

**THE ONE HUNDRED AND THIRD DAY**

---

CARSON CITY (Friday), May 20, 2011

Assembly called to order at 12:21 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, April Mastroluca.

Heavenly Father, every day we work to worship You; we work to see Your will done. As we look around today and we remember what we are here for, what we are here to accomplish, and what we want to be when we are finished, we ask for Your blessing.

Thank You for all of the wonderful beauty that You give us, for these beautiful children that we see every day and who remind us of what we are working so hard to achieve. In Your Son's Name we pray.

AMEN.

Pledge of allegiance to the Flag.

Special musical rendition by former Miss Nevada, Christina Bourne, of the *National Anthem* and *O Mio Babbino Caro* by Giacomo Puccini.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means has had under consideration the various budgets for the Health Division and begs leave to report back that the following accounts have been closed by the Committee:

- Health Statistics and Planning (101-3190)
- Consumer Health Protection (101-3194)
- Immunization Program (101-3213)
- WIC Food Supplement (101-3214)
- Communicable Diseases (101-3215)
- Health Facilities Hospital Licensing (101-3216)
- Public Health Preparedness Program (101-3218)
- Biostatistics and Epidemiology (101-3219)
- Chronic Disease -- Assembly close (101-3220)
- Chronic Disease -- Senate close (101-3220)
- Maternal Child Health Services (101-3222)
- Office of Health Administration (101-3223)
- Emergency Medical Services (101-3235)
- Marijuana Health Registry (101-4547)

Also, your Committee on Ways and Means has had under consideration the various budgets for the Office of Veterans' Services and begs leave to report back that the following accounts have been closed by the Committee:

Commissioner for Veterans' Services (101-2560)  
Veterans' Home Account (101-2561)

DEBBIE SMITH, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that the following budget closing remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN MASTROLUCA:

On May 6, 2011, the Senate Finance Committee and the Assembly Ways and Means Committee met jointly to close most of the budget accounts for the State Health Division. The following comments describe the more significant actions by the Committee.

**Health Statistics and Planning (101-3190) DHHS HEALTH-23:**

The Committee approved the removal of all General Fund appropriations from this account and chose to support the operation of the Office of Vital Records with fee revenue, as well as continuing the ability of the State Registrar of Vital Statistics (the Health Division Administrator) to set vital records fees by regulation. The Health Division was given permission to request a General Fund advance, if needed, in order to smooth the transition from General Fund support to fee support of this account. The Committee's closing actions created a General Fund reduction of \$663,592 in FY 2012 and \$670,031 in FY 2013.

**Consumer Health Protection (101-3194) DHHS HEALTH-32:**

The Committee approved the Governor's recommendation to eliminate the General Fund support from this account and assess each county for the environmental health inspection services provided by the State. This decision represents a General Fund reduction of \$594,760 in FY 2012 and \$586,759 in FY 2013.

**Immunization Program (101-3213) DHHS HEALTH-49:**

The Committee approved the Governor's recommendation to add one new Health Resource Analyst position to support the Perinatal Hepatitis B program effort, with grant funds of \$129,182 over the 2011-13 biennium. Also, the Committee approved the adjustment of both the Title XXI funds transferred from Nevada Check Up, as well as the State General Fund used as match for the Title XXI revenues. The lower amount of transferred Title XXI funding resulted in a General Fund reduction of \$137,642 in FY 2012 and \$171,181 in FY 2013.

**Health Facilities Hospital Licensing (101-3216) DHHS HEALTH-70:**

The Committee approved a new Administrative Assistant position for the Carson City office, at a cost of \$37,589 in FY 2012 and \$48,789 in FY 2013, funded by licensure fees and medical lab certification fees. The Committee also chose to issue a letter of intent instructing the Health Division and the Budget Division to include the Health Facilities Administrative Penalty budget account (BA 3217) in The Executive Budget for the 2013-15 biennium.

**Public Health Preparedness Program (101-3218) DHHS HEALTH-79:**

The Committee approved utilizing federal Public Health Emergency Preparedness grant funds in place of General Fund to pay for \$300,000 per fiscal year of the State's poison control hotline costs. The remainder of the contract costs (\$63,921) would continue to be funded by the General Fund. The Committee also approved the transfer in of the State Health Access Program (SHAP) grant from the Chronic Disease account, as well as one new Administrative Assistant position to support both SHAP and the Primary Care Office grant, funded by those federal grants.

**Biostatistics and Epidemiology (101-3219) DHHS HEALTH-90:**

The Committee approved the Governor's recommendation to create a new budget account to house the staff of the Office of Health Statistics and Surveillance, as well as the staff of the Office of Epidemiology. As such, \$4.4 million in personnel and programs was transferred to this new account from seven other Health Division budget accounts. Also, the Committee approved the Governor's recommendation to eliminate General Fund support of tuberculosis treatment and sexually transmitted disease treatment in the counties, for a savings of \$625,184 per fiscal year. Finally, the Committee approved the elimination of the State Trauma Registry and removal of the operating expenses for the Trauma Registry, since there is no state staff to support the

program and trauma data can be found in other public health data sets. This represents a General Fund savings of \$31,956 in FY 2012 and \$28,907 in FY 2013.

**Chronic Disease (101-3220) DHHS HEALTH-108:**

The Committee approved the Governor's recommendation to permit the Health Division to seek a contractor to operate the Women's Health Connection program, which would eliminate seven vacant state positions and redirect those personnel costs toward the contract expenses. The aim of the Governor's recommendation was to provide the Health Division an opportunity to leverage the Women's Health Connection's federal funding to provide more primary care to women who qualify.

**Maternal Child Health Services (101-3222) DHHS HEALTH-119:**

The Committee approved a reduction in General Fund support for the Children with Special Healthcare Needs program to the actual amount of \$105,330 expended during FY 2010 instead of the Governor's recommended amounts of \$199,715 in FY 2012 and \$199,683 in FY 2013. Also, the Committee approved the issuance of a letter of intent instructing the Health Division to work with the Fiscal Analysis Division to determine the correct amount of state match required to continue receiving the Maternal Child Health block grant and to determine if the state match should be made with General Fund or with metabolic screening fee revenue. If State General Fund match is required, the letter of intent instructs the Health Division to work with the Fiscal Analysis Division to determine the proper General Fund support for both Children with Special Healthcare Needs, as well as the Pre/Post Natal program.

**Office of Health Administration (101-3223) DHHS HEALTH-131:**

The Committee approved three new fiscal positions in order to support the Division's workload, at a total cost of \$127,901 in FY 2012 and \$173,169 in FY 2013. The positions are funded by indirect cost assessment revenue. The Committee disapproved the Governor's recommendation to reduce General Fund for the Mammovan by \$50,000 in each fiscal year of the 2011-13 biennium. Instead, the Committee voted to continue supporting the Mammovan with \$100,000 in General Fund in each year, and \$75,000 each year with the United Health Settlement funds for the 2011-13 biennium.

