

THE NINETY-FIFTH DAY

CARSON CITY (Thursday), May 9, 2013

Senate called to order at 11:40 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Chuck Durante.

Good morning, everyone. As always, we gather in God's presence and in God's gift of the presence of one another. Let us pray.

Great and gracious God, author of all that is good. We thank You for the beauty of this day and for the gift of life within and all around us. As we dedicate this day to You, help us to use it to the fullest so that at day's end, we may rest in the assurance that this, our home, is just a little bit better than when the day began. We lift up to You both our successes and our failures this day, trusting that You can bring forth good even from bad wheat even from weeds.

Bless the Nevada Senate this day and all their deliberations and all their work in committees. May they be strengthened in their leadership and in doing good for all whom they serve. May obstacles in their work this day not be overwhelming, but challenge them to new possibilities.

And as the week begins to draw to a close, may they, and all Your people, find some rest in the Sabbath days ahead, and some time to praise and give thanks.

We make this prayer as Your instruments of peace.

AMEN.

Pledge of Allegiance to the Flag.

The President announced that under previous order, the reading of the Journal is waived for the remainder of the 77th Legislative Session and the President and Secretary are authorized to make any necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Assembly Bills Nos. 12, 22, 179, 206, 331, 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Denis:

Senate Bill No. 512—AN ACT relating to the Legislature; revising provisions governing employees of the Legislature and printing for Legislators; and providing other matters properly relating thereto.

Senator Smith moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 461.

Bill read second time and ordered to third reading.

Senate Bill No. 480.

Bill read second time and ordered to third reading.

Assembly Bill No. 13.

Bill read second time and ordered to third reading.

Assembly Bill No. 16.

Bill read second time and ordered to third reading.

Assembly Bill No. 41.

Bill read second time and ordered to third reading.

Assembly Bill No. 45.

Bill read second time and ordered to third reading.

Assembly Bill No. 57.

Bill read second time and ordered to third reading.

Assembly Bill No. 85.

Bill read second time and ordered to third reading.

Assembly Bill No. 252.

Bill read second time and ordered to third reading.

Assembly Bill No. 356.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 92.

Bill read third time.

Remarks by Senators Goicoechea and Hardy.

SENATOR GOICOECHEA:

Thank you, Mr. President. Senate Bill No. 92, as amended, requires that any physician, midwife or nurse attending any infant within a hospital, that offers obstetric services in the normal course of business, examine or test that infant for congenital heart disease, including pulse oximetry screening. If the examination and testing determine that the infant suffers from critical congenital heart disease, the attending physician must report that condition to the Health Division of the Department of Health and Human Services. The parents may opt out of having their infant examined and tested by filing a written objection.

In addition, during the period between July 1, 2013, and March 1, 2014, hospitals shall submit all positive results of those screenings to the Health Division of the Department of Health and Human Services. If a study is conducted, the Health Division of the Department of Health and Human Services shall submit that study to the Director of the Legislative Counsel Bureau on or before April 1, 2014. Section 1 of Senate Bill No. 92, which requires the testing of infants, becomes effective on October 1, 2014. Section 2 requires reporting of the results of the testing of infants for congenital heart disease. Senate Bill No. 92 becomes effective on July 1, 2013.

SENATOR HARDY:

Thank you, Mr. President. I rise in support of Senate Bill No. 92. I appreciate the patience of this Body allowing the amendment. Senate Bill No. 92 will help in the diagnosis of critical congenital heart disease. The bill, as amended, is a step in the right direction. Hopefully there will be other opportunities for input as this process goes on.

Roll call on Senate Bill No. 92:

YEAS—21.

NAYS—None.

Senate Bill No. 92 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 362.

Bill read third time.

The following amendment was proposed by Senator Kieckhefer:

Amendment No. 588.

"SUMMARY—Makes various changes concerning certain health care facilities that employ nurses. (BDR 40-710)"

