
ASSEMBLY BILL NO. 382—ASSEMBLYMEN CARLTON, FRIERSON,
ARAUJO, SPIEGEL; BENITEZ-THOMPSON AND SPRINKLE

MARCH 20, 2017

JOINT SPONSORS: SENATORS FORD, PARKS AND CANCELA

Referred to Committee on Health and Human Services

SUMMARY—Establishes provisions governing payment for the provision of emergency services and care to patients. (BDR 40-570)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to health care; requiring certain hospitals, independent centers for emergency medical care and physicians to accept certain rates as payment in full for the provision of emergency services and care to certain patients; providing an exception under certain circumstances; requiring the submission of certain reports relating to policies of health insurance and similar contractual agreements by certain third parties who issue those policies and agreements; requiring certain hospitals and independent centers for emergency medical care to submit reports to the Department of Health and Human Services concerning patient debt and rate increases; requiring the Governor’s Consumer Health Advocate to adopt certain regulations; requiring the Commissioner of Insurance to consider certain information when determining the adequacy of a network plan; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Under existing law, a hospital is required to provide emergency services and
- 2 care and to admit certain patients where appropriate, regardless of the financial
- 3 status of the patient. (NRS 439B.410) Existing law also requires certain major



4 hospitals to reduce total billed charges by at least 30 percent for hospital services
5 provided to certain patients who have no insurance or other contractual provision
6 for the payment of the charges by a third party. (NRS 439B.260) **Section 17** of this
7 bill requires an out-of-network hospital with 100 or more beds that is not operated
8 by a federal, state or local governmental entity or an out-of-network independent
9 center for emergency medical care that is operated by a person who also operates
10 such a hospital to accept, under certain circumstances, as payment in full for the
11 provision of emergency services and care, other than services and care provided to
12 stabilize a patient, to certain patients a rate which does not exceed the greater of:
13 (1) the average amount that the third party has negotiated with other hospitals in
14 this State; or (2) one hundred twenty-five percent of the average amount paid by
15 Medicare for the same or similar services in the same geographic area. The
16 Commissioner of Insurance is authorized to adopt regulations to interpret these
17 provisions in a manner that is similar to the interpretation of the federal regulation
18 establishing the amount that certain health insurance providers must pay to out-of-
19 network hospitals for emergency services. (29 C.F.R. § 2590.715-2719A) **Section**
20 **18** of this bill requires an out-of-network physician on the medical staff of an out-
21 of-network hospital with 100 or more beds or an out-of-network independent center
22 for emergency medical care that is operated by a person who also operates such a
23 hospital to accept as payment in full for the provision of emergency services and
24 care, other than services and care provided to stabilize a patient, a rate which is
25 similarly calculated to that in **section 17**. **Section 19** of this bill requires an out-of-
26 network physician on the medical staff of an in-network hospital with 100 or more
27 beds or an in-network independent center for emergency medical care that is
28 operated by a person who also operates such a hospital to accept as payment in full
29 for the provision of emergency services and care, other than services and care
30 provided to stabilize a patient, a rate which is similarly calculated to that in **sections**
31 **17 and 18**. **Sections 17-19** further provide that, if a hospital, center or physician, as
32 applicable, determines that the amount prescribed pursuant to those sections is not
33 sufficient reimbursement for the provision of emergency services and care to a
34 patient, the hospital, center or physician may negotiate a different rate with the third
35 party and may, under certain circumstances, file a complaint and request for
36 mediation with the Governor's Consumer Health Advocate. **Section 22** of this bill
37 requires the Advocate to establish a procedure for filing and processing such
38 complaints and requests for mediation.

39 Existing law requires the Commissioner of Insurance to make an annual
40 determination concerning the availability and accessibility of the health care
41 services of any network plan offered for sale in this State. (NRS 687B.490) **Section**
42 **20** of this bill requires a third party who wishes to pay the amounts prescribed
43 pursuant to **sections 17-19** to conduct a review of the adequacy of the network of
44 the third party and submit certain reports to the Commissioner and to the
45 Legislative Committee on Health Care. **Section 23** of this bill requires the
46 Commissioner to consider such a report when making a determination concerning
47 the availability and accessibility of the network plan to which the report pertains.