**Emergency Medical Services (101-3235) DHHS HEALTH-150:**

The Committee approved the Governor's amended recommendation to support the EMS licensure program with General Fund. Originally, the Governor recommended replacing General Funds with county reimbursements (with the exception of Clark County, which operates its own EMS program) in order to operate the EMS licensure and training program. However, on April 27, 2011, the Governor submitted an amendment restoring the support of this program with General Fund appropriations.

**Marijuana Health Registry (101-4547) DHHS HEALTH-158:**

The Committee approved a reduction in fee revenues for FY 2013 in the amount of \$149,842 based on revised caseload projections. The Committee approved two new Administrative Assistants and one new Program Officer to assist the agency in processing the increase in applications and renewals for the Marijuana Health Registry program. The Committee also approved the transfer of \$700,000 each year of the 2011-13 biennium to the Division of Mental Health and Developmental Services' Substance Abuse Prevention and Treatment Agency to provide priority access for assessments and treatment to families referred by child welfare agencies contingent on approval of Assembly Bill 528.

The Committee closed the WIC Food Supplement (101-3214) and Communicable Diseases (101-3215) accounts as recommended by the Governor, with approval of Fiscal staff's technical adjustments.

**ASSEMBLYMAN HOGAN:**

The Assembly Committee on Ways and Means has completed its review of the Office of Veterans' Services accounts and took action on the Governor's recommendations as follows:

**Commissioner for Veterans' Services (101-2560) VETERANS-1:**

The Committee approved the Governor's recommendation to eliminate three positions, including an Administrative Assistant III position (in the Las Vegas office) and two Veterans' Service Representative I positions (one in Las Vegas and one in Elko) as a budget reduction measure for General Fund savings totaling \$345,343 for the 2011-13 biennium.

**Veterans' Home Account (101-2561) VETERANS-9:**

The Committee approved the Governor's recommendation to eliminate remaining General Fund support for the Veterans' Home account due to increasing federal reimbursements and other sources of revenue. In addition, due to the Veterans' Home's historical reliance upon General Fund appropriations to pay operating costs that are eventually reimbursed with revenues received following the end of the fiscal year, the Committee approved permission for the Veterans' Home to seek a General Fund advance if necessary during the 2011-13 biennium.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 19, 2011

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 442.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Education, to which were referred Senate Bills Nos. 96, 196, 317, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID P. BOBZIEN, *Chair**Mr. Speaker*

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 245, 264, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

APRIL MASTROLUCA, *Chair**Mr. Speaker*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 6, 15, 25, 45, 66, 67, 89, 94, 186, 277, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM C. HORNE, *Chair**Mr. Speaker:*

Your Committee on Taxation, to which were referred Senate Bills Nos. 13, 33, 79, 495, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair**Mr. Speaker:*

Your Committee on Transportation, to which were referred Senate Bills Nos. 154, 322, 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN DONDERO LOOP, *Chair**Mr. Speaker*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 525, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 38, 441, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEBBIE SMITH, *Chair*

## MOTIONS, RESOLUTIONS AND NOTICES

## NOTICE OF EXEMPTION

May 20, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 219.

RICK COMBS

*Fiscal Analysis Division*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 525; Senate Bills Nos. 6, 13, 15, 25, 33, 38, 45, 66, 67, 79, 89, 94, 96, 154, 186, 196, 245, 264, 277, 317, 322, 387, 441, 495, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Conklin moved that Senate Bills Nos. 36, 98, and 262 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 571—AN ACT relating to smoking; providing that smoking tobacco is not prohibited in age-restricted stand-alone bars, taverns and saloons; revising the definition of “stand-alone bar, tavern or saloon” as used in provisions regulating smoking tobacco; revising, removing and reenacting certain provisions of the Nevada Clean Indoor Air Act; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 442.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 525.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 616.

SUMMARY—~~[Creates]~~ **Requires the establishment of** the Wildlife Trust Fund. (BDR 45-1213)

AN ACT relating to wildlife; ~~[creating]~~ **requiring the Department of Wildlife to establish** the Wildlife Trust Fund; ~~[requiring the Director of the Department of Wildlife to administer the Wildlife Trust Fund;]~~ authorizing the ~~[Director]~~ **Department** to accept ~~[gifts, grants, donations and~~

~~endowments of money]~~ **any gift, donation, bequest or devise from any private source** for the Wildlife Trust Fund; requiring the Director to report income and expenditures from the Wildlife Trust Fund to the Chief of the Budget Division of the Department of Administration and the ~~[Legislature;]~~ **Interim Finance Committee**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~[creates]~~ **requires the Department of Wildlife to establish** the Wildlife Trust Fund for the purposes of receiving ~~[gifts, grants, donations and endowments of money]~~ **any gift, donation, bequest or devise from any private source** for the ~~[Department of Wildlife. The Director of the Department is required to administer the Wildlife Trust Fund and is authorized to accept the money for the]~~ Wildlife Trust Fund. The money in the Wildlife Trust Fund must be used either for the specified purpose of the donor who donated the money or, if the donor specified no purpose, then ~~for carrying out the provisions of law administered by the Department.]~~ **in the sound discretion of the Director of the Department. This bill further establishes that the money in the Wildlife Trust Fund is private money and exempts the money in the Wildlife Trust Fund from the statutory requirements relating to the expenditure of public money.** Finally, this bill requires the Director to ~~[annually]~~ report the income and expenditures of the Wildlife Trust Fund to the Chief of the Budget Division of the Department of Administration and to ~~[the Legislature if it is in session, or if it is not in session, to]~~ the Interim Finance Committee.

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

**Section 1.** Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. *The Department shall establish the Wildlife Trust Fund .*** ~~*is hereby created in the State Treasury.] The [Director shall administer the Wildlife Trust Fund and]*~~ **Department may accept [gifts, grants, donations and endowments of money] any gift, donation, bequest or devise from any private source for deposit in the Wildlife Trust Fund. [The money in the Wildlife Trust Fund must be invested as the money in other state funds is invested. The interest and income earned on the money in the Wildlife Trust Fund must be credited to the Wildlife Trust Fund.] Any money received is private money and not state money. All money must be accounted for in the Wildlife Trust Fund.**

**2.** ~~*[Money which is donated for a purpose specified by the donor, within the scope of the Director's duties, must be used only for that specified purpose. If no purpose is specified, the money in the Wildlife Trust Fund may be used only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.] All of the money in the Wildlife Trust Fund must be deposited*~~

in a financial institution to draw interest or to be expended, invested and reinvested pursuant to the specific instructions of the donor, or if no such specific instructions exist, in the sound discretion of the Director. The provisions of NRS 356.011 apply to any accounts in financial institutions maintained pursuant to this section.