"AN ACT relating to health care facilities; requiring certain health care facilities to establish policies pursuant to which a licensed nurse or certified nursing assistant may refuse or object to a work assignment; requiring the staffing committees of certain hospitals to develop such policies for the hospitals; requiring certain hospitals to include certified nursing assistants in the membership of the staffing committees of the hospitals; requiring certain health care facilities to include certain staffing requirements and protocols within the documented staffing plans of the health care facilities; requiring certain health care facilities to ensure that the health care facility is staffed in accordance with its documented staffing plan; providing administrative penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires: (1) hospitals which are located in a county whose population is 100,000 or more (currently Clark and Washoe Counties) and which are licensed to have more than 70 beds to establish a staffing committee; and (2) health care facilities which are located in a county whose population is 100,000 or more and which are licensed to have more than 70 beds to make available to the Health Division of the Department of Health and Human Services a documented staffing plan. (NRS 449.242, 449.2421) Section 30.6 of this bill requires those hospitals to include certified nursing assistants in the membership of the staffing committees. Section 30.6 also requires those staffing committees to develop the written policies for refusals of and objections to a work assignment as set forth in section 15 of this bill. Section 30.9 of this bill requires those health care facilities to include in their documented staffing plans: (1) the number of certified nursing assistants in each unit of the health care facility; and (2) protocols for adequately staffing the health care facility in certain circumstances, including, without limitation, in the event of an emergency. Section 30.9 also requires that each such health care facility : (1) provide to the Health Division the written policy for refusals of and objections to a work assignment; and (2) ensure that the facility is staffed in accordance with its documented staffing plan.

Section 15 ~~of this bill~~ requires each health care facility described above to establish written policies pursuant to which a licensed nurse or certified nursing assistant may refuse or object to a work assignment. Section 17 of ~~the~~ this bill requires the Health Division of the Department of Health and Human Services to ensure general compliance with the provisions of the law which govern the written policies and staffing requirements as well as to adopt regulations to carry out those provisions. Sections 25-29 of this bill amend existing law to indicate that: (1) the Health Division may take certain actions to enforce the amendatory provisions of this bill; and (2) the amendatory provisions of this bill will be codified with and treated similarly to existing laws which govern the licensing and regulation of health care facilities. Section 29.5 of this bill amends existing law to prohibit a medical facility from retaliating or discriminating against a licensed nurse or certified nursing assistant who requests to be relieved of a work assignment, refuses a work assignment or objects to a work assignment pursuant to a policy adopted pursuant to section 15.

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 24, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. *"Certified nursing assistant" means a person who has been certified by the State Board of Nursing pursuant to NRS 632.2852 to practice as a nursing assistant in this State.*

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

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. *1. As a condition of licensure, a health care facility which is located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds must adopt and disseminate to each licensed nurse and certified nursing assistant employed by the health care facility a written policy that sets forth the circumstances under which a licensed nurse or certified nursing assistant may refuse or object to a work assignment.*

2. The written policy concerning work assignments must, at a minimum, allow a licensed nurse or certified nursing assistant to ~~refuse an assignment~~

~~(a) For which the licensed nurse or certified nursing assistant is not prepared because of lack of education, training or experience to fulfill safely and without compromising or jeopardizing the safety of the patients, the ability of the licensed nurse or certified nursing assistant to meet foreseeable needs of the patients and the licensure of the licensed nurse or certification of the certified nursing assistant; or~~

~~(b) Which otherwise:~~

(a) Refuse a work assignment for any reason for refusal set forth in paragraph (b) of subsection 1 of NRS 449.205; and

(b) File an objection to a work assignment if the work assignment violates any provision of NRS 449.241 to 449.2421, inclusive, and sections 2 to 24, inclusive, of this act.

3. ~~The~~ For the purposes of refusing a work assignment pursuant to paragraph (a) of subsection 2, the written policy concerning work assignments must contain:

(a) Reasonable requirements for prior notice to the supervisor of the licensed nurse or certified nursing assistant of the request ~~for, including supporting reasons,~~ by the licensed nurse or certified nursing assistant to be relieved of the work assignment ~~for~~, including, without limitation, the reasons supporting the request;

(b) Reasonable requirements which provide, if feasible, an opportunity for the supervisor to review a request by the licensed nurse or certified nursing assistant to be relieved of the work assignment, including any specific conditions supporting the request, and based upon that review:

(1) Relieve the licensed nurse or certified nursing assistant of the work assignment as requested; or

(2) Deny the request; and

(c) A process pursuant to which a licensed nurse or certified nursing assistant may exercise his or her right to refuse a work assignment if the supervisor ~~denies~~ does not approve the request to be relieved of the work assignment if:

(1) The supervisor ~~rejected~~ failed to approve the request without proposing a remedy or, if a remedy is proposed, the proposed remedy would be inadequate or untimely;

(2) The process for filing a complaint with the Health Division or any other appropriate regulatory entity, including any investigation that would be required, would be untimely to address the concerns of the licensed nurse or certified nursing assistant in refusing a work assignment; and

(3) The licensed nurse or certified nursing assistant in good faith believes that the work assignment meets the conditions established in the written policy justifying refusal.

