

SENATE BILL NO. 544—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE OFFICE OF THE GOVERNOR)

MAY 14, 2019

Referred to Committee on Health and Human Services

SUMMARY—Creates the Patient Protection Commission.
(BDR 40-1221)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Executive Budget.

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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; creating the Patient Protection Commission; providing for the appointment of certain employees of the Commission; prescribing the duties of the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law establishes: (1) the Office for Consumer Health Assistance to
2 assist and inform consumers and injured employees regarding certain issues
3 relating to health insurance and workers' compensation; and (2) the Bureau for
4 Hospital Patients to resolve disputes between patients and hospitals. (NRS 232.451-
5 232.462) **Section 5** of this bill creates the Patient Protection Commission,
6 prescribes the membership of the Commission and establishes procedures of the
7 Commission. **Section 6** of this bill authorizes the Commission to establish
8 subcommittees and enter into contracts with consultants to assist the Commission in
9 the performance of its duties. **Section 7** of this bill requires the Governor to appoint
10 an Executive Director of the Commission to perform the administrative duties of
11 the Commission and such other duties as may be assigned by the Commission.
12 **Section 7** authorizes the Executive Director to hire additional employees within the
13 limits of available money. **Section 7** also authorizes the Executive Director to
14 access information maintained by state agencies, including information that is
15 otherwise confidential. **Sections 7 and 12** of this bill require the Executive Director
16 to maintain the confidentiality of such information. **Section 8** of this bill requires
17 the Commission to systematically review issues related to the health care needs of
18 the residents of this State and the quality, accessibility and affordability of health
19 care in this State. **Section 9** of this bill requires the Commission to: (1) perform
20 certain additional duties to facilitate collaboration between entities that study or



21 address issues relating to the quality, accessibility and affordability of health care;
22 and (2) submit a report concerning the activities of the Commission to the Governor
23 and the Legislature twice each year. **Section 10** of this bill authorizes the
24 Commission to request the drafting of not more than two legislative measures for
25 each regular session, and **section 11** of this bill makes a conforming change.

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

1 **Section 1.** Chapter 439 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 9, inclusive, of this act, the*
5 *words and terms defined in sections 3 and 4 of this act have the*
6 *meanings ascribed to them in those sections.*

7 **Sec. 3.** *“Commission” means the Patient Protection*
8 *Commission created by section 5 of this act.*

9 **Sec. 4.** *“Provider of health care” has the meaning ascribed*
10 *to it in NRS 629.031.*

11 **Sec. 5. 1.** *The Patient Protection Commission is hereby*
12 *created. The Commission consists of:*

13 *(a) The following 11 voting members appointed by the*
14 *Governor:*

15 *(1) Two persons who have expertise and experience in*
16 *advocating on behalf of patients.*

17 *(2) Two representatives of providers of health care.*

18 *(3) Two representatives of hospitals.*

19 *(4) Two representatives of health insurers.*

20 *(5) One person who engages in the academic study of*
21 *health care policy or public health.*

22 *(6) One representative of the prescription drug industry.*

23 *(7) One representative of the general public.*

24 *(b) The Director of the Department, the Commissioner of*
25 *Insurance and the Executive Director of the Silver State Health*
26 *Insurance Exchange as ex officio, nonvoting members.*

27 **2.** *The Governor shall:*

28 *(a) Appoint two of the voting members of the Commission*
29 *described in paragraph (a) of subsection 1 from a list of persons*
30 *nominated by the Majority Leader of the Senate;*

31 *(b) Appoint two of the voting members of the Commission*
32 *described in paragraph (a) of subsection 1 from a list of persons*
33 *nominated by the Speaker of the Assembly; and*

34 *(c) Ensure that the members appointed by the Governor to the*
35 *Commission reflect the geographic diversity of this State.*



1 3. *Members of the Commission serve without compensation*
2 *or per diem but are entitled to receive reimbursement for travel*
3 *expenses in the same amount provided for state officers and*
4 *employees generally.*

5 4. *After the initial terms, the term of each voting member is 2*
6 *years, except that the Governor may remove a voting member at*
7 *any time and for any reason. A member may be reappointed.*

8 5. *If a vacancy occurs during the term of a voting member,*
9 *the Governor shall appoint a person similarly qualified to replace*
10 *that member for the remainder of the unexpired term.*

11 6. *The Governor shall annually designate a voting member to*
12 *serve as the Chair of the Commission.*

13 7. *A majority of the voting members of the Commission*
14 *constitutes a quorum for the transaction of business, and a*
15 *majority of the members of a quorum present at any meeting is*
16 *sufficient for any official action taken by the Commission.*

