determine whether a public health emergency or*  
7 *other health event exists that requires a coordinated response for*  
8 *the health and safety of the public. If the Governor determines*  
9 *that a public health emergency or other health event exists that*  
10 *requires such a coordinated response, the Governor shall issue an*  
11 *executive order:*

12 *(a) Stating the nature of the public health emergency or other*  
13 *health event;*

14 *(b) Stating the conditions that have brought about the public*  
15 *health emergency or other health event, including, without*  
16 *limitation, an identification of each health care facility or provider*  
17 *of health care, if any, related to the public health emergency or*  
18 *other health event;*

19 *(c) Stating the estimated duration of the immediate threat to*  
20 *the health and safety of the public; and*

21 *(d) Designating an emergency team comprised of:*

22 *(1) The State Health Officer or a person appointed*  
23 *pursuant to subsection 5, as applicable; and*

24 *(2) Representatives of state agencies, divisions, boards and*  
25 *other entities, including, without limitation, professional licensing*  
26 *boards, with authority by statute to govern or regulate the health*  
27 *care facilities and providers of health care identified as being*  
28 *related to the public health emergency or other health event*  
29 *pursuant to paragraph (b).*

30 *3. If additional state agencies, divisions, boards or other*  
31 *entities are identified during the course of the response to the*  
32 *public health emergency or other health event as having authority*  
33 *regarding a health care facility or provider of health care that is*  
34 *related to the public health emergency or other health event, the*  
35 *Governor shall direct that agency, division, board or entity to*  
36 *appoint a representative to the emergency team.*

37 *4. The State Health Officer or a person appointed pursuant to*  
38 *subsection 5, as applicable, is the chairman of the emergency*  
39 *team.*

40 *5. If the State Health Officer has a conflict of interest*  
41 *relating to a public health emergency or other health event or is*  
42 *otherwise unable to carry out his duties pursuant to sections 15.1*  
43 *to 15.9, inclusive, of this act, the Director shall temporarily*  
44 *appoint a person to carry out the duties of the State Health Officer*  
45 *prescribed in sections 15.1 to 15.9, inclusive, of this act until such*



1 *time as the public health emergency or other health event has*  
2 *been resolved or the State Health Officer is able to resume his*  
3 *duties. The person appointed by the Director must meet the*  
4 *requirements prescribed by subsection 1 of NRS 439.090.*

5 *6. The Governor shall immediately transmit the executive*  
6 *order to:*

7 *(a) The Legislature or, if the Legislature is not in session, to*  
8 *the Legislative Commission and the Legislative Committee on*  
9 *Health Care; and*

10 *(b) Any person or entity deemed necessary or advisable by the*  
11 *Governor.*

12 *7. The Governor shall declare a public health emergency or*  
13 *other health event terminated before the estimated duration stated*  
14 *in the executive order upon a finding that the public health*  
15 *emergency or other health event no longer poses an immediate*  
16 *threat to the health and safety of the public. Upon such a finding,*  
17 *the Governor shall notify each person and entity described in*  
18 *subsection 6.*

19 *8. If a public health emergency or other health event lasts*  
20 *longer than the estimated duration stated in the executive order,*  
21 *the Governor is not required to reissue an executive order, but*  
22 *shall notify each person and entity identified in subsection 6.*

23 *9. The Attorney General shall provide legal counsel to the*  
24 *emergency team.*

25 **Sec. 15.6.** *During a public health emergency or other health*  
26 *event, the Governor may, upon consultation with the emergency*  
27 *team, request from a governor of a contiguous state assistance in*  
28 *carrying out an inspection of any health care facility or the office*  
29 *of a provider of health care. The Governor may enter into an*  
30 *agreement for the provision of such services relating to*  
31 *inspections.*

32 **Sec. 15.7. 1.** *The emergency team shall:*

33 *(a) Convene as soon as practicable after the executive order is*  
34 *issued pursuant to section 15.5 of this act; and*

35 *(b) Upon the advice of the Attorney General, investigate the*  
36 *response of each state agency, division, board and other entity that*  
37 *is represented on the emergency team to the public health*  
38 *emergency or other health event and work cooperatively to ensure*  
39 *the sharing of any material information and coordinate a response*  
40 *to the public health emergency or other health event with all the*  
41 *state agencies, divisions, boards and other entities represented on*  
42 *the emergency team.*

43 *2. The scope of powers and duties of the emergency team*  
44 *extends only to the respective jurisdiction of each state agency,*  
45 *division, board or other entity represented on the team and does*



1 *not supersede the authority of a health authority to investigate the*  
2 *public health emergency or other health event within its*  
3 *jurisdiction.*