4. For the purposes of objecting to a work assignment pursuant to paragraph (b) of subsection 2, the written policy concerning work assignments must contain:

(a) A process for a licensed nurse or certified nursing assistant to file an objection with the health care facility, but still accept the work assignment despite the objection; and

(b) A requirement that the health care facility respond to the objection as soon as practicable, but not later than 45 days after receiving the objection.

5. The health care facility shall:

(a) Maintain records for at least 2 years of each request to be relieved of a work assignment, each refusal of a work assignment and each objection to a work assignment that is filed with the health care facility pursuant to the written policy adopted pursuant to this section;

(b) If the health care facility has established a staffing committee pursuant to NRS 449.242, provide to the staffing committee:

(1) The number of requests to be relieved of a work assignment and refusals of a work assignment made by a licensed nurse or a certified nursing assistant at the health care facility pursuant to this section;

(2) The number of objections to a work assignment filed by a licensed nurse or a certified nursing assistant at the health care facility pursuant to this section; and

(3) An explanation of how the health care facility addressed the requests, refusals and objections; and

(c) Ensure that the health care facility complies with the written policy adopted pursuant to this section.

Sec. 16. (Deleted by amendment.)

Sec. 17. For each health care facility which is located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds, the Health Division shall:

1. Ensure the general compliance of the health care facility with the provisions of NRS 449.241 to 449.2421, inclusive, and sections 2 to 24, inclusive, of this act, including, without limitation, those provisions relating to documented staffing plans ~~and~~ and written policies adopted pursuant to section 15 of this act; and

2. Adopt such regulations as are necessary or appropriate to carry out the provisions of this section.

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.030 to 449.240, inclusive, and 449.241 to 449.2421, inclusive, and sections 2 to 24, inclusive, of this act do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility or facility for the dependent operated and maintained by the United States Government or an agency thereof.

Sec. 26. NRS 449.040 is hereby amended to read as follows:

449.040 Any person, state or local government or agency thereof desiring a license under the provisions of NRS 449.030 to 449.240, inclusive, *and 449.241 to 449.2421, inclusive, and sections 2 to 24, inclusive, of this act* must file with the Health Division an application on a form prescribed, prepared and furnished by the Health Division, containing:

1. The name of the applicant and, if a natural person, whether the applicant has attained the age of 21 years.

2. The type of facility to be operated.

3. The location of the facility.

4. In specific terms, the nature of services and type of care to be offered, as defined in the regulations.

5. The number of beds authorized by the Director of the Department of Health and Human Services or, if such authorization is not required, the number of beds the facility will contain.

6. The name of the person in charge of the facility.

7. Such other information as may be required by the Health Division for the proper administration and enforcement of NRS 449.030 to 449.240, inclusive [] , *and 449.241 to 449.2421, inclusive, and sections 2 to 24, inclusive, of this act.*

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

9. Evidence satisfactory to the Health Division of the ability of the applicant to comply with the provisions of NRS 449.030 to 449.240, inclusive, *and 449.241 to 449.2421, inclusive, and sections 2 to 24, inclusive, of this act* and the standards and regulations adopted by the Board.

10. Evidence satisfactory to the Health Division that the facility conforms to the zoning regulations of the local government within which the facility will be operated or that the applicant has applied for an appropriate

reclassification, variance, permit for special use or other exception for the facility.

11. If the facility to be licensed is a residential establishment as defined in NRS 278.02384, and if the residential establishment is subject to the distance requirements set forth in subsection 3 of NRS 278.02386, evidence satisfactory to the Health Division that the residential establishment will be located and operated in accordance with the provisions of that subsection.

Sec. 27. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.030 to 449.240, inclusive, *and 449.241 to 449.2421, inclusive, and sections 2 to 24, inclusive, of this act* expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Health Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.030 to 449.240, inclusive, *and 449.241 to 449.2421, inclusive, and sections 2 to 24, inclusive, of this act* or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the facility, agency or home is in compliance with the provisions of NRS 449.121 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency or home are in compliance with the provisions of NRS 449.093.

Sec. 28. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Health Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.030 to 449.240, inclusive, *and 449.241 to 449.2421, inclusive, and sections 2 to 24, inclusive, of this act* upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, *and sections 2 to 24, inclusive, of this act* or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to this chapter, if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Health Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Health Division shall maintain a log of any complaints that it receives relating to activities for which the Health Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Health Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Health Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

↪ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Health Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Health Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Health Division pursuant to subsection 2.