48 **Section 21** of this bill requires a hospital with 100 or more beds that is not
49 operated by a federal, state or local governmental entity or an independent center
50 for emergency medical care that is operated by a person who also operates such a
51 hospital to annually report certain information concerning the collection of debts,
52 rate increases and negotiated payments for emergency services and care to the
53 Department of Health and Human Services.



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

1 **Section 1.** Chapter 439B of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 21, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 21, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3 to 16, inclusive, of this act have the meanings*
7 *ascribed to them in those sections.*

8 **Sec. 3.** *“Advocate” means the Governor’s Consumer Health*
9 *Advocate appointed pursuant to NRS 223.550.*

10 **Sec. 4.** *“Air ambulance” has the meaning ascribed to it in*
11 *NRS 450B.030.*

12 **Sec. 5.** *“Ambulance” has the meaning ascribed to it in*
13 *NRS 450B.040.*

14 **Sec. 6.** *“Emergency services and care” has the meaning*
15 *ascribed to it in NRS 439B.410.*

16 **Sec. 7.** *“Fire-fighting agency” has the meaning ascribed to it*
17 *in NRS 450B.072.*

18 **Sec. 8.** *“Independent center for emergency medical care”*
19 *has the meaning ascribed to it in NRS 449.013.*

20 **Sec. 9.** *“In-network hospital” means, for a particular patient,*
21 *a hospital that has entered into a contract with a third party for*
22 *the provision of health care to persons who are covered by a policy*
23 *of insurance or other contractual agreement which provides*
24 *coverage to the patient and which is issued by that third party.*

25 **Sec. 10.** *“In-network independent center for emergency*
26 *medical care” means, for a particular patient, an independent*
27 *center for emergency medical care that has entered into a contract*
28 *with a third party for the provision of health care to persons who*
29 *are covered by a policy of insurance or other contractual*
30 *agreement which provides coverage to the patient and which is*
31 *issued by that third party.*

32 **Sec. 11.** *“In-network physician” means, for a particular*
33 *patient, a physician who has entered into a contract with a third*
34 *party for the provision of health care to persons who are covered*
35 *by a policy of insurance or other contractual agreement which*
36 *provides coverage to the patient and which is issued by that third*
37 *party.*

38 **Sec. 12.** *“Out-of-network hospital” means, for a particular*
39 *patient, a hospital that has not entered into a contract with a third*
40 *party for the provision of health care to persons who are covered*
41 *by a policy of insurance or other contractual agreement which*



1 *provides coverage to the patient and which is issued by that third*
2 *party.*

3 **Sec. 13.** *“Out-of-network independent center for emergency*
4 *medical care” means, for a particular patient, an independent*
5 *center for emergency medical care that has not entered into a*
6 *contract with a third party for the provision of health care to*
7 *persons who are covered by a policy of insurance or other*
8 *contractual agreement which provides coverage to the patient and*
9 *which is issued by that third party.*

10 **Sec. 14.** *“Out-of-network physician” means, for a particular*
11 *patient, a physician who has not entered into a contract with a*
12 *third party for the provision of health care to persons who are*
13 *covered by a policy of insurance or other contractual agreement*
14 *which provides coverage to the patient and which is issued by that*
15 *third party.*

16 **Sec. 15.** *“Third party” includes, without limitation:*

17 1. *An insurer as defined in NRS 679B.540;*

18 2. *A health benefit plan, as defined in NRS 689A.540, for*
19 *employees which provides coverage for emergency services and*
20 *care at a hospital;*

21 3. *A participating public agency, as defined in NRS*
22 *287.04052, and any other local governmental agency of the State*
23 *of Nevada which provides a system of health insurance for the*
24 *benefit of its officers and employees, and the dependents of such*
25 *officers and employees, pursuant to chapter 287 of NRS; and*

26 4. *Any other insurer or organization providing health*
27 *coverage or benefits in accordance with state or federal law.*

28 **Sec. 16.** *“To stabilize” has the meaning ascribed to it in 42*
29 *U.S.C. § 1395dd.*