4 **Sec. 15.8.** *The chairman of the emergency team or a member*  
5 *of the emergency team designated by the chairman shall:*

6 *1. Provide information to the general public and ensure that*  
7 *the public remains informed on the progress of the work of the*  
8 *emergency team.*

9 *2. Act as the liaison between the emergency team and the*  
10 *Governor, the Speaker of the Assembly, the Majority Leader of the*  
11 *Senate, the Attorney General and any other officer, agency or*  
12 *political subdivision of this State with an interest in the response*  
13 *to and resolution of the public health emergency or other health*  
14 *event.*

15 *3. Provide to the Governor and the Legislature or, if the*  
16 *Legislature is not in session, to the Legislative Commission and*  
17 *the Legislative Committee on Health Care:*

18 *(a) During the course of an investigation of a public health*  
19 *emergency or other health event, monthly updates, or more*  
20 *frequent updates if requested, on the progress of the work of the*  
21 *emergency team; and*

22 *(b) Upon the resolution of the issues involved in the public*  
23 *health emergency or other health event, a report on the findings of*  
24 *the emergency team and the action that was taken to resolve the*  
25 *public health emergency or other health event and any*  
26 *consequences thereof.*

27 **Sec. 15.9.** *Upon the resolution of a public health emergency*  
28 *or other health event, the emergency team shall:*

29 *1. Make recommendations to the State Board of Health and*  
30 *local boards of health with respect to regulations or policies which*  
31 *may be adopted to prevent public health emergencies and other*  
32 *health events or to improve responses to public health emergencies*  
33 *and other health events; and*

34 *2. Evaluate the response of each state agency, division, board*  
35 *or other entity represented on the emergency team and make*  
36 *recommendations to the Governor and the Legislature or, if the*  
37 *Legislature is not in session, to the Legislative Commission and*  
38 *the Legislative Committee on Health Care with respect to actions*  
39 *and measures that may be taken to improve such responses.*

40 **Sec. 16.** NRS 439.130 is hereby amended to read as follows:

41 439.130 1. The State Health Officer shall:

42 (a) Enforce all laws and regulations pertaining to the public  
43 health.

44 (b) Investigate causes of disease, epidemics, source of mortality,  
45 nuisances affecting the public health, and all other matters related to



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1 the health and life of the people, and to this end he may enter upon  
2 and inspect any public or private property in the State.


3 (c) Direct the work of subordinates and may authorize them to  
4 act in his place and stead.

5 (d) *Except as otherwise provided in subsection 5 of section*  
6 *15.5 of this act, perform the duties prescribed in sections 15.1 to*  
7 *15.9, inclusive, of this act.*

8 (e) Perform such other duties as the Director may, from time to  
9 time, prescribe.

10 2. The Administrator shall direct the work of the Health  
11 Division, administer the Division and perform such other duties as  
12 the Director may, from time to time, prescribe.

13 **Sec. 17.** NRS 439.150 is hereby amended to read as follows:

14 439.150 1. The State Board of Health is hereby declared to  
15 be supreme in all nonadministrative health matters. It has general  
16 supervision over all matters, except for administrative matters   
17 *and as otherwise provided in sections 15.1 to 15.9, inclusive, of*  
18 *this act*, relating to the preservation of the health and lives of  
19 citizens of this State and over the work of the State Health Officer  
20 and all district, county and city health departments, boards of health  
21 and health officers.

22 2. The Department is hereby designated as the agency of this  
23 State to cooperate with the federal authorities in the administration  
24 of those parts of the Social Security Act which relate to the general  
25 promotion of public health. It may receive and expend all money  
26 made available to the Health Division by the Federal Government,  
27 the State of Nevada or its political subdivisions, or from any other  
28 source, for the purposes provided in this chapter. In developing and  
29 revising any state plan in connection with federal assistance for  
30 health programs, the Department shall consider, without limitation,  
31 the amount of money available from the Federal Government for  
32 those programs, the conditions attached to the acceptance of that  
33 money and the limitations of legislative appropriations for those  
34 programs.

35 3. Except as otherwise provided in NRS 576.128, the State  
36 Board of Health may set reasonable fees for the:

37 (a) Licensing, registering, certifying, inspecting or granting of  
38 permits for any facility, establishment or service regulated by the  
39 Health Division;

40 (b) Programs and services of the Health Division;

41 (c) Review of plans; and

42 (d) Certification and licensing of personnel.

43 ➔ Fees set pursuant to this subsection must be calculated to produce  
44 for that period the revenue from the fees projected in the budget  
45 approved for the Health Division by the Legislature.



- 1     **Sec. 18.** (Deleted by amendment.)
- 2     **Sec. 19.** This act becomes effective on July 1, 2009.

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