Sec. 29. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility or facility for the dependent violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.030 to 449.240, inclusive, *and 449.241 to 449.2421, inclusive, and*

sections 2 to 24, inclusive, of this act 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) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) 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

(e) 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 (d) 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 (d) 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 449.030 to 449.240, inclusive, *and 449.241 to 449.2421, inclusive, and sections 2 to 24, inclusive, of this act* 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 paragraph (d) of subsection 1 must be accounted for separately and used 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 facilities in accordance with applicable state and federal standards.

Sec. 29.5. NRS 449.205 is hereby amended to read as follows:

449.205 1. A medical facility or any agent or employee thereof shall not retaliate or discriminate unfairly against:

(a) An employee of the medical facility or a person acting on behalf of the employee who in good faith:

(1) Reports to the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, information relating to the conduct of a physician which may constitute grounds for initiating disciplinary action against the physician or which otherwise raises a reasonable question regarding the competence of the physician to practice medicine with reasonable skill and safety to patients;

(2) Reports a sentinel event to the Health Division pursuant to NRS 439.835; or

(3) Cooperates or otherwise participates in an investigation or proceeding conducted by the Board of Medical Examiners, the State Board of Osteopathic Medicine or another governmental entity relating to conduct described in subparagraph (1) or (2); or

(b) A registered nurse, licensed practical nurse, nursing assistant or medication aide - certified who is employed by or contracts to provide nursing services for the medical facility and who:

(1) In accordance with the policy, if any, established by the medical facility:

(I) Reports to his or her immediate supervisor, in writing, that he or she does not possess the knowledge, skill or experience to comply with an assignment to provide nursing services to a patient; and

(II) Refuses to provide to a patient nursing services for which, as verified by documentation in the personnel file of the registered nurse, licensed practical nurse, nursing assistant or medication aide - certified concerning his or her competence to provide various nursing services, he or she does not possess the knowledge, skill or experience to comply with the assignment to provide nursing services to the patient, unless the refusal constitutes unprofessional conduct as set forth in chapter 632 of NRS or any regulations adopted pursuant thereto;

(2) In accordance with a policy adopted pursuant to section 15 of this act, requests to be relieved of, refuses or objects to a work assignment;

(3) In good faith, reports to the medical facility, the Board of Medical Examiners, the State Board of Osteopathic Medicine, the State Board of Nursing, the Legislature or any committee thereof or any other governmental entity:

(I) Any information concerning the willful conduct of another registered nurse, licensed practical nurse, nursing assistant or medication aide - certified which violates any provision of chapter 632 of NRS or which is required to be reported to the State Board of Nursing;

(II) Any concerns regarding patients who may be exposed to a substantial risk of harm as a result of the failure of the medical facility or any agent or employee thereof to comply with minimum professional or accreditation standards or applicable statutory or regulatory requirements; or

(III) Any other concerns regarding the medical facility, the agents and employees thereof or any situation that reasonably could result in harm to patients; or

~~[(3)]~~ (4) Refuses to engage in conduct that would violate the duty of the registered nurse, licensed practical nurse, nursing assistant or medication aide - certified to protect patients from actual or potential harm, ~~including, without limitation,~~ conduct which would violate any provision of chapter 632 of NRS or conduct which would subject the registered nurse, licensed practical nurse, nursing assistant or medication aide - certified to disciplinary action by the State Board of Nursing.

2. A medical facility or any agent or employee thereof shall not retaliate or discriminate unfairly against an employee of the medical facility or a registered nurse, licensed practical nurse, nursing assistant or medication aide - certified who is employed by or contracts to provide nursing services for the medical facility because the employee, registered nurse, licensed practical nurse, nursing assistant or medication aide - certified has taken an action described in subsection 1.

3. A medical facility or any agent or employee thereof shall not prohibit, restrict or attempt to prohibit or restrict by contract, policy, procedure or any other manner the right of an employee of the medical facility or a registered nurse, licensed practical nurse, nursing assistant or medication aide - certified who is employed by or contracts to provide nursing services for the medical facility to take an action described in subsection 1.

4. As used in this section:

(a) "Good faith" means honesty in fact in the reporting of the information or in the cooperation in the investigation concerned.

(b) "Physician" means a person licensed to practice medicine pursuant to chapter 630 or 633 of NRS.

(c) "Retaliate or discriminate":

(1) Includes, without limitation, any of the following actions if taken solely because the employee, registered nurse, licensed practical nurse, nursing assistant or medication aide - certified took an action described in subsection 1:

(I) Frequent or undesirable changes in the location where the person works;

(II) Frequent or undesirable transfers or reassignments;

(III) The issuance of letters of reprimand, letters of admonition or evaluations of poor performance;

(IV) A demotion;

(V) A reduction in pay;

(VI) The denial of a promotion;

(VII) A suspension;

(VIII) A dismissal;

(IX) A transfer; or

(X) Frequent changes in working hours or workdays.