30 **Sec. 17.** 1. *Except as otherwise provided in subsections 3*
31 *and 4, an out-of-network hospital with 100 or more beds that is*
32 *not operated by a federal, state or local governmental agency or an*
33 *out-of-network independent center for emergency medical care*
34 *that is operated by a person who also operates such a hospital*
35 *shall accept as payment in full for the provision of emergency*
36 *services and care to a patient, other than services and care*
37 *provided to stabilize the patient, a rate in accordance with*
38 *subsection 2 if the patient:*

39 (a) *Was transported to the out-of-network hospital or out-of-*
40 *network independent center for emergency medical care for the*
41 *provision of emergency services and care by an ambulance, air*
42 *ambulance or vehicle of a fire-fighting agency which has received*
43 *a permit to operate pursuant to chapter 450B of NRS; and*

44 (b) *Has a policy of insurance or other contractual agreement*
45 *with a third party that provides coverage to the patient for*



1 *emergency services and care provided by more than one hospital*
2 *and independent center for emergency medical care in this State*
3 *other than the hospital or independent center for emergency*
4 *medical care to which the patient was transported.*

5 2. *Except as otherwise provided in subsections 3 and 4, an*
6 *out-of-network hospital with 100 or more beds that is not operated*
7 *by a federal, state or local governmental agency or an out-of-*
8 *network independent center for emergency medical care that is*
9 *operated by a person who also operates such a hospital that*
10 *provides to a patient described in subsection 1 emergency services*
11 *and care, other than services and care provided to stabilize the*
12 *patient, shall accept as payment in full for such emergency*
13 *services and care a rate which does not exceed the greater of:*

14 (a) *The average amount negotiated by the third party with in-*
15 *network hospitals in this State for the same or similar emergency*
16 *services and care, excluding any deductible, copayment or*
17 *coinsurance paid by the patient.*

18 (b) *One hundred twenty-five percent of the average amount*
19 *paid by Medicare pursuant to Title XVIII of the Social Security*
20 *Act, 42 U.S.C. §§ 1395 et seq., on a fee-for-service basis for the*
21 *same or similar emergency services and care in the geographic*
22 *region in which the emergency services and care are rendered,*
23 *excluding any deductible, copayment or coinsurance paid by the*
24 *patient.*

25 ↪ *The Commissioner of Insurance may adopt regulations that*
26 *interpret the provisions of this subsection, which must be*
27 *consistent with the provisions of 29 C.F.R. § 2590.715-2719A to*
28 *the extent practicable.*

29 3. *An out-of-network hospital or out-of-network independent*
30 *center for emergency medical care is not required to accept as*
31 *payment in full the amount specified pursuant to subsection 2 if:*

32 (a) *The third party that issued the policy of insurance or other*
33 *contractual agreement which provides coverage to the patient has*
34 *not submitted the quarterly reports required by section 20 of this*
35 *act;*

36 (b) *The third party which provides coverage to the patient has*
37 *not, in good faith, participated in a negotiation or mediation*
38 *pursuant to subsection 4 and has not documented the occurrence*
39 *and outcome of any negotiation or mediation;*

40 (c) *The patient has not paid the deductible, copayment or*
41 *coinsurance that the patient would have paid for the provision of*
42 *emergency services and care at an in-network hospital or in-*
43 *network independent center for emergency medical care; or*

44 (d) *The third party has not paid the out-of-network hospital or*
45 *out-of-network independent center for emergency medical care, as*



1 applicable, for the emergency services and care within 60 days
2 after receipt of the bill or, if applicable, within 60 days after the
3 conclusion of any negotiation or mediation between the third party
4 and the out-of-network hospital or out-of-network independent
5 center for emergency medical care.