3. ~~If all or part of the money accepted by the Director from a donor is not expended before the end of any fiscal year, the remaining balance of the amount donated must remain in the Wildlife Trust Fund until needed for the purpose specified by the donor.~~ The money in the Wildlife Trust Fund must be budgeted and expended, within any limitations which may have been specified by particular donors, at the discretion of the Director. The Director may authorize independent contractors that may be funded in whole or in part from the money in the Wildlife Trust Fund.

4. ~~Each year, the Director shall submit an itemized statement of the income and expenditures of the Department from the Wildlife Trust Fund to:~~

~~(a) The Chief of the Budget Division of the Department of Administration together with the other submissions required of the Department pursuant to NRS 353.210; and~~

~~(b) The Legislature if it is in session or, if the Legislature is not in session, to the Interim Finance Committee.~~ The Director or the Director's designee shall submit semiannually to the Interim Finance Committee a report concerning the investment and expenditure of the money in the Wildlife Trust Fund in such form and detail as the Interim Finance Committee determines is necessary.

5. A separate statement concerning the anticipated amount and proposed expenditures of the money in the Wildlife Trust Fund must be submitted to the Chief of the Budget Division of the Department of Administration for his or her information at the same time and for the same fiscal years as the requested budget of the Department submitted pursuant to NRS 353.210. The statement must be attached to the requested budget for the Department when the requested budget is submitted to the Fiscal Analysis Division of the Legislative Counsel Bureau pursuant to NRS 353.211.

6. The provisions of chapters 333, 338 and 341 of NRS regarding the expenditure of public money do not apply to the expenditure of money in the Wildlife Trust Fund.

Sec. 2. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

- (a) The sale of licenses;
- (b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;
- (c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;
- (d) Appropriations made by the Legislature; and
- (e) All other sources, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife

Heritage Trust Account pursuant to NRS 501.3575 , ~~for~~ in the Trout Management Account pursuant to NRS 502.327 ~~for~~ *or in the Wildlife Trust Fund pursuant to section 1 of this act,*

↪ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

2. The interest and income earned on the money in the Wildlife Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4, the Department may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

(a) Only for the management of wildlife; and

(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

**Sec. 3.** This act becomes effective on July 1, 2011.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 6.

Bill read second time and ordered to third reading.

Senate Bill No. 13.

Bill read second time and ordered to third reading.

Senate Bill No. 15.

Bill read second time and ordered to third reading.

Senate Bill No. 25.

Bill read second time and ordered to third reading.

Senate Bill No. 33.

Bill read second time and ordered to third reading.

Senate Bill No. 38.

Bill read second time and ordered to third reading.

Senate Bill No. 45.

Bill read second time and ordered to third reading.

Senate Bill No. 66.

Bill read second time and ordered to third reading.



Senate Bill No. 67.

Bill read second time and ordered to third reading.

Senate Bill No. 79.

Bill read second time and ordered to third reading.

Senate Bill No. 89.

Bill read second time and ordered to third reading.

Senate Bill No. 94.

Bill read second time and ordered to third reading.

Senate Bill No. 96.

Bill read second time and ordered to third reading.

Senate Bill No. 154.

Bill read second time and ordered to third reading.

Senate Bill No. 186.

Bill read second time and ordered to third reading.

Senate Bill No. 196.

Bill read second time and ordered to third reading.

Senate Bill No. 245.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 637.

AN ACT relating to older persons; creating the Statewide Alert System for the Safe Return of Missing Endangered Older Persons; requiring the Department of Public Safety to administer and adopt regulations for the System; prescribing the circumstances under which a law enforcement agency may activate the System; providing immunity from civil liability for certain persons who disseminate certain information pursuant to a notification of activation of the System; providing immunity from civil liability for certain persons who enter into agreements with the Department to establish or maintain an Internet website for the System; providing that a person who intentionally makes certain false or misleading statements to cause activation of the System is guilty of a category E felony; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

**Section 7** of this bill creates the Statewide Alert System for the Safe Return of Missing Endangered Older Persons, which is composed of a voluntary partnership among the Department of Public Safety, the Department of Transportation, state and local law enforcement agencies, media outlets and other public and private organizations to assist in the search for and safe return of missing endangered older persons. **Section 7**

requires the Department of Public Safety to administer the System. **Section 5** of this bill defines the term “missing endangered older person” for the purposes of the System to mean a person who is 60 years of age or older whose whereabouts are unknown and: (1) who has been diagnosed with a medical or mental health condition that places the person in danger of serious physical harm or death; or (2) who is missing under suspicious or unexplained circumstances that place the person in danger of serious physical harm or death. **Section 8** of this bill requires the Department of Public Safety to: (1) adopt regulations governing the operation of the System; (2) develop a plan for carrying out the System which sets forth the components of the System; (3) oversee the System; (4) supervise and evaluate any training associated with the System; (5) monitor, review and evaluate the activations of the System for compliance with the provisions of this bill; and (6) conduct periodic tests of the System. **Section 9** of this bill prescribes the circumstances under which a law enforcement agency may activate the System. **Section 10** of this bill provides immunity from civil liability for a media outlet or a public or private organization that participates in the System and any person working for the media outlet or public or private organization who disseminates certain information pursuant to a notification of activation of the System and for a person who enters into an agreement with the Department of Public Safety to establish or maintain a website for the System if the agreement provides that only the law enforcement agency activating the System has the authority or ability to place information on the website.

Existing law provides that a person who intentionally makes any false or misleading statement to cause the activation of the “Amber Alert” system is guilty of a category E felony. (NRS 207.285) **Section 11** of this bill provides the same penalty for a person who intentionally makes any false or misleading statement to cause the activation of the System created by this bill.

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

**Section 1.** Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

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

**Sec. 4.** *“Department” means the Department of Public Safety.*

**Sec. 4.5.** *“Media outlet” means a company or other similar entity that transmits news, feature stories, entertainment or other information to the public through various distribution channels, including, without limitation, newspapers, magazines, radio, broadcast, cable and satellite television and electronic media.*

**Sec. 5.** *“Missing endangered older person” means a person who is 60 years of age or older whose whereabouts are unknown and who:*

*1. Has been diagnosed with a medical or mental health condition that places the person in danger of serious physical harm or death; or*

*2. Is missing under suspicious or unexplained circumstances that place the person in danger of serious physical harm or death.*

**Sec. 6.** *“System” means the Statewide Alert System for the Safe Return of Missing Endangered Older Persons created by section 7 of this act.*

**Sec. 7.** *1. There is hereby created the Statewide Alert System for the Safe Return of Missing Endangered Older Persons, which is composed of a voluntary partnership among the Department of Public Safety, the Department of Transportation, state law enforcement agencies, local law enforcement agencies, media outlets and other public or private organizations to assist in the search for and safe return of missing endangered older persons. The Department of Public Safety shall administer the System within the limits of available money.*