(2) Does not include an action described in sub-subparagraphs (I) to (X), inclusive, of subparagraph (1) if the action is taken in the normal course of employment or as a form of discipline.

Sec. 30. NRS 449.241 is hereby amended to read as follows:

449.241 As used in NRS 449.241 to 449.2421, inclusive, *and sections 2 to 24, inclusive, of this act* unless the context otherwise requires, the words and terms defined in NRS 449.2414, 449.2416 and 449.2418 *and sections 2 to 7, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 30.3. NRS 449.2416 is hereby amended to read as follows:

449.2416 ~~["Nurse"]~~ *"Licensed nurse"* means a person licensed pursuant to chapter 632 of NRS to practice nursing, including, without limitation, a licensed practical nurse. The term does not include a certified nursing assistant or a medication aide - certified.

Sec. 30.6. NRS 449.242 is hereby amended to read as follows:

449.242 1. Each hospital located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds shall establish a staffing committee to develop a written policy as required pursuant to section 15 of this act and a documented staffing plan as required pursuant to NRS 449.2421. The staffing committee must consist of:

(a) Not less than one-half of the total members *of the staffing committee* from the licensed nursing staff *and certified nursing assistants* who are providing direct patient care at the hospital; and

(b) Not less than one-half of the total members *of the staffing committee* appointed by the administration of the hospital.

2. In developing the written policy and the staffing plan, the staffing committee shall consider, without limitation, the information received pursuant to paragraph (b) of subsection 5 of section 15 of this act regarding requests to be relieved of a work assignment, refusals of a work assignment and objections to a work assignment.

3. The staffing committee of a hospital shall meet at least quarterly.

~~3.~~ 4. Each hospital that is required to establish a staffing committee pursuant to this section shall prepare a written report concerning the establishment of the staffing committee, the activities and progress of the staffing committee and a determination of the efficacy of the staffing committee. The hospital shall submit the report on or before December 31 of each:

(a) Even-numbered year to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

(b) Odd-numbered year to the Legislative Committee on Health Care.

Sec. 30.9. NRS 449.2421 is hereby amended to read as follows:

449.2421 1. As a condition of licensing, a health care facility located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds shall make available to the Health Division a written policy adopted pursuant to section 15 of this act, a documented staffing plan

and a written certification that the written policy and the documented staffing plan ~~is~~ are adequate to meet the needs of the patients of the health care facility. The documented staffing plan must include, without limitation:

(a) A detailed written plan setting forth ~~the~~ :

(1) *The number, skill mix and classification of licensed nurses required in each unit in the health care facility, which must take into account the experience of the clinical and nonclinical support staff with whom the licensed nurses collaborate, supervise or otherwise delegate assignments; and*

(2) *The number of certified nursing assistants required in each unit in the health care facility;*

(b) A description of the types of patients who are treated in each unit, including, without limitation, the type of care required by the patients;

(c) A description of the activities in each unit, including, without limitation, discharges, transfers and admissions;

(d) A description of the size and geography of each unit;

(e) A description of any specialized equipment and technology available for each unit; ~~and~~

(f) Any foreseeable changes in the size or function of each unit ~~;~~ ; *and*

(g) Protocols for adequately staffing the health care facility ~~is~~ :

(1) In the event of an emergency ~~is~~, including, without limitation, mass casualties and a significant change in the acuity or number of patients;

(2) If applicable, in circumstances when a significant number of patients are diverted from another facility; and

(3) If a licensed nurse or certified nursing assistant is absent or refuses a work assignment pursuant to section 15 of this act.

2. A documented staffing plan must provide sufficient flexibility to allow for adjustments based upon changes in a unit of the health care facility.

3. *The health care facility shall ensure that it is staffed in accordance with the documented staffing plan.*

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. The Health Division of the Department of Health and Human Services shall not renew the license of any health care facility, as that term is defined in NRS 449.2414, if the health care facility has not submitted to the Health Division a written policy and a documented staffing plan as required by NRS 449.2421, as amended by section 30.9 of this act.

Sec. 34. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 588 to Senate Bill No. 362 clarifies certain provisions that are governed by hospital staffing committees, particularly as they relate to a nurse's ability to refuse versus object to a staffing assignment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 498.

Bill read third time.

Remarks by Senator Roberson.