6 4. If an out-of-network hospital or out-of-network
7 independent center for emergency medical care believes that the
8 amounts prescribed in subsection 2 are insufficient to compensate
9 the out-of-network hospital or out-of-network independent center
10 for emergency medical care for the emergency services and care
11 provided by the out-of-network hospital or out-of-network
12 independent center for emergency medical care, the out-of-
13 network hospital or out-of-network independent center for
14 emergency medical care may enter into negotiations with the third
15 party which provides coverage to the patient to resolve the
16 difference between the amount charged by the out-of-network
17 hospital or out-of-network independent center for emergency
18 medical care and the amount paid by the third party. If such
19 negotiations do not result in an agreement on the amount that will
20 be paid for the emergency services and care, the out-of-network
21 hospital or out-of-network independent center for emergency
22 medical care may file a complaint with the Advocate pursuant to
23 NRS 223.560 and request that the Advocate mediate to determine
24 the amount that must be paid for such emergency services and
25 care.

26 **Sec. 18. 1.** Except as otherwise provided in subsections 3
27 and 4, an out-of-network physician on the medical staff of an out-
28 of-network hospital with 100 or more beds or an out-of-network
29 independent center for emergency medical care that is operated by
30 a person who also operates such a hospital shall accept as
31 payment in full for the provision of emergency services and care to
32 a patient, other than services and care provided to stabilize the
33 patient, a rate in accordance with subsection 2 if the patient:

34 (a) Was transported to the out-of-network hospital or out-of-
35 network independent center for emergency medical care for the
36 provision of emergency services and care by an ambulance, air
37 ambulance or vehicle of a fire-fighting agency which has received
38 a permit to operate pursuant to chapter 450B of NRS; and

39 (b) Has a policy of insurance or other contractual agreement
40 with a third party that provides coverage to the patient for the
41 provision of emergency services and care by more than one in-
42 network physician in this State who provides the same type of
43 emergency services and care other than the out-of-network
44 physician who provided the emergency services and care at the



1 *out-of-network hospital or out-of-network independent center for*
2 *emergency medical care to which the patient was transported.*

3 2. *Except as otherwise provided in subsections 3 and 4, an*
4 *out-of-network physician on the medical staff of an out-of-*
5 *network hospital with 100 or more beds or an out-of-network*
6 *independent center for emergency medical care that is operated by*
7 *a person who also operates such a hospital who provides to a*
8 *patient described in subsection 1 emergency services and care,*
9 *other than services and care provided to stabilize the patient, shall*
10 *accept as payment in full for such emergency services and care a*
11 *rate which does not exceed the greater of:*

12 (a) *The average amount negotiated by the third party with in-*
13 *network physicians in this State for the same or similar emergency*
14 *services and care, excluding any deductible, copayment or*
15 *coinsurance paid by the patient.*

16 (b) *One hundred twenty-five percent of the average amount*
17 *paid by Medicare pursuant to Title XVIII of the Social Security*
18 *Act, 42 U.S.C. §§ 1395 et seq., on a fee-for-service basis for the*
19 *same or similar emergency services and care in the geographic*
20 *region in which the emergency services and care are rendered,*
21 *excluding any deductible, copayment or coinsurance paid by the*
22 *patient.*

23 ↪ *The Commissioner of Insurance may adopt regulations that*
24 *interpret the provisions of this subsection, which must be*
25 *consistent with the provisions of 29 C.F.R. § 2590.715-2719A to*
26 *the extent practicable.*

27 3. *An out-of-network physician is not required to accept as*
28 *payment in full the amount specified pursuant to subsection 2 if:*

29 (a) *The third party that issued the policy of insurance or other*
30 *contractual agreement which provides coverage to the patient has*
31 *not submitted the quarterly reports required by section 20 of this*
32 *act;*

33 (b) *The third party which provides coverage to the patient has*
34 *not, in good faith, participated in a negotiation or mediation*
35 *pursuant to subsection 4 and has not documented the occurrence*
36 *and outcome of any negotiation or mediation;*

37 (c) *The patient has not paid the deductible, copayment or*
38 *coinsurance that the patient would have paid for the provision of*
39 *emergency services and care by an in-network physician; or*

40 (d) *The third party has not paid the out-of-network physician*
41 *for the emergency services and care within 60 days after receipt of*
42 *the bill or, if applicable, within 60 days after the conclusion of any*
43 *negotiation or mediation between the third party and the out-of-*
44 *network physician.*



1 4. *If an out-of-network physician believes that the amounts*
2 *prescribed in subsection 2 are insufficient to compensate the out-*
3 *of-network physician for the emergency services and care provided*
4 *by the out-of-network physician, the out-of-network physician may*
5 *enter into negotiations with the third party which provides*
6 *coverage to the patient to resolve the difference between the*
7 *amount charged by the out-of-network physician and the amount*
8 *paid by the third party. If such negotiations do not result in an*
9 *agreement on the amount that will be paid for emergency services*
10 *and care, the out-of-network physician may file a complaint with*
11 *the Advocate pursuant to NRS 223.560 and request that the*
12 *Advocate mediate to determine the amount that must be paid for*
13 *such emergency services and care.*

14 **Sec. 19.** *1. Except as otherwise provided in subsections 3*
15 *and 4, an out-of-network physician on the medical staff of an in-*
16 *network hospital with 100 or more beds or an in-network*
17 *independent center for emergency medical care that is operated by*
18 *a person who also operates such a hospital shall accept as*
19 *payment in full for the provision of emergency services and care to*
20 *a patient, other than services and care provided to stabilize the*
21 *patient, a rate in accordance with subsection 2 if the patient has a*
22 *policy of insurance or other contractual agreement with a third*
23 *party that provides coverage to the patient for the provision of*
24 *emergency services and care by more than one physician in this*
25 *State who provides the same type of emergency services and care*
26 *other than the physician who provided the emergency services and*
27 *care.*

28 *2. Except as otherwise provided in subsections 3 and 4, an*
29 *out-of-network physician on the medical staff of an in-network*
30 *hospital with 100 or more beds or an in-network independent*
31 *center for emergency medical care that is operated by a person*
32 *who also operates such a hospital who provides to a patient*
33 *described in subsection 1 emergency services and care, other than*
34 *services and care provided to stabilize the patient, shall accept as*
35 *payment in full for such emergency services and care a rate which*
36 *does not exceed the greater of:*

37 *(a) The average amount negotiated by the third party with in-*
38 *network physicians in this State for the same or similar emergency*
39 *services and care, excluding any deductible, copayment or*
40 *coinsurance paid by the patient.*

41 *(b) One hundred twenty-five percent of the average amount*
42 *paid by Medicare pursuant to Title XVIII of the Social Security*
43 *Act, 42 U.S.C. §§ 1395 et seq., on a fee-for-service basis for the*
44 *same or similar emergency services and care in the geographic*



1 region in which the services are rendered, excluding any
2 deductible, copayment or coinsurance paid by the patient.

3 ↪ The Commissioner of Insurance may adopt regulations that
4 interpret the provisions of this subsection, which must be
5 consistent with the provisions of 29 C.F.R. § 2590.715-2719A to
6 the extent practicable.

7 3. An out-of-network physician is not required to accept as
8 payment in full the amount specified pursuant to subsection 2 if:

9 (a) The third party that issued the policy of insurance or other
10 contractual agreement which provides coverage to the patient has
11 not submitted the quarterly reports required by section 20 of this
12 act;

13 (b) The third party which provides coverage to the patient has
14 not, in good faith, participated in a negotiation or mediation
15 pursuant to subsection 4 and has not documented the occurrence
16 and outcome of any negotiation or mediation;

17 (c) The patient has not paid the deductible, copayment or
18 coinsurance that the patient would have paid for the provision of
19 emergency services and care to an in-network physician; or

20 (d) The third party has not paid the out-of-network physician
21 for the emergency services and care within 60 days after receipt of
22 the bill or, if applicable, within 60 days after the conclusion of any
23 negotiation or mediation between the third party and the out-of-
24 network physician.

25 4. If an out-of-network physician believes that the amounts
26 prescribed in subsection 2 are insufficient to compensate the out-
27 of-network physician for the emergency services and care provided
28 by the out-of-network physician, the out-of-network physician may
29 enter into negotiations with the third party which provides
30 coverage to the patient to resolve the difference between the
31 amount charged by the out-of-network physician and the amount
32 paid by the third party. If such negotiations do not result in an
33 agreement on the amount that will be paid for emergency services
34 and care, the out-of-network physician may file a complaint with
35 the Advocate pursuant to NRS 223.560 and request that the
36 Advocate mediate to determine the amount that must be paid for
37 such emergency services and care.

38 **Sec. 20.** If a third party who issues a policy of insurance or
39 other contractual agreement that provides coverage for health
40 care in this State wishes for out-of-network hospitals, out-of-
41 network independent centers for emergency medical care and out-
42 of-network physicians to accept as payment in full the amounts
43 prescribed in sections 17, 18 and 19 of this act, the third party
44 shall:



1 1. *Review the in-network hospitals, in-network independent*
2 *centers for emergency medical care and in-network physicians of*
3 *the third party to determine whether a person who is covered by*
4 *that policy of insurance or other contractual agreement that*
5 *provides coverage for health care has adequate access to health*
6 *care, including, without limitation, a review of:*

7 (a) *The number and types of in-network hospitals, in-network*
8 *independent centers for emergency medical care and in-network*
9 *physicians, including, without limitation, emergency room*
10 *physicians, anesthesiologists and specialty physicians;*

11 (b) *Whether a person who is covered by the policy of insurance*
12 *or other contractual agreement that provides coverage for the*
13 *provision of health care has access to in-network hospitals, in-*
14 *network independent centers for emergency medical care and in-*
15 *network physicians without experiencing an unreasonable delay*
16 *in the provision of health care; and*

17 (c) *The in-network hospitals and in-network independent*
18 *centers for emergency medical care which provide emergency*
19 *services and care and the number and type of in-network*
20 *physicians on the medical staff of those in-network hospitals and*
21 *in-network independent centers for emergency medical care to*
22 *ensure that the third party has contracted with a sufficient number*
23 *and type of physicians who are on the medical staff of those in-*
24 *network hospitals and in-network independent centers for*
25 *emergency medical care.*

26 2. *Review the frequency with which persons covered by the*
27 *policy of insurance or other contractual agreement that provides*
28 *coverage for the provision of health care are treated for*
29 *emergency services and care by out-of-network physicians at in-*
30 *network hospitals and in-network independent centers for*
31 *emergency medical care and the rate at which those services and*
32 *care are reimbursed by the third party.*

33 3. *Ensure that persons covered by the policy of insurance or*
34 *other contractual agreement that provides coverage for the*
35 *provision of health care receive adequate information regarding*
36 *in-network hospitals, in-network independent centers for*
37 *emergency medical care and in-network physicians and the*
38 *financial impact of receiving emergency services and care from*
39 *out-of-network hospitals, out-of-network independent centers for*
40 *emergency medical care and out-of-network physicians, including,*
41 *without limitation, the financial impact of receiving emergency*
42 *services and care from an out-of-network physician on the*
43 *medical staff of an in-network hospital or in-network independent*
44 *center for emergency medical care. The information must be*
45 *provided in a format that is meaningful for persons making an*



1 *informed decision concerning emergency services and care and*
2 *must be accessible to persons covered by the policy of insurance or*
3 *other contractual agreement.*

4 *4. Submit once each calendar quarter to the Commissioner of*
5 *Insurance and the Legislative Committee on Health Care a report*
6 *containing a summary of the reviews conducted pursuant to*
7 *subsections 1 and 2 and the educational efforts undertaken*
8 *pursuant to subsection 3.*

9 **Sec. 21.** *Each hospital with 100 or more beds that is not*
10 *operated by a federal, state or local governmental agency and each*
11 *independent center for emergency medical care that is operated by*
12 *a person who also operates such a hospital shall submit to the*
13 *Department an annual report which must include:*

14 *1. The number of patients from whom the hospital or*
15 *independent center for emergency medical care or a person acting*
16 *on its behalf has attempted to collect a debt for any amount owed*
17 *to the hospital or independent center for emergency medical care*
18 *for emergency services and care;*

19 *2. The number of patients from whom a physician on the*
20 *medical staff at the hospital or independent center for emergency*
21 *medical care or a person acting on behalf of such a physician has*
22 *attempted to collect a debt for any amount owed to the physician*
23 *for emergency services and care;*

24 *3. The amount of any increase in the rate negotiated with a*
25 *third party for emergency services and care that exceeds the*
26 *percentage of increase in the Consumer Price Index, Medical*
27 *Care Component, for the year in which the rate is increased and*
28 *any justification for the increase; and*

29 *4. The amount of each payment negotiated by the hospital or*
30 *independent center for emergency medical care pursuant to*
31 *subsection 4 of section 17 of this act or a physician on the medical*
32 *staff of the hospital or independent center for emergency medical*
33 *care pursuant to subsection 4 of section 18 or subsection 4 of*
34 *section 19 of this act and the emergency services and care for*
35 *which the payment was made.*

36 **Sec. 22.** NRS 223.560 is hereby amended to read as follows:

37 223.560 1. The Advocate shall:

38 (a) Respond to written and telephonic inquiries received from
39 consumers and injured employees regarding concerns and problems
40 related to health care and workers' compensation;

41 (b) Assist consumers and injured employees in understanding
42 their rights and responsibilities under health care plans, including,
43 without limitation, the Public Employees' Benefits Program, and
44 policies of industrial insurance;



1 (c) Identify and investigate complaints of consumers and injured
2 employees regarding their health care plans, including, without
3 limitation, the Public Employees' Benefits Program, and policies of
4 industrial insurance and assist those consumers and injured
5 employees to resolve their complaints, including, without limitation:

6 (1) Referring consumers and injured employees to the
7 appropriate agency, department or other entity that is responsible for
8 addressing the specific complaint of the consumer or injured
9 employee; and

10 (2) Providing counseling and assistance to consumers and
11 injured employees concerning health care plans, including, without
12 limitation, the Public Employees' Benefits Program, and policies of
13 industrial insurance;

14 (d) Provide information to consumers and injured employees
15 concerning health care plans, including, without limitation, the
16 Public Employees' Benefits Program, and policies of industrial
17 insurance in this State;

18 (e) Establish and maintain a system to collect and maintain
19 information pertaining to the written and telephonic inquiries
20 received by the Office for Consumer Health Assistance;

21 (f) Take such actions as are necessary to ensure public
22 awareness of the existence and purpose of the services provided by
23 the Advocate pursuant to this section;

24 (g) In appropriate cases and pursuant to the direction of the
25 Advocate, refer a complaint or the results of an investigation to the
26 Attorney General for further action;

27 (h) Provide information to and applications for prescription drug
28 programs for consumers without insurance coverage for prescription
29 drugs or pharmaceutical services;

30 (i) Establish and maintain an Internet website which includes:

31 (1) Information concerning purchasing prescription drugs
32 from Canadian pharmacies that have been recommended by the
33 State Board of Pharmacy for inclusion on the Internet website
34 pursuant to subsection 4 of NRS 639.2328;

35 (2) Links to websites of Canadian pharmacies which have
36 been recommended by the State Board of Pharmacy for inclusion on
37 the Internet website pursuant to subsection 4 of NRS 639.2328; and

38 (3) A link to the website established and maintained pursuant
39 to NRS 439A.270 which provides information to the general public
40 concerning the charges imposed and the quality of the services
41 provided by the hospitals and surgical centers for ambulatory
42 patients in this State; ~~and~~

43 (j) *Establish by regulation a procedure for filing and*
44 *processing complaints concerning the rate of payment prescribed*



1 *by sections 17, 18 and 19 of this act and the mediation of those*
2 *complaints to determine:*

3 *(1) Whether the rates paid pursuant to sections 17, 18 and*
4 *19 of this act are sufficient in a particular circumstance; and*

5 *(2) If a determination is made that a rate is not sufficient,*
6 *an acceptable rate that must be paid to the hospital, independent*
7 *center for emergency medical care or physician that filed the*
8 *complaint; and*

9 *(k) Assist consumers with filing complaints against health care*
10 *facilities and health care professionals. As used in this paragraph,*
11 *“health care facility” has the meaning ascribed to it in*
12 *NRS 162A.740.*

13 2. The Advocate may adopt regulations to carry out the
14 provisions of NRS 223.560 to 223.575, inclusive.