*2. Each law enforcement agency, media outlet and public or private organization that chooses to participate in the System shall comply with the provisions of sections 2 to 10, inclusive, of this act and any requirements prescribed by the Department for participation in the System.*

*3. Each law enforcement agency that chooses to participate in the System shall:*

*(a) Adopt a written policy concerning activation of the System by the agency that is consistent with the provisions of sections 2 to 10, inclusive, of this act and the regulations adopted by the Department pursuant to section 8 of this act; and*

*(b) Submit a copy of the written policy to the Department.*

**Sec. 8.** *1. The Department shall:*

*(a) Develop a plan for carrying out the System which includes the components of the System;*

*(b) Oversee the System;*

*(c) Supervise and evaluate any training associated with the System;*

*(d) Monitor, review and evaluate the activations of the System to determine whether such activations complied with the provisions of sections 2 to 10, inclusive, of this act; and*

*(e) Conduct periodic tests of the System.*

*2. The Department may:*

*(a) Dedicate the System to one or more persons;*

*(b) Establish a name for the System that is in addition to the definition set forth in section 6 of this act;*

*(c) Identify and apply for federal funding available to carry out the provisions of sections 2 to 10, inclusive, of this act; and*

*(d) Accept gifts, grants and donations for use in carrying out the provisions of sections 2 to 10, inclusive, of this act.*

3. *The Department shall, in consultation with representatives of the Department of Transportation, the Nevada Sheriffs' and Chiefs' Association, the Nevada Broadcasters Association, media outlets that participate in the System and any other public or private organization that participates in the System, adopt regulations to carry out the provisions of sections 2 to 10, inclusive, of this act.*

Sec. 9. 1. *A law enforcement agency which has jurisdiction over the investigation of a missing endangered older person may activate the System to disseminate a notice on behalf of the missing endangered older person if the law enforcement agency has:*

(a) *Confirmed that the whereabouts of the missing endangered older person are unknown;*

(b) *Confirmed either that the missing endangered older person:*

(1) *Has been diagnosed with a medical or mental health condition that places the missing endangered older person in danger of serious physical harm or death; or*

(2) *Is missing under suspicious or unexplained circumstances that place the person in danger of serious physical harm or death; and*

(c) *Received sufficient descriptive information about the missing endangered older person or other pertinent information to warrant dissemination of the information.*

2. *Before activation of the System on behalf of a missing endangered older person, the law enforcement agency shall determine whether the dissemination of information will encompass:*

(a) *A particular neighborhood, city, county, region or state; or*

(b) *More than one neighborhood, city, county, region or state.*

3. *A law enforcement agency is not required to obtain the prior consent of the Department before activating the System, but the Department may review an activation of the System after the activation is complete.*

4. *A law enforcement agency that activates the System shall notify the Department and all participating members of the System upon cancellation of the activation and shall report the final disposition of the search for the missing endangered older person to the Department.*

Sec. 10. 1. *If a media outlet or any other public or private organization that participates in the System receives a notification of activation of the System by a law enforcement agency concerning a missing endangered older person and as a result of that notification disseminates descriptive information concerning the missing endangered older person and other information contained in the notification to assist with the safe return of the missing endangered older person, the media outlet, public or private organization and any person working for the media outlet or public or private organization is immune from civil liability ~~for any act reasonably related to~~ based upon the dissemination of that information.*

2. *If a person enters into an agreement with the Department to establish or maintain an Internet website for the System and the agreement*

*provides that only the law enforcement agency activating the System has the authority or ability to place information on the website, the person who establishes or maintains the Internet website is immune from civil liability in any action based upon the information that is placed on the Internet website by the authorized law enforcement agency.*

**Sec. 11.** NRS 207.285 is hereby amended to read as follows:

207.285 1. A person who intentionally makes any false or misleading statement, including, without limitation, any statement that conceals facts, omits facts or contains false or misleading information concerning any material fact, to any police officer, sheriff, district attorney, deputy sheriff, deputy district attorney or member of the Department of Public Safety to cause the ~~[System]~~ *Statewide Alert System for the Safe Return of Abducted Children created by NRS 432.340 or the Statewide Alert System for the Safe Return of Missing Endangered Older Persons created by section 7 of this act* to be activated is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. The Attorney General or the district attorney of the county in which a person made a false or misleading statement may investigate and prosecute any violation of the provisions of this section.

~~{3. As used in this section, "System" means the Statewide Alert System for the Safe Return of Abducted Children created by NRS 432.340.}~~

**Sec. 12.** The Department of Public Safety shall adopt the regulations required by section 8 of this act on or before December 31, 2011.

**Sec. 13.** This act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2012, for all other purposes.

Assemblywoman Mastroluca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 264.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 636.

AN ACT relating to public health; revising requirements for various reports concerning the care provided by certain medical and related facilities; revising provisions relating to administrative fines collected by the Health Division of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain medical facilities to submit to the Health Division of the Department of Health and Human Services reports of sentinel events. (NRS 439.835) The term "sentinel event" is defined for the purposes of these reports to mean an unexpected occurrence at the facility which

involves facility-acquired infection, death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of a serious adverse outcome. (NRS 439.830) The Health Division is required to prepare annual reports concerning those reports which were submitted by medical facilities located in a county whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS 439.840) **Section 5** of this bill requires the Health Division to prepare such annual reports for medical facilities in every county and to make those reports available on the Department's website. **Section 5** also requires the Health Division to report that information publicly in a format which allows for comparisons of medical facilities.

Existing law requires medical facilities which provide care to 25 or more patients per day to submit information to the Internet-based surveillance system established and maintained by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services and requires the Health Division to analyze that information. (NRS 439.847) **Section 9** of this bill requires the Health Division to report that information publicly in a format which allows for comparisons of medical facilities.

**Sections 15.3-17** of this bill require hospitals to submit, as part of the program to increase public awareness of health care information concerning hospitals, data relating to the readmission of a patient if the readmission was potentially preventable and clinically related to the initial admission of the patient. **Section 20** of this bill requires the Department of Health and Human Services to post that information on an Internet website. **Section 16** also authorizes the Department to report certain information concerning the quality of care provided by hospitals if it can be determined from reports already submitted to the Department. Existing law authorizes the Department to seek injunctive relief or civil penalties against facilities that violate the reporting requirements. (NRS 439A.300, 439A.310)

**Sections 21, 22, 24 and 25** of this bill authorize the Health Division to use money which is collected as administrative penalties to administer and carry out the provisions of chapter 449 of NRS and to protect the health and property of the patients and residents of facilities.