Thank you, Mr. President. Senate Bill No. 498, as amended, authorizes eligible telecommunications providers to access any available databases created and maintained by the Department of Health and Human Services for the exclusive purpose of determining or verifying customers who are eligible for Lifeline service—a federal program—that provides discounts on monthly telephone service to eligible low income consumers. Such access is prohibited after an independent administrator is selected and able to inform the providers of their customers' eligibility to receive Lifeline service. An independent administrator may access the Department of Health and Human Services databases to the extent authorized by State and federal law and any other database created and maintained by a State agency for the purpose of determining or verifying the status of an eligible customer. The bill requires the Public Utilities Commission to establish, by regulation, the procedure for contracting with an independent administrator.

Senate Bill No. 498 repeals the requirement that the Department of Health and Human Services provide each telecommunications provider with a list of customers who are eligible for Lifeline services. Additionally, it repeals the requirement that telecommunications providers notify an eligible customer that he or she will receive Lifeline services unless the customer specifically declines to receive the services.

Provisions relating to the procedural regulations to be established by the Public Utilities Commission become effective on October 1, 2013, with the adoption of such regulations effective by January, 2014. Provisions relating to access by an independent administrator to the Department of Health and Human Services database become effective on January 1, 2014.

Roll call on Senate Bill No. 498:

YEAS—21.

NAYS—None.

Senate Bill No. 498 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 108.

Bill read third time.

Remarks by Senator Manendo.

Thank you, Mr. President. Assembly Bill No. 108 provides that a person who is adjudicated to be mentally incompetent, or a ward who is placed under a guardianship, is not ineligible to vote unless the court makes a specific finding, based on clear and convincing evidence, that the person or ward lacks the mental capacity to vote.

Roll call on Assembly Bill No. 108:

YEAS—21.

NAYS—None.

Assembly Bill No. 108 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 111.

Bill read third time.

Remarks by Senator Spearman.

Thank you, Mr. President. Assembly Bill No. 111 requires that special license plates for disabled veterans be inscribed with the international symbol of access. The bill is effective upon passage and approval.

Roll call on Assembly Bill No. 111:

YEAS—21.

NAYS—None.

Assembly Bill No. 111 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 350.

Bill read third time.

Remarks by Senator Cegavske.

Thank you, Mr. President. Assembly Bill No. 350 provides that a requirement to submit a report to the Legislature will expire by limitation after five years, unless the legislation with the reporting requirement contains a justification of the need for, or usefulness of, a longer reporting period. Assembly Bill No. 350 requires the Legislative Commission to review existing statutory requirements for reports to the Legislature that have been in existence for four years or more to determine whether the reporting requirements should be repealed, revised or continued. For the 2013-2014 Interim, the Legislative Commission shall review legislation enacted in the 2007, 2009 and 2011 Sessions. Based on its review, using the criteria in Assembly Bill No. 350, the Legislative Commission shall submit a report to the Legislature by January 15, 2015, with recommendations on the continuation, revision, or repeal of reporting requirements enacted in the past three Sessions. This bill is effective on July 1, 2015. According to the testimony, more than 160 reports are required to be submitted to the Legislature or Legislative Committees with approximately 55 such reports enacted in the past three Sessions.

Roll call on Assembly Bill No. 350:

YEAS—21.

NAYS—None.

Assembly Bill No. 350 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEES*Mr. President:*

Your Committee on Finance, to which was referred Senate Bill No. 459, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Senate Bill No. 459, just reported out of Committee, be immediately placed at the top of the Second Reading File for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 459.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 596.

"SUMMARY—Makes a supplemental appropriation to and authorizes the expenditure of certain money by the Division of Health Care Financing and Policy of the Department of Health and Human Services for an unanticipated increase in caseloads for medical services and certain other costs. (BDR S-1190)"

"AN ACT making a supplemental appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services for an unanticipated increase in caseloads for medical services and certain other costs; authorizing the expenditure of certain money for the same purposes; and providing other matters properly relating thereto."

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

Section 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services the sum of \$26,912,908 for an unanticipated increase in caseloads for medical services and costs per eligible recipient and unanticipated retroactive payments for Upper Payment Limit and Graduate Medical Education costs. This appropriation is supplemental to that made in section 18 of chapter 371, Statutes of Nevada 2011, at page 2158.

Sec. 2. Expenditure of ~~(\$82,863,609)~~ \$47,048,179 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during the fiscal ~~years~~ year beginning on July 1, ~~2013,~~ 2012, and ending on June 30, ~~2015,~~ 2013, by the Division for the same purposes as set forth in section 1 of this act. This authorization is supplemental to the authorization made in section 1 of chapter 372, Statutes of Nevada 2011, at page 2180.