15 **Sec. 23.** NRS 687B.490 is hereby amended to read as follows:

16 687B.490 1. A carrier that offers coverage in the group or
17 individual market must, before making any network plan available
18 for sale in this State, demonstrate the capacity to deliver services
19 adequately by applying to the Commissioner for the issuance of a
20 network plan and submitting a description of the procedures and
21 programs to be implemented to meet the requirements described in
22 subsection 2.

23 2. The Commissioner shall determine, within 90 days after
24 receipt of the application required pursuant to subsection 1, if the
25 carrier, with respect to the network plan:

26 (a) Has demonstrated the willingness and ability to ensure that
27 health care services will be provided in a manner to ensure both
28 availability and accessibility of adequate personnel and facilities in a
29 manner that enhances availability, accessibility and continuity of
30 service;

31 (b) Has organizational arrangements established in accordance
32 with regulations promulgated by the Commissioner; and

33 (c) Has a procedure established in accordance with regulations
34 promulgated by the Commissioner to develop, compile, evaluate
35 and report statistics relating to the cost of its operations, the pattern
36 of utilization of its services, the availability and accessibility of its
37 services and such other matters as may be reasonably required by
38 the Commissioner.

39 3. The Commissioner may certify that the carrier and the
40 network plan meet the requirements of subsection 2, or may
41 determine that the carrier and the network plan do not meet such
42 requirements. Upon a determination that the carrier and the network
43 plan do not meet the requirements of subsection 2, the
44 Commissioner shall specify in what respects the carrier and the
45 network plan are deficient.



1 4. A carrier approved to issue a network plan pursuant to this
2 section must file annually with the Commissioner a summary of
3 information compiled pursuant to subsection 2 in a manner
4 determined by the Commissioner.

5 5. The Commissioner shall, not less than once each year, or
6 more often if deemed necessary by the Commissioner for the
7 protection of the interests of the people of this State, make a
8 determination concerning the availability and accessibility of the
9 health care services of any network plan approved pursuant to this
10 section.

11 6. The expense of any determination made by the
12 Commissioner pursuant to this section must be assessed against the
13 carrier and remitted to the Commissioner.

14 7. When making any determination concerning the availability
15 and accessibility of the services of any network plan or proposed
16 network plan pursuant to this section, the Commissioner shall
17 consider ~~services~~ :

18 (a) *Services* that may be provided through telehealth, as defined
19 in NRS 629.515, pursuant to the network plan or proposed network
20 plan to be available services.

21 (b) *The information contained in the most recent report*
22 *submitted pursuant to section 20 of this act that pertains to the*
23 *network plan, if such a report has been submitted.*

24 8. As used in this section, "network plan" has the meaning
25 ascribed to it in NRS 689B.570.

26 **Sec. 24.** The Governor's Consumer Health Advocate
27 appointed pursuant to NRS 223.550 shall adopt the regulations
28 required by NRS 223.560, as amended by section 22 of this act, on
29 or before October 1, 2017.

30 **Sec. 25.** 1. On or before June 30, 2018, the Legislative
31 Committee on Health Care shall review the provisions of this act,
32 including, without limitation, the rate of payment set forth in
33 sections 17, 18 and 19 of this act, to determine whether providers of
34 health care are being adequately compensated for the provision of
35 emergency services and care.

36 2. The Legislative Committee on Health Care shall forward to
37 the Assembly Standing Committee on Health and Human Services
38 and the Senate Standing Committee on Health and Human Services
39 the results of the review conducted pursuant to subsection 1 and any
40 proposed changes to the provisions of this act, including, without
41 limitation, the rate of payment set forth in sections 17, 18 and 19 of
42 this act.

43 **Sec. 26.** The provisions of subsection 1 of NRS 218D.380 do
44 not apply to any provision of this act which adds or revises a
45 requirement to submit a report to the Legislature.



- 1 **Sec. 27.** This act becomes effective:
2 1. Upon passage and approval for the purpose of adopting any
3 regulations and performing any other preparatory administrative
4 tasks that are necessary to carry out the provisions of this act; and
5 2. On January 1, 2018, for all other purposes.