17 **Sec. 6. 1.** *The Commission shall meet at the call of the*
18 *Chair.*

19 2. *The Commission may:*

20 (a) *Establish subcommittees consisting of members of the*
21 *Commission or other persons to assist the Commission in the*
22 *performance of its duties. Each subcommittee expires 6 months*
23 *after it is created but may be continued with approval of the*
24 *Commission. Not more than six subcommittees may exist at any*
25 *time.*

26 (b) *To the extent that money is available for this purpose, enter*
27 *into contracts with consultants to assist the Commission in the*
28 *performance of its duties.*

29 3. *Within the limits of available resources, state agencies,*
30 *boards and commissions shall, upon the request of the Executive*
31 *Director of the Commission, provide advice and technical*
32 *assistance to the Commission.*

33 **Sec. 7. 1.** *The Governor shall appoint the Executive*
34 *Director of the Commission within the Office of the Governor.*
35 *The Executive Director:*

36 (a) *Must have experience in health care or health insurance;*

37 (b) *Is in the unclassified service of the State; and*

38 (c) *Serves at the pleasure of the Governor.*

39 2. *The Executive Director shall:*

40 (a) *Perform the administrative duties of the Commission and*
41 *such other duties as are directed by the Commission; and*

42 (b) *To the extent that money is available for this purpose,*
43 *appoint employees to assist the Executive Director in carrying out*
44 *the duties prescribed in paragraph (a). Such employees serve at*



1 *the pleasure of the Executive Director and are in the unclassified*
2 *service of the State.*

3 3. *The Executive Director may request any information*
4 *maintained by a state agency that is necessary for the performance*
5 *of his or her duties, including, without limitation, information that*
6 *is otherwise declared confidential by law. To the extent authorized*
7 *by the Health Insurance Portability and Accountability Act of*
8 *1996, Public Law 104-191, and the regulations adopted pursuant*
9 *thereto, an agency from which such information is requested shall*
10 *provide the information to the Executive Director.*

11 4. *The Executive Director:*

12 (a) *Shall maintain any information obtained pursuant to*
13 *subsection 3 under the same conditions as the information is*
14 *maintained by the agency that provided the information; and*

15 (b) *Except as otherwise provided in this paragraph, shall not*
16 *disclose any confidential information obtained pursuant to*
17 *subsection 3 to any other person or entity, including, without*
18 *limitation, the Commission or a member thereof. The Executive*
19 *Director may disclose or publish aggregated information in a*
20 *manner that does not reveal the identity of any person.*

21 **Sec. 8. 1.** *The Commission shall systematically review*
22 *issues related to the health care needs of residents of this State and*
23 *the quality, accessibility and affordability of health care,*
24 *including, without limitation, prescription drugs, in this State. The*
25 *review must include, without limitation:*

26 (a) *Comprehensively examining the system for regulating*
27 *health care in this State, including, without limitation, the*
28 *licensing and regulation of health care facilities and providers of*
29 *health care and the role of professional licensing boards,*
30 *commissions and other bodies established to regulate or evaluate*
31 *policies related to health care.*

32 (b) *Identifying gaps and duplication in the roles of such*
33 *boards, commissions and other bodies.*

34 (c) *Examining the cost of health care and the primary factors*
35 *impacting those costs.*

36 (d) *Examining disparities in the quality and cost of health care*
37 *between different groups, including, without limitation, minority*
38 *groups and other distinct populations in this State.*

39 (e) *Reviewing the adequacy and types of providers of health*
40 *care who participate in networks established by health carriers in*
41 *this State and the geographic distribution of the providers of*
42 *health care who participate in each such network.*

43 (f) *Reviewing the availability of health benefit plans, as*
44 *defined in NRS 687B.470, in this State.*



1 (g) *Reviewing the effect of any changes to Medicaid,*
2 *including, without limitation, the expansion of Medicaid pursuant*
3 *to the Patient Protection and Affordable Care Act, Public Law*
4 *111-148, on the cost and availability of health care and health*
5 *insurance in this State.*

6 (h) *Reviewing proposed and enacted legislation, regulations*
7 *and other changes to state and local policy related to health care*
8 *in this State.*

9 (i) *Researching possible changes to state or local policy in this*
10 *State that may improve the quality, accessibility or affordability of*
11 *health care in this State, including, without limitation:*

12 (1) *The use of purchasing pools to decrease the cost of*
13 *health care;*

14 (2) *Increasing transparency concerning the cost or*
15 *provision of health care;*

16 (3) *Regulatory measures designed to increase the*
17 *accessibility and the quality of health care, regardless of*
18 *geographic location or ability to pay;*

19 (4) *Facilitating access to data concerning insurance claims*
20 *for medical services to assist in the development of public policies;*

21 (5) *Resolving problems relating to the billing of patients for*
22 *medical services;*

23 (6) *Leveraging the expenditure of money by the Medicaid*
24 *program and reimbursement rates under Medicaid to increase the*
25 *quality and accessibility of health care for low-income persons;*
26 *and*

27 (7) *Increasing access to health care for uninsured*
28 *populations in this State, including, without limitation, retirees*
29 *and children.*

30 (j) *Monitoring and evaluating proposed and enacted federal*
31 *legislation and regulations and other proposed and actual changes*
32 *to federal health care policy to determine the impact of such*
33 *changes on the cost of health care in this State.*

34 (k) *Evaluating the degree to which the role, structure and*
35 *duties of the Commission facilitate the oversight of the provision*
36 *of health care in this State by the Commission and allow the*
37 *Commission to perform activities necessary to promote the health*
38 *care needs of residents of this State.*

39 (l) *Making recommendations to the Governor, the Legislature,*
40 *the Department of Health and Human Services, local health*
41 *authorities and any other person or governmental entity to*
42 *increase the quality, accessibility and affordability of health care*
43 *in this State, including, without limitation, recommendations*
44 *concerning the items described in this subsection.*

45 2. *As used in this section:*



1 (a) "Health carrier" has the meaning ascribed to it in
2 NRS 687B.625.

3 (b) "Network" has the meaning ascribed to it in
4 NRS 687B.640.

5 **Sec. 9.** 1. In addition to conducting the review described in
6 section 8 of this act, the Commission shall attempt to:

7 (a) Identify and facilitate collaboration between existing state
8 governmental entities that study or address issues relating to the
9 quality, accessibility and affordability of health care in this State,
10 including, without limitation, the regional behavioral health policy
11 boards created by NRS 433.429; and

12 (b) Coordinate with such entities to reduce any duplication of
13 efforts among and between those entities and the Commission.

14 2. On or before January 1 and July 1 of each year, the
15 Commission shall:

16 (a) Compile a report describing the meetings of the
17 Commission and the activities of the Commission during the
18 immediately preceding 6 months. The report must include, without
19 limitation, a description of any issues identified as negatively
20 impacting the quality, accessibility or affordability of health care
21 in this State and any recommendations for legislation, regulations
22 or other changes to policy or budgets to address those issues.

23 (b) Submit the report to the Governor and the Director of the
24 Legislative Counsel Bureau for transmittal to:

25 (1) In January of odd-numbered years, the next regular
26 session of the Legislature.

27 (2) In all other cases, to the Legislative Committee on
28 Health Care.

29 3. Upon receiving a report pursuant to subsection 2, the
30 Governor shall post the report on an Internet website maintained
31 by the Governor.

32 4. The Commission may prepare and publish additional
33 reports on specific topics at the direction of the Chair.

34 **Sec. 10.** Chapter 218D of NRS is hereby amended by adding
35 thereto a new section to read as follows:

36 1. The Patient Protection Commission created by section 5 of
37 this act may request the drafting of not more than two legislative
38 measures which relate to matters within the scope of the
39 Commission. Any such request must be submitted to the
40 Legislative Counsel on or before September 1 preceding a regular
41 session.

42 2. A request made pursuant to this section must be on a form
43 prescribed by the Legislative Counsel. A legislative measure
44 requested pursuant to this section must be prefiled on or before
45 the third Wednesday in November preceding a regular session. A



1 *legislative measure that is not prefiled on or before that day shall*
2 *be deemed withdrawn.*

3 **Sec. 11.** NRS 218D.100 is hereby amended to read as follows:

4 218D.100 1. The provisions of NRS 218D.100 to 218D.220,
5 inclusive, *and section 10 of this act* apply to requests for the
6 drafting of legislative measures for a regular session.

7 2. Except as otherwise provided by a specific statute, joint rule
8 or concurrent resolution, the Legislative Counsel shall not honor a
9 request for the drafting of a legislative measure if the request:

10 (a) Exceeds the number of requests authorized by NRS
11 218D.100 to 218D.220, inclusive, *and section 10 of this act* for the
12 requester; or

13 (b) Is submitted by an authorized nonlegislative requester
14 pursuant to NRS 218D.175 to 218D.220, inclusive, *and section 10*
15 *of this act* but is not in a subject related to the function of the
16 requester.

17 3. The Legislative Counsel shall not:

18 (a) Honor a request to change the subject matter of a request for
19 the drafting of a legislative measure after it has been submitted for
20 drafting.

21 (b) Honor a request for the drafting of a legislative measure
22 which has been combined in violation of Section 17 of Article 4 of
23 the Nevada Constitution.

24 **Sec. 12.** NRS 239.010 is hereby amended to read as follows:

25 239.010 1. Except as otherwise provided in this section and
26 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
27 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
28 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
29 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
30 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
31 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
32 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
33 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140,
34 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130,
35 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044,
36 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625,
37 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
38 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772,
39 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925,
40 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131,
41 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625,
42 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450,
43 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105,
44 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,
45 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030,



1 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
2 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,
3 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685,
4 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438,
5 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
6 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510,
7 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
8 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
9 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,
10 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
11 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495,
12 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
13 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035,
14 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315,
15 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698,
16 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,
17 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,
18 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
19 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
20 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
21 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,
22 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
23 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,
24 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
25 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
26 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940,
27 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
28 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452,
29 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,
30 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710,
31 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
32 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
33 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
34 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,
35 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,
36 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,
37 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
38 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,
39 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,
40 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,
41 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,
42 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,
43 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,
44 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,
45 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,



1 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
2 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,
3 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,
4 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
5 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,
6 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
7 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,
8 704B.325, 706.1725, 706A.230, 710.159, 711.600 **§** and **section 7**
9 **of this act**, sections 35, 38 and 41 of chapter 478, Statutes of
10 Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013
11 and unless otherwise declared by law to be confidential, all public
12 books and public records of a governmental entity must be open at
13 all times during office hours to inspection by any person, and may
14 be fully copied or an abstract or memorandum may be prepared
15 from those public books and public records. Any such copies,
16 abstracts or memoranda may be used to supply the general public
17 with copies, abstracts or memoranda of the records or may be used
18 in any other way to the advantage of the governmental entity or of
19 the general public. This section does not supersede or in any manner
20 affect the federal laws governing copyrights or enlarge, diminish or
21 affect in any other manner the rights of a person in any written book
22 or record which is copyrighted pursuant to federal law.

23 2. A governmental entity may not reject a book or record
24 which is copyrighted solely because it is copyrighted.

25 3. A governmental entity that has legal custody or control of a
26 public book or record shall not deny a request made pursuant to
27 subsection 1 to inspect or copy or receive a copy of a public book or
28 record on the basis that the requested public book or record contains
29 information that is confidential if the governmental entity can
30 redact, delete, conceal or separate the confidential information from
31 the information included in the public book or record that is not
32 otherwise confidential.

33 4. A person may request a copy of a public record in any
34 medium in which the public record is readily available. An officer,
35 employee or agent of a governmental entity who has legal custody
36 or control of a public record:

37 (a) Shall not refuse to provide a copy of that public record in a
38 readily available medium because the officer, employee or agent has
39 already prepared or would prefer to provide the copy in a different
40 medium.

41 (b) Except as otherwise provided in NRS 239.030, shall, upon
42 request, prepare the copy of the public record and shall not require
43 the person who has requested the copy to prepare the copy himself
44 or herself.



1 **Sec. 13.** As soon as practicable after the effective date of this
2 act, the Governor shall appoint the voting members of the Patient
3 Protection Commission created by section 5 of this act as follows:

4 1. One member described in subparagraph (1) of paragraph (a)
5 of subsection 1 of section 5 of this act, one member described in
6 subparagraph (2) of paragraph (a) of subsection 1 of section 5 of this
7 act, one member described in subparagraph (3) of paragraph (a) of
8 subsection 1 of section 5 of this act, one member described in
9 subparagraph (4) of paragraph (a) of subsection 1 of section 5 of this
10 act and the member described in subparagraph (6) of paragraph (a)
11 of subsection 1 of section 5 of this act to initial terms that expire on
12 July 1, 2020; and

13 2. One member described in subparagraph (1) of paragraph (a)
14 of subsection 1 of section 5 of this act, one member described in
15 subparagraph (2) of paragraph (a) of subsection 1 of section 5 of this
16 act, one member described in subparagraph (3) of paragraph (a) of
17 subsection 1 of section 5 of this act, one member described in
18 subparagraph (4) of paragraph (a) of subsection 1 of section 5 of this
19 act, the member described in subparagraph (5) of paragraph (a) of
20 subsection 1 of section 5 of this act and the member described in
21 subparagraph (7) of paragraph (a) of subsection 1 of section 5 of this
22 act to initial terms that expire on July 1, 2021.

23 **Sec. 14.** The provisions of subsection 1 of NRS 218D.380 do
24 not apply to any provision of this act which adds or revises a
25 requirement to submit a report to the Legislature.

26 **Sec. 15.** This act becomes effective upon passage and
27 approval.