Sec. 3. This act becomes effective upon passage and approval.

Senator Smith moved the adoption of the amendment.

Remarks by Senator Smith.

Thank you, Mr. President. Amendment Bill No. 596 to Senate Bill No. 459 changes the amount of the supplemental appropriation that is required.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senator Smith moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 12:25 p.m.

SENATE IN SESSION

At 12:30 p.m.

President Krolicki presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which was re-referred Senate Bill No. 123, has had the same under consideration, and begs leave to report the same back without recommendation, recommended to be re-referred to the Committee on Commerce, Labor and Energy.

DEBBIE SMITH, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Senate Bill No. 123, just reported out of Committee, be re-referred to the Committee on Commerce, Labor and Energy.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary of the Senate signed Senate Joint Resolution No. 5.

REMARKS FROM THE FLOOR

Senator Denis requested his remarks be entered in the Journal.

Thank you Mr. President. I would like to mention two items this morning. We are working on, possibly for this Session, but definitely for next, being able to get a video connection to the schools in our Senate Districts in Las Vegas, which will enable us to introduce those schools.

Also, today is Boy Scout Day at the Legislature. For more than 100 years, the institution of Boy Scouts of America has been instructing the youth of this Nation on how to be self-reliant, confident, moral and practical citizens. The founder of the Boy Scouts, Lord Baden-Powell, recognized at the turn of the last century that youth needed guidance and assistance in developing life skills. These skills and ideals are provided through the Scout Oath, the Scout Law, the Scout Motto, the advancement of Scout rank and the earning of merit badges.

Today, we are honored to have members of the Scouting community from the northern regions of our State. On a personal note; back in 1975, a younger version of myself learned the Scout Law, which is: "A scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent." I think if all us incorporated that into our own lives, this world would be a much better place.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to Frederick Allen.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to Kyle Dane and Matthew Cruze; and also, the students and chaperones from Sandy Miller Elementary School; students: Cristian Acosta, Shaada Ahmad, Elijah Ahmed, Anthony Alesandrini, Nicholas Allen, Storm Allen, Elizabeth April, Evelin Armendariz, Lizbeth Basulto, Willilam Beaman, Elainey Belay, Sabrina Bevill, Charles Birt, Skyler Bryan, Kevin Calderon, Fabian Canales, Ashely Cantu, Gustavo Chavarin, Melani Chavez, Noah Chavez, Peyton Collins, Amy Cruz, Nicholas Daniels, Elham Dansi Palmer, Rachel Davis, Jocabed DeJesus, Jacob DeMarco, Georgina Diaz, Zali Downton, Dilson Escriba, Adrian Espinoza, Victoria Estrada, Evelyn Flores, Kristyanna Frost, Adrianna Gama, Conor Glover, Jamsine Glover, Carlos Gomez, Carolina Gustilo, Sedona Gronna, Belen Gutierrez, Andrew Hamilton, Grace

Hermosillo, Isabel Hillers, Elizabeth Hines, Sam Holter, Nicholas Hypes, Jada Johnson, Michele Kamleiter, Roiva Karagdag, Mya Larson, Daniel Lienau, Rodrigo Lizaola, Nataly Marsical, Skylah McDowell, Stefany Mejia, Gabriel Meyers, Rossie Miranda, Brianna Morenco, Arrianna Morroquin, Kaitlyn Moser, Wendy Obregon, Angel Onofre, John Patterson, Thomas Patterson, Alex-Micah Pendleton, Kaelem Pickett, Dhamar Quezada, Vasco Ramirez, Juan Ramos, Grace Regnaud, Justin Reti, Uriel Rodriguez, Sophia Romo, Allan Sanchez, Denisse Sanchez, Lailanni Sanchez, Nicholas Smallwood, Cailhla Snyder, Spencer Stackel, Blaydin Tattam, Walter Taylor, Abel Velez, George Villegas, Rebecca Warren, William Weinert, Tyler Wescott, Koby White, Tyson White, Kiana Williams and Samantha Yang; chaperones: Alemwork Aklog, Liliana Barrera, Rosa Basulto, Bo Beaman, Mary Bell, King Bevill, Patrick Birt, Katie Bryan, Jose Canales, Jaqueline Cantu, Abbey Chandler, George Chavez, Rosario Cienfuegos, Eric Collins, Cynthia Daniels, Sean Davis, Carlos Escriba, Cruz Espinoza, Linda Figueroa, Analine Flores, Edra Glover, Liza Glover, Anne Grisham, Yadira Gutierrez, Jessica Gustilo, Larry Hamilton, Mark Hillers, Erin Jensen, Michele Kamleiter, Spencer Larson, Saifaalagi Leuma, Wendy Lopez, Vicki Lozano, Allison McCarthy, Raena McDowell, Sandy Miller, Norma Morales Marengo, Melissa Moser, Leslie Patterson, Sharon Pearson, Juan Ramirez, Chance Reti, Annette Snyder, Leticia Villunueva Sanchez, Louise Seastrunk, Scott Stackel, April Tattam, Gina Warren, Ty Weinert, Shelly White and Lidia Yang.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to Brandon Lundy and Jeremy Lundy.