**Section 35** of this bill repeals NRS 439.825 and 439.850.

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

**Section 1.** (Deleted by amendment.)

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

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

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

**Sec. 5.** NRS 439.840 is hereby amended to read as follows:

439.840 1. The Health Division shall:

(a) Collect and maintain reports received pursuant to NRS 439.835 and 439.843 and any additional information requested by the Health Division pursuant to NRS 439.841;

(b) Ensure that such reports, and any additional documents created from such reports, are protected adequately from fire, theft, loss, destruction and other hazards and from unauthorized access;

(c) Annually prepare a report of sentinel events reported pursuant to NRS 439.835 by a medical facility, ~~[located in a county whose population is 100,000 or more,]~~ including, without limitation, the type of event, the number of events, *the rate of occurrence of events*, and the medical facility which reported the event ~~[;]~~, *and provide the report for inclusion on the Internet website maintained pursuant to NRS 439A.270;* and

(d) Annually prepare a summary of the reports received pursuant to NRS 439.835 and provide a summary for inclusion on the Internet website maintained pursuant to NRS 439A.270. The Health Division shall maintain the confidentiality of the *patient, the provider of health care or other member of the staff of the medical facility identified in the* reports submitted pursuant to NRS 439.835 when preparing the annual summary pursuant to this paragraph.

2. Except as otherwise provided in this section and NRS 239.0115, reports received pursuant to NRS 439.835 and subsection 1 of NRS 439.843 and any additional information requested by the Health Division pursuant to NRS 439.841 are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

3. *The report prepared pursuant to paragraph (c) of subsection 1 must provide to the public information concerning each medical facility which provided medical services and care in the immediately preceding calendar year and must:*

*(a) Be presented in a manner that allows a person to view and compare the information for the medical facilities;*

*(b) Be readily accessible and understandable by a member of the general public;*

*(c) Use standard statistical methodology, including without limitation, risk-adjusted methodology when applicable, and include the description of the methodology and data limitations contained in the report;*

*(d) Not identify a patient, provider of health care or other member of the staff of the medical facility; and*

*(e) Not be reported for a medical facility if reporting the data would risk identifying a patient. ~~f; and~~*

~~*(f) Not include data concerning sentinel events that occurred before October 1, 2010, unless the medical facility allows the Health Division access to data from before that date.*~~

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 439.843 is hereby amended to read as follows:

439.843 1. On or before March 1 of each year, each medical facility shall provide to the Health Division, in the form prescribed by the State Board of Health, a summary of the reports submitted by the medical facility pursuant to NRS 439.835 during the immediately preceding calendar year. The summary must include, without limitation:

(a) The total number and types of sentinel events reported by the medical facility, if any;

(b) A copy of the patient safety plan established pursuant to NRS 439.865;

(c) A summary of the membership and activities of the patient safety committee established pursuant to NRS 439.875; and

(d) Any other information required by the State Board of Health concerning the reports submitted by the medical facility pursuant to NRS 439.835.

2. On or before June 1 of each year, the Health Division shall submit to the State Board of Health an annual summary of the reports and information received by the Health Division pursuant to this section. The annual summary must include, without limitation, a compilation of the information submitted pursuant to subsection 1 and any other pertinent information deemed necessary by the State Board of Health concerning the reports submitted by the medical facility pursuant to NRS 439.835. The Health Division shall maintain the confidentiality of the *patient, the provider of health care or other member of the staff of the medical facility identified in the reports* submitted pursuant to NRS 439.835 and any other *identifying information of a person* requested by the State Board of Health concerning those reports when preparing the annual summary pursuant to this section.

**Sec. 8.** NRS 439.845 is hereby amended to read as follows:

439.845 1. The Health Division shall analyze and report trends regarding sentinel events.

2. When the Health Division receives notice from a medical facility that the medical facility has taken corrective action to remedy the causes or contributing factors, or both, of a sentinel event, the Health Division shall:

(a) Make a record of the information;

(b) Ensure that the information is ~~aggregated~~ **released in a manner** so as not to reveal the identity of a specific ~~person or medical facility;~~ **patient, provider of health care or member of the staff of the facility;** and

(c) At least quarterly, report its findings regarding the analysis of ~~aggregated~~ trends of sentinel events ~~to the Repository for Health Care Quality Assurance.~~ **on the Internet website maintained pursuant to NRS 439A.270.**

**Sec. 9.** NRS 439.847 is hereby amended to read as follows:

439.847 1. Each medical facility which provided medical services and care to an average of 25 or more patients during each business day in the immediately preceding calendar year shall, within 120 days after becoming eligible, participate in the secure, Internet-based surveillance system established by the Division of Healthcare Quality Promotion of the Centers



for Disease Control and Prevention of the United States Department of Health and Human Services that integrates patient and health care personnel safety surveillance systems. As part of that participation, the medical facility shall provide, at a minimum, the information required by the Health Division pursuant to this subsection. The Health Division shall by regulation prescribe the information which must be provided by a medical facility, including, without limitation, information relating to infections and procedures.

2. Each medical facility which provided medical services and care to an average of less than 25 patients during each business day in the immediately preceding calendar year may participate in the secure, Internet-based surveillance system established by the Division of Healthcare Quality Promotion of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services that integrates patient and health care personnel safety surveillance systems.

3. A medical facility that participates in the secure, Internet-based surveillance system established by the Division of Healthcare Quality Promotion shall ~~authorize~~ :

(a) ~~Authorize~~ the Health Division to access all information submitted to the system ~~[-, and the Health Division shall enter into an agreement with the Division of Healthcare Quality Promotion to carry out the provisions of this section.]; and~~

(b) *Provide consent for the Health Division to include information submitted to the system in the reports posted pursuant to paragraph (b) of subsection 4, including without limitation, permission to identify the medical facility that is the subject of each report.*

4. The Health Division shall ~~analyze~~ :

(a) *Analyze* the information submitted to the system by medical facilities pursuant to this section and recommend regulations and legislation relating to the reporting required pursuant to NRS 439.800 to 439.890, inclusive.

(b) *Annually prepare a report of the information submitted to the system by each medical facility pursuant to this section and provide the reports for inclusion on the Internet website maintained pursuant to NRS 439A.270. The information must be reported in a manner that allows a person to compare the information for the medical facilities ~~[-]~~ and expressed as a total number and a rate of occurrence.*

(c) *Enter into an agreement with the Division of Healthcare Quality Promotion to carry out the provisions of this section.*

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 15.3. Chapter 439A of NRS is hereby amended by adding thereto a new section to read as follows:

*“Potentially preventable readmission” means an unplanned readmission of a patient which:*

1. *Occurs not more than 30 days after the patient is discharged;*
2. *Is clinically related to the initial admission; and*
3. *Was preventable.*

**Sec. 15.7.** NRS 439A.200 is hereby amended to read as follows:

439A.200 As used in NRS 439A.200 to 439A.290, inclusive, **and section 15.3 of this act**, unless the context otherwise requires, the words and terms defined in NRS 439A.205 and 439A.210 **and section 15.3 of this act** have the meanings ascribed to them in those sections.

**Sec. 16.** NRS 439A.220 is hereby amended to read as follows:

439A.220 1. The Department shall establish and maintain a program to increase public awareness of health care information concerning the hospitals in this State. The program must be designed to assist consumers with comparing the quality of care provided by the hospitals in this State and the charges for that care.

2. The program must include, without limitation, the collection, maintenance and provision of information concerning:

(a) Inpatients and outpatients of each hospital in this State as reported in the forms submitted pursuant to NRS 449.485;

(b) The quality of care provided by each hospital in this State as determined by applying ~~uniform~~ measures of quality ~~prescribed by the Department pursuant to NRS 439A.230;~~

~~(c) The quality of care provided by each hospital in this State as determined by applying measures of quality endorsed by the entities described in subparagraph (1) of paragraph (b) of subsection 1 of NRS 439A.230, expressed as a number of events and rate of occurrence, if such measures can be applied to the information reported in the forms submitted pursuant to NRS 449.485;~~

~~(d)~~ (c) How consistently each hospital follows recognized practices to prevent the infection of patients, to speed the recovery of patients and to avoid medical complications of patients;

(d) ~~(e)~~ For each hospital, the total number of patients discharged, the average length of stay and the average billed charges, reported ~~for the 50 most frequent~~ by diagnosis-related groups for inpatients and *for the* 50 medical treatments for outpatients that the Department determines are most useful for consumers; ~~and~~

(e) ~~(f)~~ *The total number of patients discharged from the hospital and the total number of potentially preventable readmissions, which must be expressed as a total number and a rate of occurrence of potentially preventable readmissions, and the average length of stay and the average billed charges for those potentially preventable readmissions; and*

~~(g)~~ (f) Any other information relating to the charges imposed and the quality of the services provided by the hospitals in this State which the Department determines is:

- (1) Useful to consumers;
- (2) Nationally recognized; and
- (3) Reported in a standard and reliable manner.

3. As used in this section, “diagnosis-related group” means groupings of medical diagnostic categories used as a basis for hospital payment schedules by Medicare and other third-party health care plans.

**Sec. 17.** NRS 439A.230 is hereby amended to read as follows:

439A.230 1. The Department shall, by regulation:

(a) Prescribe the information that each hospital in this State must submit to the Department for the program established pursuant to NRS 439A.220.

(b) Prescribe the measures of quality for hospitals that are required pursuant to paragraph (b) of subsection 2 of NRS 439A.220. In adopting the regulations, the Department shall:

(1) Use the measures of quality endorsed by the Agency for Healthcare Research and Quality, the National Quality Forum, Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services, a quality improvement organization of the Centers for Medicare and Medicaid Services and the Joint Commission ; ~~for Accreditation of Healthcare Organizations;~~

(2) Prescribe a reasonable number of measures of quality which must not be unduly burdensome on the hospitals; and

(3) Take into consideration the financial burden placed on the hospitals to comply with the regulations.

↪ The measures prescribed pursuant to this paragraph must report health outcomes of hospitals, which do not necessarily correlate with the inpatient diagnosis-related groups or the outpatient treatments that are posted on the Internet website pursuant to NRS 439A.270.

(c) ***Prescribe the manner in which a hospital must determine whether the readmission of a patient must be reported pursuant to NRS 439A.220 as a potentially preventable readmission and the form for submission of such information.***

(d) Require each hospital to:

(1) Provide the information prescribed in paragraphs (a) , ~~and~~ (b) ***and*** (c) in the format required by the Department; and

(2) Report the information separately for inpatients and outpatients.

2. The information required pursuant to this section and NRS 439A.220 must be submitted to the Department not later than 45 days after the last day of each calendar month.

3. If a hospital fails to submit the information required pursuant to this section or NRS 439A.220 or submits information that is incomplete or inaccurate, the Department shall send a notice of such failure to the hospital and to the Health Division of the Department.

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

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

**Sec. 20.** NRS 439A.270 is hereby amended to read as follows:

439A.270 1. The Department shall establish and maintain an Internet website that includes the information concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State as required by the programs established pursuant to NRS 439A.220 and 439A.240. The information must:

(a) Include, for each hospital in this State, the ~~total~~ :

(1) **Total** number of patients discharged, the average length of stay and the average billed charges, reported for the ~~50 most frequent~~ diagnosis-related groups for inpatients and **the 50 most frequent** medical treatments for outpatients that the Department determines are most useful for consumers; **and**

(2) **Total number of potentially preventable readmissions reported pursuant to NRS 439A.220, the rate of occurrence of potentially preventable readmissions, and the average length of stay and average billed charges of those potentially preventable readmissions, reported by the diagnosis-related group for inpatients for which the patient originally received treatment at ~~the~~ a hospital;**

(b) Include, for each surgical center for ambulatory patients in this State, the total number of patients discharged and the average billed charges, reported for 50 medical treatments for outpatients that the Department determines are most useful for consumers;

(c) Be presented in a manner that allows a person to view and compare the information for the hospitals by:

- (1) Geographic location of each hospital;
- (2) Type of medical diagnosis; and
- (3) Type of medical treatment;

(d) Be presented in a manner that allows a person to view and compare the information for the surgical centers for ambulatory patients by:

- (1) Geographic location of each surgical center for ambulatory patients;
- (2) Type of medical diagnosis; and
- (3) Type of medical treatment;

(e) Be presented in a manner that allows a person to view and compare the information separately for:

- (1) The inpatients and outpatients of each hospital; and
- (2) The outpatients of each surgical center for ambulatory patients;

(f) Be readily accessible and understandable by a member of the general public;

(g) **Include the annual summary of reports of sentinel events prepared pursuant to paragraph (c) of subsection 1 of NRS 439.840;**

(h) Include the annual summary of reports of sentinel events prepared pursuant to paragraph (d) of subsection 1 of NRS 439.840; ~~and~~

~~(h)~~ (i) **Include the reports of information prepared for each medical facility pursuant to paragraph (b) of subsection 4 of NRS 439.847; and**

(j) Provide any other information relating to the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State which the Department determines is:

- (1) Useful to consumers;
- (2) Nationally recognized; and
- (3) Reported in a standard and reliable manner.

2. The Department shall:

- (a) Publicize the availability of the Internet website;
- (b) Update the information contained on the Internet website at least quarterly;
- (c) Ensure that the information contained on the Internet website is accurate and reliable;
- (d) Ensure that the information contained on the Internet website is aggregated so as not to reveal the identity of a specific inpatient or outpatient of a hospital;
- (e) Post a disclaimer on the Internet website indicating that the information contained on the website is provided to assist with the comparison of hospitals and is not a guarantee by the Department or its employees as to the charges imposed by the hospitals in this State or the quality of the services provided by the hospitals in this State, including, without limitation, an explanation that the actual amount charged to a person by a particular hospital may not be the same charge as posted on the website for that hospital;
- (f) Provide on the Internet website established pursuant to this section a link to the Internet website of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; and
- (g) Upon request, make the information that is contained on the Internet website available in printed form.

3. As used in this section, "diagnosis-related group" means groupings of medical diagnostic categories used as a basis for hospital payment schedules by Medicare and other third-party health care plans.

**Sec. 21.** NRS 449.0305 is hereby amended to read as follows:

449.0305 1. Except as otherwise provided in subsection 5, a person must obtain a license from the Board to operate a business that provides referrals to residential facilities for groups.

2. The Board shall adopt:

- (a) Standards for the licensing of businesses that provide referrals to residential facilities for groups;
- (b) Standards relating to the fees charged by such businesses;
- (c) Regulations governing the licensing of such businesses; and
- (d) Regulations establishing requirements for training the employees of such businesses.

3. A licensed nurse, social worker, physician or hospital, or a provider of geriatric care who is licensed as a nurse or social worker, may provide referrals to residential facilities for groups through a business that is licensed

pursuant to this section. The Board may, by regulation, authorize a public guardian or any other person it determines appropriate to provide referrals to residential facilities for groups through a business that is licensed pursuant to this section.

4. A business that is licensed pursuant to this section or an employee of such a business shall not:

(a) Refer a person to a residential facility for groups that is not licensed.

(b) Refer a person to a residential facility for groups that is owned by the same person who owns the business.

↪ A person who violates the provisions of this subsection is liable for a civil penalty to be recovered by the Attorney General in the name of the State Board of Health for the first offense of not more than \$10,000 and for a second or subsequent offense of not less than \$10,000 nor more than \$20,000. Unless otherwise required by federal law, the State Board of Health shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used ~~for the enforcement of this section and the protection of~~ **to administer and carry out the provisions of this chapter and to protect** the health, safety, well-being and property of **the patients and** residents of ~~residential~~ facilities ~~for groups~~ **in accordance with applicable state and federal standards.**

5. This section does not apply to a medical facility that is licensed pursuant to NRS 449.001 to 449.240, inclusive, on October 1, 1999.

**Sec. 22.** NRS 449.163 is hereby amended to read as follows:

449.163 1. If a medical facility or facility for the dependent violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.001 to 449.240, inclusive, or any condition, standard or regulation adopted by the Board, the Health Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) Impose an administrative penalty of not more than \$1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(d) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If a violation by a medical facility or facility for the dependent relates to the health or safety of a patient, an administrative penalty imposed pursuant to paragraph (c) of subsection 1 must be in a total amount of not

less than \$1,000 and not more than \$10,000 for each patient who was harmed or at risk of harm as a result of the violation.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (c) of subsection 1, the Health Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

4. The Health Division may require any facility that violates any provision of NRS 439B.410 or 449.001 to 449.240, inclusive, or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to **administer and carry out the provisions of this chapter and to** protect the health ~~of~~, **safety, well-being and** property of the **patients and** residents of ~~the facility~~ **facilities** in accordance with applicable **state and** federal standards.

**Sec. 23.** (Deleted by amendment.)

**Sec. 24.** NRS 449.210 is hereby amended to read as follows:

449.210 1. Except as otherwise provided in subsection 2 and NRS 449.24897, a person who operates a medical facility or facility for the dependent without a license issued by the Health Division is guilty of a misdemeanor.

2. A person who operates a residential facility for groups without a license issued by the Health Division:

(a) Is liable for a civil penalty to be recovered by the Attorney General in the name of the Health Division for the first offense of not more than \$10,000 and for a second or subsequent offense of not less than \$10,000 or more than \$20,000;

(b) Shall move all of the persons who are receiving services in the residential facility for groups to a residential facility for groups that is licensed at his or her own expense; and

(c) May not apply for a license to operate a residential facility for groups for a period of 6 months after the person is punished pursuant to this section.

3. Unless otherwise required by federal law, the Health Division shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used ~~for the protection of~~ **to administer and carry out the provisions of this chapter and to protect** the health, safety, ~~and~~ well-being **and property** of **the** patients ~~including~~ **and** residents of ~~residential~~ facilities ~~for groups~~ **in accordance with applicable state and federal standards.**

**Sec. 25.** NRS 449.2496 is hereby amended to read as follows:

449.2496 1. A person who operates or maintains a home for individual residential care without a license issued by the Health Division pursuant to NRS 449.249 is liable for a civil penalty, to be recovered by the Attorney

General in the name of the Health Division, for the first offense of \$10,000 and for a second or subsequent offense of not less than \$10,000 nor more than \$20,000.

2. Unless otherwise required by federal law, the Health Division shall deposit civil penalties collected pursuant to this section into a separate account in the State General Fund ~~[in the State Treasury]~~ to be used ~~[for the protection of]~~ **to administer and carry out the provisions of this chapter and to protect** the health, safety, well-being and property of **the** patients ~~[including]~~ **and** residents of facilities ~~[found deficient by the Health Division.]~~ **in accordance with applicable state and federal standards.**

3. A person against whom a civil penalty is assessed by the court pursuant to subsection 1:

(a) Shall move, at that person's own expense, all persons receiving services in the home for individual residential care to a licensed home for individual residential care.

(b) May not apply for a license to operate a home for individual residential care until 6 months have elapsed since the penalty was assessed.

**Sec. 26.** (Deleted by amendment.)

**Sec. 27.** (Deleted by amendment.)

**Sec. 28.** (Deleted by amendment.)

**Sec. 29.** (Deleted by amendment.)

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

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

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

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

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

**Sec. 35.** NRS 439.825 and 439.850 are hereby repealed.

**Sec. 36.** (Deleted by amendment.)

**Sec. 37.** This act becomes effective on July 1, 2011.

#### TEXT OF REPEALED SECTIONS

**439.825 “Repository” defined.** “Repository” means the Repository for Health Care Quality Assurance created by NRS 439.850.

**439.850 Repository for Health Care Quality Assurance: Creation; function.**

1. The Repository for Health Care Quality Assurance is hereby created within the Health Division.

2. The Repository shall, to the extent of legislative appropriation and authorization, function as a clearinghouse of information relating to aggregated trends of sentinel events.

Assemblywoman Mastroluca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.



Senate Bill No. 277.

Bill read second time and ordered to third reading.

Senate Bill No. 317.

Bill read second time and ordered to third reading.

Senate Bill No. 322.

Bill read second time and ordered to third reading.

Senate Bill No. 387.

Bill read second time and ordered to third reading.

Senate Bill No. 441.

Bill read second time and ordered to third reading.

Senate Bill No. 495.

Bill read second time and ordered to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 10, 12, 17, 21, 37, 58, 63, 109, 111, 117, 132, 134, 137, 149, 157, 167, 209, 225, 301, 328, 331, 337, 353, 368, 390; Senate Joint Resolution No. 4 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

#### REMARKS FROM THE FLOOR

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Thank you, Mr. Speaker. It is my pleasure and honor to introduce to you today the 28 contestants who will be competing for the title of Miss Nevada 2011. They are easy to spot; they are wearing sashes and crowns. Judging from all the chatter, you got to know them quite a bit in the past ten minutes. As an alumnus of this organization, there are a lot of misperceptions about what a Miss Nevada program is and who she is. We are part of the Miss America program. We are the world's largest scholarship organization in the world—the Miss America awarding more than \$42 million in scholarships annually.

In our state program, with the Miss Nevada scholarship organizations at our local and state level combined, we award more than \$30,000 in scholarships to Nevada's young women. These young women come from all parts of the state—from Elko to Mesquite to Reno. They represent our university systems. Miss University of Nevada and Miss University of Las Vegas are here, and we also have our teens with us as well.

A lot of people like to call us a beauty pageant, and I say that is fine as long as you define a beautiful woman as a woman who is smart, educated, and ready to change her community and if not, change the world. So I would like to have them stand up and say hello.

I do have a proclamation here. I won't read it, but it says a lot of what I just talked about—the fact that we are a scholarship organization that encourages women to be involved in their communities. I want to give a very special thank you to our former Miss Nevada and my good friend, Christina Bourne, who performed for us. She was our first Miss Nevada to be crowned who was a teacher, and she is actually still a teacher here in Carson City at Empire Elementary

School. She has her principal with her here today. Thank you for letting her come and do this for us. I appreciate it.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:06 p.m.

#### ASSEMBLY IN SESSION

At 1:15 p.m.

Mr. Speaker presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that for the balance of session, Assembly Standing Rule No. 92, which pertains to notices of bills, topics and public hearing, be suspended.

Motion carried.

#### UNFINISHED BUSINESS

##### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 7, 27, 44, 74, 81, 114, 131, 232, 280, 302, 318, 393, 396; Senate Concurrent Resolution No. 11.

#### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Brown.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Alana Lee, Lacey Lee, and Jennifer Marcusen.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following contestants for the Miss Nevada program: Alana Lee, Ashton Sunseri, Emily Messina, Jayda Frazier, Emilie Heidenreich, Baylee Bernstein, Jordan Jenee Lamoreaux, Aimee Hull, Alyssa D'Agostino, Lindsey LeeAnn Jamieson, Shalynn Swails, Jordan McCutcheon, Diana Sweeney, Bailey Gumm, Cara Laursen, Riley Jensen, Elizabeth Mercado, Sarah Covey, Randi Sundquist, Makenzie St. Cyr, Leah Ellen Walters, Marisela Luisa Avitia, Stephanie Hatch, Kellie Mills, Adriana Avitia, Sabrina Singh, Madeline Burak, Jen Gulbrandsen, Angela Foremaster, Cris Crotz, Ashley Brown, Laura Granier, Christina Bourne, Jan Michal, Del Beatty, Shawna Bartshe, Shirley Lundsford, Jennifer Marcusen, Sarah Ferris, Tiffany Spates, Amy Hacker, Darci Hansen, and Tera Hooiman.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Ashton Sunseri.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Messina.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Merritt Carlton.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Jayda Frazier.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Word of Life Christian Academy: Alissa Chavea, Matthew Buakwan, Mhali Burnett, Haeun Chung, Sarel Erasmus, Justin Gilstrap, Devil Harris, Eden Miura, Cayeton Norton, Clifton Norton, Erin Ruby, Daniel Simpson, Sharda Walker, William Willis, Terry Miura, Shanay Walker, Monica Burnett, Winnie Erasmus, Michael Harris, Kelly Gaford, Anthony Willis, John Capple, Terri Lynne ODonnell, and Mark Skomal.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Emilie Heidenreich.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Christina Borne and Baylee Bernstein.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Jordan Jenee Lamoreaux.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Aimee Hull.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Alyssa D'Agostino.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Lindsey LeeAnn Jamieson.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Jordan McCutcheon.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Shalynn Swails and Lynne Hartung.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Diana Sweeney.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Bailey Gumm and Sherry Rickard.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Cara Laursen.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Riley Jensen.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Mercado.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Randi Sundquist and the following students and chaperones from Huffaker Elementary School: Tia Amaral, Ava Bell, Dyonis Burke, Amber Dowling, Sara Eidson, Carmen Grajeda-Rojas, Ellise Hansen, Ryan Hess, Sydney Hurley, Sam Kreins, Seth McBride, Brianna Morris, Chandler Murphy, Tyler Rahimzadeh, Isaac Schuck, Sage Schula, Jenna Taylor, Carson Timor, D.J. Whiteman, Carter Wolf, Dane Wolf, Logan Arrington, Kate Bain, J.C. Carry, William Chism, Isabelle Dhindsa, Peter Ernaut, Ben Flamini, Ted Hall, Cole Hildahl, Maelia Johnson, Hannah Liske, Abida Mim, Bryce Norman, Valeria Rubalcava Ramirez, Jonathan Tellez, Ben Vincze, Cierra Taylor, Alexandria Moran, Colton Obert, and Sandra Armentrout.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Makenzie St. Cyr.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Leah Ellen Walters.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Marisela Luisa Avitia.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Hatch.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Granier.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Kellie Mills.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Covey.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Adriana Avitia and Michael Rashmir.

On request of Assemblyman Sherwood, the privilege of the floor of the Assembly Chamber for this day was extended to Sabrina Singh.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Madeline Burak and the following students and chaperones from North Valley High School: Carlos Arredondo, Aria Burke, Abigail Campbell, Rigo Cardenas Ramos, Kaytlyn Carter, Alex Choate, Manny Guerrero, Stephanie Guerrero Chavez, Brook Gurnea, Elise Gustavson, Nathaniel Hernandez, Joanna Hernandez Gonzalez, Ranee Jackson, Emily Macaluso, Tyler Mahoney, Benito Martinez, Alex Mendoza, Dylan Neel, Sophia Paschall, Carson Silberschlag, Daniel Solsvig, Samantha Tanner, Caleb Tau-Tolliver, Ben Tobler, Fran Macaluso, Jorge Hernandez, and Lori Kahl.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Jen Gulbrandsen.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Baylee Bernstein.

Assemblyman Conklin moved that the Assembly adjourn until Monday, May 23, 2011, at 10 a.m.

Motion carried.

Assembly adjourned at 1:17 p.m.

Approved:

JOHN OCEGUERA  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*