On request of Senator Hutchison, the privilege of the Floor of the Senate Chamber for this day was extended to Gabriel Finley and Nathaniel Finley; and also, the students and chaperones from Word of Life Christian Academy; students: Paris Catledge, Dubem Ezaenolue, Bria Freemal, Nikolas Gatski, Senayt Hill, Kobe Holden, Tyler Howard, Zoie Jones, Keenan Kocienski, Anubhav Mahay, Dillon Meyer, Leina'ala Sakay and Tyler Stokes; chaperones: Erin Catledge, Chinenye Ezaenolue, Melanie Lara Freemal, George D. Gatski, Clarissa Hill, Christina Jones, Ravi Mahay, Alta Meyer, Terri L. O'Donnell, Crystal Stokes, Theresa Rene Ugarte and Shirley Wells.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Brenlon Dillard and Heidi Jackman; and also, the students, teachers and chaperones from Lenz Elementary School; students: Faith Abila, Pablo Aramburu, Bella Auger, Keighley Bader, Lucas Bain, Jadon Bercovich, Nic Bielser, Lilia Brettell, Jordan Clements, Nolan Craddock, Geno Crow, Kiley Cryer, Breckyn Curtis, Zach Czyz, Grayson Derifield, Jaden Eldridge, Kyle Espalin, Breanna Esqueda, Lucia Ferrari, Tristan Fraser, Brock Grashuis, James Graver, Lana Greene, Erika Gustafson, Siena Hall, Joey Huene, Alex Laird, Kurtis Lemay, Daniel

Lindsay Jr., Kattalin Lopategui, Presley Lorentzen, Candice Macomber, Carlos Morales, Mason Moschetti, Summer Murphy, Elizabeth Nebe, Katelyn Nebe, Andrew Nelson, Ainsley Parmer, Jolene Potter, Aisling Rovarino, Brigida Rovarino, Caleb Royce, Rylie Salls, Ryan Siracusa, Tyler Siracusa, Bryce Slocum, Beau Smith, Jacoby Smith, Jeremiah Stephenson, Julian Vlad, Robert Whittemore, Aidan Winans, Ellie Yarborough, Juan Zacarias Mendez; teachers: Christina Hughes, Gary Lindquist; chaperones: Catherine Auger, Angela Bader, Tonya Clements, Ken Greene, Cheryl Gustafson, Anamarie Lopategui, Nicole Prijatel and Cecilly Ryan. And also, the scouts and chaperones from the Boy Scouts of America; scouts: Frederick Allen, Ben Anderson, Seth Bake, Justin Bivens, Nicolas Boston, Kevin Brown, Connell Campbell, Justin Cathey, Kyle Dane, Seth Doutre, Ethan Ewalt, Gabriel Finley, Nathaniel Finley, Jason Gray, Bryan Green, Colby Green, Miles Grieve, Harrison Horris, Karri Hurwitz, Walker Morgan, Hunter Morris, Raymond Plasse, Christopher Rowe, Matthew Shick, Deamon Smith, Adolfas Stankus, Connor Taylor, Daniel Taylor, Clark Turley; chaperones: Rine Bake, Mark Campbell, Leasa Cathey, Joe Cummings, Linda Dane, Stacy Doutre, Colleen Green, Cynthia Johnson, Stanley Lundy, Sandra Plasse, Malia Taylor and Kristi Turley.

On request of Senator Parks, the privilege of the Floor of the Senate Chamber for this day was extended to Mary Baranovich and Beverly Sevcik.

On request of Senator Roberson, the privilege of the Floor of the Senate Chamber for this day was extended to Monte Miller.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Tristan Futch, Adolfas Stankus and Daniel Tooker.

On request of Senator Smith, the privilege of the Floor of the Senate Chamber for this day was extended to Jacob Bond, Matthew Cummings and Nathan Schmitt.

Senator Denis moved that the Senate adjourn until Monday, May 13, 2013, at 11:30 a.m.

Motion carried.

Senate adjourned at 12:32 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate