

ASSEMBLY BILL NO. 287—ASSEMBLYWOMEN
MONROE-MORENO; PETERS AND THOMAS

MARCH 15, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Providing for the licensing and regulating of freestanding birthing centers. (BDR 40-799)

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; providing for the licensing and regulation of freestanding birthing centers; requiring a freestanding birthing center to perform certain screening, report certain information to the local health officer and make certain information available to the Chief Medical Officer; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law: (1) defines the term “obstetric center” to mean a facility that is
2 not part of a hospital and provides services for normal, uncomplicated births; and
3 (2) provides for the regulation of an obstetric center as a medical facility. (NRS
4 449.0155, 449.0302) **Sections 3 and 11** of this bill define the term “freestanding
5 birthing center” to mean a facility that provides maternity care and birthing services
6 in a location similar to a residence. **Section 14** of this bill clarifies that a
7 freestanding birthing center is not subject to the same requirements as an obstetric
8 center. **Section 12** of this bill requires the State Board of Health to adopt
9 regulations providing for the licensure of freestanding birthing centers separately
10 from medical facilities. **Section 12** also: (1) requires a freestanding birthing center
11 to be located within 30 miles of a hospital that offers services relating to pregnancy;
12 and (2) prohibits the performing of surgery at a freestanding birthing center.
13 **Sections 13 and 15** of this bill make conforming changes to indicate the proper
14 placement of **sections 11 and 12** in the Nevada Revised Statutes. **Sections 17, 18,**
15 **20, 25-29 and 31-33** of this bill authorize certain actions to enforce provisions
16 governing freestanding birthing centers. **Sections 16, 19, 21-24 and 30** of this bill
17 make various other changes to ensure that freestanding birthing centers are treated
18 similarly to other licensed facilities that provide health-related services.

19 Existing law requires the Board to develop and distribute to each hospital and
20 obstetric center in the State forms for a voluntary acknowledgement of paternity or



21 parentage. (NRS 440.283, 440.285) **Sections 1 and 2** of this bill additionally
22 require the Board to distribute these forms to each freestanding birthing center.
23 Existing law requires certain persons and entities that provide care for pregnant
24 women and newborn infants to: (1) screen a newborn infant for certain conditions;
25 (2) report information concerning certain conditions to the local health officer; and
26 (3) make certain information concerning birth defects available to the Chief
27 Medical Officer. (NRS 442.008, 442.040, 442.325, 442.610, 442.680) **Sections 4, 5**
28 **and 7-9** of this bill make these requirements applicable to freestanding birthing
29 centers. **Section 6** of this bill provides for the imposition of a fine against a
30 freestanding birthing center that fails to perform the required screening for
31 ophthalmia neonatorum.

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

1 **Section 1.** NRS 440.283 is hereby amended to read as follows:
2 440.283 1. The Board shall:
3 (a) Develop a declaration to be signed under penalty of perjury
4 for the voluntary acknowledgment of paternity in this State that
5 complies with the requirements prescribed by the Secretary of
6 Health and Human Services pursuant to 42 U.S.C. § 652(a); and
7 (b) Distribute the declarations to:
8 (1) Each hospital , ~~for~~ obstetric center *or freestanding*
9 *birthing center* in this State; and
10 (2) Any other entity authorized to provide services relating to
11 the voluntary acknowledgment of paternity pursuant to the
12 regulations adopted by the Secretary of Health and Human Services
13 pursuant to 42 U.S.C. § 666(a)(5)(C).
14 2. Subject to the provisions of subsection 3, the State Registrar
15 of Vital Statistics and the entities described in paragraph (b) of
16 subsection 1 shall offer to provide services relating to the voluntary
17 acknowledgment of paternity in the manner prescribed in the
18 regulations adopted by the Secretary of Health and Human Services
19 pursuant to 42 U.S.C. § 666(a)(5)(C).
20 3. Before providing a declaration for the acknowledgment of
21 paternity to the mother of a child or a person who wishes to
22 acknowledge the paternity of the child, the agencies described in
23 paragraph (b) of subsection 1 shall ensure that the mother and the
24 person who wishes to acknowledge paternity are given notice, orally
25 and in writing, of the rights, responsibilities and legal consequences
26 of, and the alternatives to, signing the declaration for the
27 acknowledgment of paternity.
28 **Sec. 2.** NRS 440.285 is hereby amended to read as follows:
29 440.285 1. The Board shall:
30 (a) Develop a declaration to be signed under penalty of perjury
31 for the voluntary acknowledgment of parentage in this State; and



1 (b) Distribute the declarations to each hospital , ~~for~~ obstetric
2 center *or freestanding birthing center* in this State.

3 2. Before providing a declaration for the acknowledgment of
4 parentage to the mother of a child or a person who wishes to
5 acknowledge the parentage of a child, the agencies described in
6 paragraph (b) of subsection 1 shall ensure that the mother and the
7 person who wishes to acknowledge parentage are given notice,
8 orally and in writing, of the rights, responsibilities and legal
9 consequences of, and the alternatives to, signing the declaration for
10 the acknowledgment of parentage.

11 **Sec. 3.** NRS 442.003 is hereby amended to read as follows:

12 442.003 As used in this chapter, unless the context requires
13 otherwise:

14 1. "Advisory Board" means the Advisory Board on Maternal
15 and Child Health.

16 2. "Department" means the Department of Health and Human
17 Services.

18 3. "Director" means the Director of the Department.

19 4. "Division" means the Division of Public and Behavioral
20 Health of the Department.

21 5. "Fetal alcohol syndrome" includes fetal alcohol effects.

22 6. *"Freestanding birthing center" has the meaning ascribed*
23 *to it in section 11 of this act.*

24 7. "Laboratory" has the meaning ascribed to it in
25 NRS 652.040.

26 ~~7.1~~ 8. "Obstetric center" has the meaning ascribed to it in
27 NRS 449.0155.

28 ~~8.1~~ 9. "Provider of health care or other services" means:

29 (a) A clinical alcohol and drug counselor who is licensed, or an
30 alcohol and drug counselor who is licensed or certified, pursuant to
31 chapter 641C of NRS;

32 (b) A physician or a physician assistant who is licensed pursuant
33 to chapter 630 or 633 of NRS and who practices in the area of
34 obstetrics and gynecology, family practice, internal medicine,
35 pediatrics or psychiatry;

36 (c) A licensed nurse;

37 (d) A licensed psychologist;

38 (e) A licensed marriage and family therapist;

39 (f) A licensed clinical professional counselor;

40 (g) A licensed social worker;

41 (h) A licensed dietitian; or

42 (i) The holder of a certificate of registration as a pharmacist.

43 **Sec. 4.** NRS 442.008 is hereby amended to read as follows:

44 442.008 1. The State Board of Health shall adopt regulations
45 governing examinations and tests required for the discovery in



1 infants of preventable or inheritable disorders, including tests for the
2 presence of sickle cell disease and its variants and sickle cell trait.

3 2. Except as otherwise provided in this subsection, the
4 examinations and tests required pursuant to subsection 1 must
5 include tests and examinations for each disorder recommended to be
6 screened by the Health Resources and Services Administration of
7 the United States Department of Health and Human Services by not
8 later than 4 years after the recommendation is published. The State
9 Board may exclude any such disorder upon request of the Chief
10 Medical Officer or the person in charge of the State Public Health
11 Laboratory based on:

12 (a) Insufficient funding to conduct testing for the disorder; or

13 (b) Insufficient resources to address the results of the
14 examination and test.

15 3. Any examination or test required by the regulations adopted
16 pursuant to subsection 1 which must be performed by a laboratory
17 must be sent to the State Public Health Laboratory. If the State
18 Public Health Laboratory increases the amount charged for
19 performing such an examination or test pursuant to NRS 439.240,
20 the Division shall hold a public hearing during which the State
21 Public Health Laboratory shall provide to the Division a written and
22 verbal fiscal analysis of the reasons for the increased charges.

23 4. Except as otherwise provided in subsection 7, the
24 regulations adopted pursuant to subsection 1 concerning tests for the
25 presence of sickle cell disease and its variants and sickle cell trait
26 must require the screening for sickle cell disease and its variants and
27 sickle cell trait of:

28 (a) Each newborn child who is susceptible to sickle cell disease
29 and its variants and sickle cell trait as determined by regulations of
30 the State Board of Health; and

31 (b) Each biological parent of a child who wishes to undergo
32 such screening.

33 5. Any physician, midwife, nurse, obstetric center ,
34 *freestanding birthing center* or hospital of any nature attending or
35 assisting in any way any infant, or the mother of any infant, at
36 childbirth shall:

37 (a) Make or cause to be made an examination of the infant,
38 including standard tests that do not require laboratory services, to
39 the extent required by regulations of the State Board of Health as is
40 necessary for the discovery of conditions indicating such
41 preventable or inheritable disorders.

42 (b) Collect and send to the State Public Health Laboratory or
43 cause to be collected and sent to the State Public Health Laboratory
44 any specimens needed for the examinations and tests that must be



1 performed by a laboratory and are required by the regulations
2 adopted pursuant to subsection 1.

3 6. If the examination and tests reveal the existence of such
4 conditions in an infant, the physician, midwife, nurse, obstetric
5 center , *freestanding birthing center* or hospital attending or
6 assisting at the birth of the infant shall immediately:

7 (a) Report the condition to the Chief Medical Officer or the
8 representative of the Chief Medical Officer, the local health officer
9 of the county or city within which the infant or the mother of the
10 infant resides, and the local health officer of the county or city in
11 which the child is born; and

12 (b) Discuss the condition with the parent, parents or other
13 persons responsible for the care of the infant and inform them of the
14 treatment necessary for the amelioration of the condition.

15 7. An infant is exempt from examination and testing if either
16 parent files a written objection with the person or institution
17 responsible for making the examination or tests.

18 8. As used in this section, "sickle cell disease and its variants"
19 has the meaning ascribed to it in NRS 439.4927.

20 **Sec. 5.** NRS 442.040 is hereby amended to read as follows:

21 442.040 1. Any physician, midwife, nurse, obstetric center ,
22 *freestanding birthing center* or hospital of any nature, parent,
23 relative or person attending or assisting in any way any infant, or the
24 mother of any infant, at childbirth, or any time within 2 weeks after
25 childbirth, knowing the condition defined in NRS 442.030 to exist,
26 shall immediately report such fact in writing to the local health
27 officer of the county, city or other political subdivision within which
28 the infant or the mother of any infant may reside.

29 2. Midwives shall immediately report conditions to some
30 qualified practitioner of medicine and thereupon withdraw from the
31 case except as they may act under the physician's instructions.

32 3. On receipt of such report, the health officer, or the physician
33 notified by a midwife, shall immediately give to the parents or
34 persons having charge of such infant a warning of the dangers to the
35 eye or eyes of the infant, and shall, for indigent cases, provide the
36 necessary treatment at the expense of the county, city or other
37 political subdivision.

38 **Sec. 6.** NRS 442.110 is hereby amended to read as follows:

39 442.110 Any physician, midwife, nurse, manager or person in
40 charge of an obstetric center , *freestanding birthing center* or
41 hospital, parent, relative or person attending upon or assisting at the
42 birth of an infant who violates any of the provisions of NRS
43 442.030 to 442.100, inclusive, shall be punished by a fine of not
44 more than \$250.



1 **Sec. 7.** NRS 442.325 is hereby amended to read as follows:
2 442.325 1. Except as otherwise provided in subsection 2, the
3 chief administrative officer of each hospital , ~~and~~ obstetric center
4 *and freestanding birthing center* or a representative of the officer
5 shall:

6 (a) Prepare and make available to the Chief Medical Officer or a
7 representative of the Officer a list of:

8 (1) Patients who are under 7 years of age and have been
9 diagnosed with one or more birth defects; and

10 (2) Patients discharged with adverse birth outcomes; and

11 (b) Make available to the Chief Medical Officer or a
12 representative of the Officer the records of the hospital , ~~or~~
13 obstetric center *or freestanding birthing center* regarding:

14 (1) Patients who are under 7 years of age and have been
15 diagnosed with one or more birth defects; and

16 (2) Patients discharged with adverse birth outcomes.

17 2. The name of a patient must be excluded from the
18 information prepared and made available pursuant to subsection 1 if
19 the patient or, if the patient is a minor, a parent or legal guardian of
20 the patient has requested in writing to exclude the name of the
21 patient from that information in the manner prescribed by the State
22 Board of Health pursuant to NRS 442.320. The provisions of this
23 subsection do not relieve the chief administrative officer of the duty
24 of preparing and making available the information required by
25 subsection 1.

26 3. The Chief Medical Officer or a representative of the Officer
27 shall abstract from the records and lists required to be prepared and
28 made available pursuant to this section such information as is
29 required by the State Board of Health for inclusion in the system.

30 4. As used in this section, "hospital" has the meaning ascribed
31 to it in NRS 449.012.

32 **Sec. 8.** NRS 442.610 is hereby amended to read as follows:

33 442.610 "Provider of health care" means:

34 1. A provider of health care as defined in NRS 629.031;

35 2. A midwife; and

36 3. An obstetric center *or freestanding birthing center* licensed
37 pursuant to chapter 449 of NRS.

38 **Sec. 9.** NRS 442.680 is hereby amended to read as follows:

39 442.680 1. Except as otherwise provided in subsection 3, any
40 physician, midwife or nurse attending or assisting in any way any
41 infant at childbirth at an obstetric center , *a freestanding birthing*
42 *center* or a hospital which regularly offers obstetric services in the
43 normal course of business and not only on an emergency basis shall
44 make or cause to be made an examination of the infant, to determine
45 whether the infant may suffer from critical congenital heart disease,



1 including, without limitation, conducting pulse oximetry screening.
2 If the physician, midwife or nurse who conducts the examination is
3 not the attending physician of the infant, the physician, midwife or
4 nurse shall submit the results of the examination to the attending
5 physician of the infant.

6 2. If the examination reveals that an infant may suffer from
7 critical congenital heart disease, the attending physician of the infant
8 shall conduct an examination to confirm whether the infant does
9 suffer from critical congenital heart disease. If the attending
10 physician determines that the infant suffers from critical congenital
11 heart disease, the attending physician must:

12 (a) Report the condition to the Chief Medical Officer or a
13 representative of the Chief Medical Officer; and

14 (b) Discuss the condition with the parent, parents or other
15 persons responsible for the care of the infant and inform them of the
16 treatment necessary for the amelioration of the condition.

17 3. An examination of an infant is not required pursuant to this
18 section if either parent files a written objection with the person
19 responsible for conducting the examination or with the obstetric
20 center , *freestanding birthing center* or hospital at which the infant
21 is born.

22 4. The State Board of Health may adopt such regulations as
23 necessary to carry out the provisions of this section.

24 **Sec. 10.** Chapter 449 of NRS is hereby amended by adding
25 thereto the provisions set forth as sections 11 and 12 of this act.

26 **Sec. 11.** *“Freestanding birthing center” means a facility that*
27 *provides maternity care and birthing services using a family-*
28 *centered approach in which births are planned to occur in a*
29 *location similar to a residence that is not the usual place of*
30 *residence of the mother.*

31 **Sec. 12. 1.** *The Board shall adopt:*

32 (a) *Regulations providing for the licensure of freestanding*
33 *birthing centers; and*

34 (b) *Any other regulations necessary for the regulation of*
35 *freestanding birthing centers.*

36 2. *A freestanding birthing center must be located within 30*
37 *miles of a hospital that offers obstetric and nursery services and*
38 *emergency services relating to pregnancy.*

39 3. *Surgery, including, without limitation, the use of forceps,*
40 *vacuum extractions, Caesarean sections and tubal ligations, must*
41 *not be performed at a freestanding birthing center.*

42 **Sec. 13.** NRS 449.001 is hereby amended to read as follows:

43 449.001 As used in this chapter, unless the context otherwise
44 requires, the words and terms defined in NRS 449.0015 to



1 449.0195, inclusive, *and section 11 of this act* have the meanings
2 ascribed to them in those sections.

3 **Sec. 14.** NRS 449.0155 is hereby amended to read as follows:

4 449.0155 "Obstetric center" means a facility that is not part of
5 a hospital and provides services for normal, uncomplicated births.
6 *The term does not include a freestanding birthing center.*

7 **Sec. 15.** NRS 449.029 is hereby amended to read as follows:

8 449.029 As used in NRS 449.029 to 449.240, inclusive, *and*
9 *section 12 of this act*, unless the context otherwise requires,
10 "medical facility" has the meaning ascribed to it in NRS 449.0151
11 and includes a program of hospice care described in NRS 449.196.

12 **Sec. 16.** NRS 449.0301 is hereby amended to read as follows:

13 449.0301 The provisions of NRS 449.029 to 449.2428,
14 inclusive, *and section 12 of this act* do not apply to:

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

22 2. Foster homes as defined in NRS 424.014.

23 3. Any medical facility, facility for the dependent, ~~or~~ facility
24 which is otherwise required by the regulations adopted by the Board
25 pursuant to NRS 449.0303 to be licensed *or freestanding birthing*
26 *center* that is operated and maintained by the United States
27 Government or an agency thereof.

28 **Sec. 17.** NRS 449.0307 is hereby amended to read as follows:

29 449.0307 The Division may:

30 1. Upon receipt of an application for a license, conduct an
31 investigation into the premises, facilities, qualifications of
32 personnel, methods of operation, policies and purposes of any
33 person proposing to engage in the operation of a medical facility, a
34 facility for the dependent ~~or~~, *a* facility which is required by the
35 regulations adopted by the Board pursuant to NRS 449.0303 to be
36 licensed ~~or~~ *or a freestanding birthing center*. The facility is subject
37 to inspection and approval as to standards for safety from fire, on
38 behalf of the Division, by the State Fire Marshal.

39 2. Upon receipt of a complaint against a medical facility,
40 facility for the dependent, ~~or~~ facility which is required by the
41 regulations adopted by the Board pursuant to NRS 449.0303 to be
42 licensed ~~or~~ *or freestanding birthing center*, except for a complaint
43 concerning the cost of services, conduct an investigation into the
44 premises, facilities, qualifications of personnel, methods of
45 operation, policies, procedures and records of that facility or any



1 other medical facility, facility for the dependent , ~~for~~ facility which
2 is required by the regulations adopted by the Board pursuant to NRS
3 449.0303 to be licensed *or freestanding birthing center* which may
4 have information pertinent to the complaint.

5 3. Employ such professional, technical and clerical assistance
6 as it deems necessary to carry out the provisions of NRS 449.029 to
7 449.245, inclusive ~~+~~, *and section 12 of this act.*

8 **Sec. 18.** NRS 449.0308 is hereby amended to read as follows:

9 449.0308 1. Except as otherwise provided in this section, the
10 Division may charge and collect from a medical facility, facility for
11 the dependent , ~~for~~ facility which is required by the regulations
12 adopted by the Board pursuant to NRS 449.0303 to be licensed *or*
13 *freestanding birthing center* or a person who operates such a
14 facility without a license issued by the Division the actual costs
15 incurred by the Division for the enforcement of the provisions of
16 NRS 449.029 to 449.2428, inclusive, *and section 12 of this act,*
17 including, without limitation, the actual cost of conducting an
18 inspection or investigation of the facility.

19 2. The Division shall not charge and collect the actual cost for
20 enforcement pursuant to subsection 1 if the enforcement activity is:

21 (a) Related to the issuance or renewal of a license for which the
22 Board charges a fee pursuant to NRS 449.050 or 449.089; or

23 (b) Conducted pursuant to an agreement with the Federal
24 Government which has appropriated money for that purpose.

25 3. Any money collected pursuant to subsection 1 may be used
26 by the Division to administer and carry out the provisions of NRS
27 449.029 to 449.2428, inclusive, *and section 12 of this act* and the
28 regulations adopted pursuant thereto.

29 4. The provisions of this section do not apply to any costs
30 incurred by the Division for the enforcement of the provisions of
31 NRS 449.24185, 449.2419 or 449.24195.

32 **Sec. 19.** NRS 449.089 is hereby amended to read as follows:

33 449.089 1. Each license issued pursuant to NRS 449.029 to
34 449.2428, inclusive, *and section 12 of this act* expires on
35 December 31 following its issuance and is renewable for 1 year
36 upon reapplication and payment of all fees required pursuant to
37 NRS 449.050 unless the Division finds, after an investigation, that
38 the facility has not:

39 (a) Satisfactorily complied with the provisions of NRS 449.029
40 to 449.2428, inclusive, *and section 12 of this act* or the standards
41 and regulations adopted by the Board;

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

45 (c) Conformed to all applicable local zoning regulations.



1 2. Each reapplication for an agency to provide personal care
2 services in the home, an agency to provide nursing in the home, a
3 community health worker pool, a facility for intermediate care, a
4 facility for skilled nursing, a provider of community-based living
5 arrangement services, a hospital described in 42 U.S.C. §
6 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient
7 services to children, a psychiatric residential treatment facility, a
8 residential facility for groups, a program of hospice care, a home for
9 individual residential care, a facility for the care of adults during the
10 day, a facility for hospice care, a nursing pool, a peer support
11 recovery organization, the distinct part of a hospital which meets the
12 requirements of a skilled nursing facility or nursing facility pursuant
13 to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as
14 described in 42 C.F.R. § 482.58 or, if residential services are
15 provided to children, a medical facility or facility for the treatment
16 of alcohol or other substance use disorders must include, without
17 limitation, a statement that the facility, hospital, agency, program,
18 pool, organization or home is in compliance with the provisions of
19 NRS 449.115 to 449.125, inclusive, and 449.174.

20 3. Each reapplication for an agency to provide personal care
21 services in the home, a community health worker pool, a facility for
22 intermediate care, a facility for skilled nursing, a facility for the care
23 of adults during the day, a peer support recovery organization, a
24 residential facility for groups or a home for individual residential
25 care must include, without limitation, a statement that the holder of
26 the license to operate, and the administrator or other person in
27 charge and employees of, the facility, agency, pool, organization or
28 home are in compliance with the provisions of NRS 449.093.

29 **Sec. 20.** NRS 449.091 is hereby amended to read as follows:

30 449.091 1. The Division may cancel the license of a medical
31 facility, facility for the dependent , ~~or a~~ facility which is required
32 by the regulations adopted by the Board pursuant to NRS 449.0303
33 to be licensed *or freestanding birthing center* and issue a
34 provisional license, effective for a period determined by the
35 Division, to such a facility if it:

36 (a) Is in operation at the time of the adoption of standards and
37 regulations pursuant to the provisions of NRS 449.029 to 449.2428,
38 inclusive, *and section 12 of this act* and the Division determines
39 that the facility requires a reasonable time under the particular
40 circumstances within which to comply with the standards and
41 regulations; or

42 (b) Has failed to comply with the standards or regulations and
43 the Division determines that the facility is in the process of making
44 the necessary changes or has agreed to make the changes within a
45 reasonable time.



1 2. The provisions of subsection 1 do not require the issuance of
2 a license or prevent the Division from refusing to renew or from
3 revoking or suspending any license where the Division deems such
4 action necessary for the health and safety of the occupants of any
5 facility.

6 **Sec. 21.** NRS 449.101 is hereby amended to read as follows:

7 449.101 1. A medical facility, facility for the dependent, ~~for~~
8 facility which is otherwise required by regulations adopted by the
9 Board pursuant to NRS 449.0303 to be licensed *or freestanding*
10 *birthing center* and any employee or independent contractor of such
11 a facility shall not discriminate in the admission of, or the provision
12 of services to, a patient or resident based wholly or partially on the
13 actual or perceived race, color, religion, national origin, ancestry,
14 age, gender, physical or mental disability, sexual orientation, gender
15 identity or expression or human immunodeficiency virus status of
16 the patient or resident or any person with whom the patient or
17 resident associates.

18 2. A medical facility, facility for the dependent, ~~for~~ facility
19 which is otherwise required by regulations adopted by the Board
20 pursuant to NRS 449.0303 to be licensed *or freestanding birthing*
21 *center* shall:

22 (a) Develop and carry out policies to prevent the specific types
23 of prohibited discrimination described in the regulations adopted by
24 the Board pursuant to NRS 449.0302 and meet any other
25 requirements prescribed by regulations of the Board; and

26 (b) Post prominently in the facility and include on any Internet
27 website used to market the facility the following statement:

28
29 [Name of facility] does not discriminate and does not permit
30 discrimination, including, without limitation, bullying, abuse
31 or harassment, on the basis of actual or perceived race, color,
32 religion, national origin, ancestry, age, gender, physical or
33 mental disability, sexual orientation, gender identity or
34 expression or HIV status, or based on association with
35 another person on account of that person's actual or perceived
36 race, color, religion, national origin, ancestry, age, gender,
37 physical or mental disability, sexual orientation, gender
38 identity or expression or HIV status.

39
40 3. In addition to the statement prescribed by subsection 2, a
41 facility for skilled nursing, facility for intermediate care or
42 residential facility for groups shall post prominently in the facility
43 and include on any Internet website used to market the facility:



1 (a) Notice that a patient or resident who has experienced
2 prohibited discrimination may file a complaint with the Division;
3 and

4 (b) The contact information for the Division.

5 4. The provisions of this section shall not be construed to:

6 (a) Require a medical facility, facility for the dependent , ~~for~~
7 facility which is otherwise required by regulations adopted by the
8 Board pursuant to NRS 449.0303 to be licensed *or freestanding*
9 *birthing center* or an employee or independent contractor thereof to
10 take or refrain from taking any action in violation of reasonable
11 medical standards; or

12 (b) Prohibit a medical facility, facility for the dependent , ~~for~~
13 facility which is otherwise required by regulations adopted by the
14 Board pursuant to NRS 449.0303 to be licensed *or freestanding*
15 *birthing center* from adopting a policy that is applied uniformly and
16 in a nondiscriminatory manner, including, without limitation, such a
17 policy that bans or restricts sexual relations.

18 **Sec. 22.** NRS 449.102 is hereby amended to read as follows:

19 449.102 A medical facility, facility for the dependent , ~~for~~
20 facility which is otherwise required by regulations adopted by the
21 Board pursuant to NRS 449.0303 to be licensed *or freestanding*
22 *birthing center* shall:

23 1. Maintain the confidentiality of personally identifiable
24 information concerning the sexual orientation of a patient or
25 resident, whether the patient or resident is transgender or has
26 undergone a gender transition and the human immunodeficiency
27 virus status of the patient or resident and take reasonable actions to
28 prevent the unauthorized disclosure of such information;

29 2. Prohibit employees or independent contractors of the facility
30 who are not performing a physical examination or directly providing
31 care to a patient or resident from being present during any portion of
32 the physical examination or care, as applicable, during which the
33 patient or resident is fully or partially unclothed without the express
34 permission of the patient or resident or the authorized representative
35 of the patient or resident;

36 3. Use visual barriers, including, without limitation, doors,
37 curtains and screens, to provide privacy for patients or residents who
38 are fully or partially unclothed; and

39 4. Allow a patient or resident to refuse to be examined,
40 observed or treated by an employee or independent contractor of the
41 facility for a purpose that is primarily educational rather than
42 therapeutic.

43 **Sec. 23.** NRS 449.103 is hereby amended to read as follows:

44 449.103 1. To enable an agent or employee of a medical
45 facility, facility for the dependent , ~~for~~ facility which is otherwise



1 required by regulations adopted by the Board pursuant to NRS
2 449.0303 to be licensed *or freestanding birthing center* who
3 provides care to a patient or resident of the facility to more
4 effectively treat patients or care for residents, as applicable, the
5 Board shall, by regulation, require such a facility to conduct training
6 relating specifically to cultural competency for any agent or
7 employee of the facility who provides care to a patient or resident of
8 the facility so that such an agent or employee may better understand
9 patients or residents who have different cultural backgrounds,
10 including, without limitation, patients or residents who are:

- 11 (a) From various gender, racial and ethnic backgrounds;
- 12 (b) From various religious backgrounds;
- 13 (c) Lesbian, gay, bisexual, transgender and questioning persons;
- 14 (d) Children and senior citizens;
- 15 (e) Persons with a mental or physical disability; and
- 16 (f) Part of any other population that such an agent or employee
17 may need to better understand, as determined by the Board.

18 2. The training relating specifically to cultural competency
19 conducted by a medical facility, facility for the dependent, ~~for~~
20 facility which is otherwise required by regulations adopted by the
21 Board pursuant to NRS 449.0303 to be licensed *or freestanding*
22 *birthing center* pursuant to subsection 1 must be provided through a
23 course or program that is approved by the Department of Health and
24 Human Services.

25 **Sec. 24.** NRS 449.104 is hereby amended to read as follows:

26 449.104 The Board shall adopt regulations that require a
27 medical facility, facility for the dependent, ~~for~~ facility which is
28 otherwise required by regulations adopted by the Board pursuant to
29 NRS 449.0303 to be licensed *or freestanding birthing center* to:

30 1. Develop policies to ensure that a patient or resident is
31 addressed by his or her preferred name and pronoun and in
32 accordance with his or her gender identity or expression;

33 2. Adapt electronic records to reflect the gender identities or
34 expressions of patients or residents with diverse gender identities or
35 expressions, including, without limitation:

36 (a) If the facility is a medical facility, adapting health records to
37 meet the medical needs of patients or residents with diverse sexual
38 orientations and gender identities or expressions, including, without
39 limitation, integrating information concerning sexual orientation and
40 gender identity or expression into electronic systems for maintaining
41 health records; and

42 (b) If the facility is a facility for the dependent or other
43 residential facility, adapting electronic records to include:

44 (1) The preferred name and pronoun and gender identity or
45 expression of a resident; and



1 (2) Any other information prescribed by regulation of the
2 Board.

3 **Sec. 25.** NRS 449.132 is hereby amended to read as follows:

4 449.132 Every medical facility, facility for the dependent, ~~for~~
5 facility which is required by the regulations adopted by the Board
6 pursuant to NRS 449.0303 to be licensed *or freestanding birthing*
7 *center* may be inspected at any time, with or without notice, as often
8 as is necessary by:

9 1. The Division of Public and Behavioral Health to ensure
10 compliance with all applicable regulations and standards; and

11 2. Any person designated by the Aging and Disability Services
12 Division of the Department of Health and Human Services to
13 investigate complaints made against the facility.

14 **Sec. 26.** NRS 449.160 is hereby amended to read as follows:

15 449.160 1. The Division may deny an application for a
16 license or may suspend or revoke any license issued under the
17 provisions of NRS 449.029 to 449.2428, inclusive, *and section 12*
18 *of this act* upon any of the following grounds:

19 (a) Violation by the applicant or the licensee of any of the
20 provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, *and*
21 *section 12 of this act* or of any other law of this State or of the
22 standards, rules and regulations adopted thereunder.

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

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

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

30 (e) Failure of the applicant to obtain written approval from the
31 Director of the Department of Health and Human Services as
32 required by NRS 439A.100 or as provided in any regulation adopted
33 pursuant to NRS 449.001 to 449.430, inclusive, *and section 12 of*
34 *this act*, and 449.435 to 449.531, inclusive, and chapter 449A of
35 NRS if such approval is required.

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

37 (g) Violation of the provisions of NRS 458.112.

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

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

44 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
45 244.360, 244.3603 or 268.4124; or



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

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

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

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

14 (c) A report of any disciplinary action taken against the facility.
15 ➔ The facility shall make the information available to the public
16 pursuant to NRS 449.2486.

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

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

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

24 **Sec. 27.** NRS 449.163 is hereby amended to read as follows:

25 449.163 1. In addition to the payment of the amount required
26 by NRS 449.0308, if a medical facility, facility for the dependent ,
27 ~~for~~ facility which is required by the regulations adopted by the
28 Board pursuant to NRS 449.0303 to be licensed *or freestanding*
29 *birthing center* violates any provision related to its licensure,
30 including any provision of NRS 439B.410 or 449.029 to 449.2428,
31 inclusive, *and section 12 of this act*, or any condition, standard or
32 regulation adopted by the Board, the Division, in accordance with
33 the regulations adopted pursuant to NRS 449.165, may:

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

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

39 (c) If the license of the facility limits the occupancy of the
40 facility and the facility has exceeded the approved occupancy,
41 require the facility, at its own expense, to move patients to another
42 facility that is licensed;

43 (d) Impose an administrative penalty of not more than \$5,000
44 per day for each violation, together with interest thereon at a rate not
45 to exceed 10 percent per annum; and



1 (e) Appoint temporary management to oversee the operation of
2 the facility and to ensure the health and safety of the patients of the
3 facility, until:

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

8 (2) Improvements are made to correct the violation.

9 2. If the facility fails to pay any administrative penalty imposed
10 pursuant to paragraph (d) of subsection 1, the Division may:

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

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

15 3. The Division may require any facility that violates any
16 provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and*
17 *section 12 of this act*, or any condition, standard or regulation
18 adopted by the Board to make any improvements necessary to
19 correct the violation.

20 4. Any money collected as administrative penalties pursuant to
21 paragraph (d) of subsection 1 must be accounted for separately and
22 used to administer and carry out the provisions of NRS 449.001 to
23 449.430, inclusive, *and section 12 of this act*, 449.435 to 449.531,
24 inclusive, and chapter 449A of NRS to protect the health, safety,
25 well-being and property of the patients and residents of facilities in
26 accordance with applicable state and federal standards or for any
27 other purpose authorized by the Legislature.

28 **Sec. 28.** NRS 449.165 is hereby amended to read as follows:

29 449.165 The Board shall adopt regulations establishing the
30 criteria for the imposition of each sanction prescribed by NRS
31 449.163. These regulations must:

32 1. Prescribe the circumstances and manner in which each
33 sanction applies;

34 2. Minimize the time between identification of a violation and
35 the imposition of a sanction;

36 3. Provide for the imposition of incrementally more severe
37 sanctions for repeated or uncorrected violations;

38 4. Provide for less severe sanctions for lesser violations of
39 applicable state statutes, conditions, standards or regulations; and

40 5. Establish an administrative penalty to be imposed if a
41 violation by a medical facility, *a* facility for the dependent, ~~for~~
42 a facility which is required by the regulations adopted by the Board
43 pursuant to NRS 449.0303 to be licensed *or a freestanding birthing*
44 *center* causes harm or the risk of harm to more than one person.



Sec. 29. NRS 449.171 is hereby amended to read as follows:

449.171 1. If the Division suspends the license of a medical facility, a facility for the dependent, ~~for~~ a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed *or a freestanding birthing center* pursuant to the provisions of this chapter, or if a facility otherwise ceases to operate, including, without limitation, pursuant to an action or order of a health authority pursuant to chapter 441A of NRS, the Division may, if deemed necessary by the Administrator of the Division, take control of and ensure the safety of the medical records of the facility.

2. Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, the Division shall:

(a) Maintain the confidentiality of the medical records obtained pursuant to subsection 1.

(b) Share medical records obtained pursuant to subsection 1 with law enforcement agencies in this State and other governmental entities which have authority to license the facility or to license the owners or employees of the facility.

(c) Release a medical record obtained pursuant to subsection 1 to the patient or legal guardian of the patient who is the subject of the medical record.

3. The Board shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations for contracting with a person to maintain any medical records under the control of the Division pursuant to subsection 1 and for payment by the facility of the cost of maintaining medical records.

Sec. 30. NRS 449.209 is hereby amended to read as follows:

449.209 1. In addition to the requirements and prohibitions set forth in NRS 449.0305, and notwithstanding any exceptions set forth in that section, a licensed medical facility or an employee of such a medical facility shall not:

(a) Refer a person to a residential facility for groups that is not licensed by the Division; or

(b) Refer a person to a residential facility for groups if the licensed medical facility or its employee knows or reasonably should know that the residential facility for groups, or the services provided by the residential facility for groups, are not appropriate for the condition of the person being referred.

2. If a licensed medical facility or an employee of such a medical facility violates the provisions of subsection 1, the licensed medical facility is liable for a civil penalty to be recovered by the Attorney General in the name of the Board for the first offense of not more than \$10,000 and for a second or subsequent offense of not



1 less than \$10,000 or more than \$20,000. Unless otherwise required
2 by federal law, the Board shall deposit all civil penalties collected
3 pursuant to this section into a separate account in the State General
4 Fund to be used for the enforcement of this section and the
5 protection of the health, safety, well-being and property of residents
6 of residential facilities for groups.

7 3. The Board shall:

8 (a) Establish and maintain a system to track violations of this
9 section and NRS 449.0305. Except as otherwise provided in this
10 paragraph, records created by or for the system are public records
11 and are available for public inspection. The following information is
12 confidential:

13 (1) Any personally identifying information relating to a
14 person who is referred to a residential facility for groups.

15 (2) Information which may not be disclosed under federal
16 law.

17 (b) Educate the public regarding the requirements and
18 prohibitions set forth in this section and NRS 449.0305.

19 4. As used in this section, "licensed medical facility" means:

20 (a) A medical facility that is required to be licensed pursuant to
21 NRS 449.029 to 449.2428, inclusive ~~[]~~, *and section 12 of this act.*

22 (b) A facility for the dependent that is required to be licensed
23 pursuant to NRS 449.029 to 449.2428, inclusive ~~[]~~, *and section 12*
24 *of this act.*

25 (c) A facility that provides medical care or treatment and is
26 required by regulation of the Board to be licensed pursuant to
27 NRS 449.0303.

28 (d) *A freestanding birthing center that is required to be*
29 *licensed pursuant to NRS 449.029 to 449.2428, inclusive, and*
30 *section 12 of this act.*

31 **Sec. 31.** NRS 449.210 is hereby amended to read as follows:

32 449.210 1. In addition to the payment of the amount required
33 by NRS 449.0308 and any civil penalty imposed pursuant to
34 subsection 4, a person who operates a medical facility, facility for
35 the dependent, ~~[or]~~ a facility which is required by the regulations
36 adopted by the Board pursuant to NRS 449.0303 to be licensed *or*
37 *freestanding birthing center* without a license issued by the
38 Division is guilty of a misdemeanor.

39 2. If the Division believes that a person is operating a medical
40 facility, facility for the dependent, ~~[or]~~ a facility which is required
41 by the regulations adopted by the Board pursuant to NRS 449.0303
42 to be licensed *or freestanding birthing center* without such a
43 license, the Division may issue an order to cease and desist the
44 operation of the facility. The order must be served upon the person



1 by personal delivery or by certified or registered mail, return receipt
2 requested. The order is effective upon service.

3 3. If a person does not voluntarily cease operating a medical
4 facility, facility for the dependent , ~~for a~~ facility which is required
5 by the regulations adopted by the Board pursuant to NRS 449.0303
6 to be licensed *or freestanding birthing center* without a license or
7 apply for licensure within 30 days after the date of service of the
8 order pursuant to subsection 2, the Division may bring an action in a
9 court of competent jurisdiction pursuant to NRS 449.220.

10 4. Upon a showing by the Division that a person is operating a
11 medical facility, facility for the dependent , ~~for a~~ facility which is
12 required by the regulations adopted by the Board pursuant to NRS
13 449.0303 to be licensed *or freestanding birthing center* without a
14 license, a court of competent jurisdiction may:

15 (a) Enjoin the person from operating the facility.

16 (b) Impose a civil penalty on the operator to be recovered by the
17 Division of not more than \$10,000 for the first offense or not less
18 than \$10,000 or more than \$25,000 for a second or subsequent
19 offense.

20 5. Unless otherwise required by federal law, the Division shall
21 deposit all civil penalties collected pursuant to paragraph (b) of
22 subsection 4 into a separate account in the State General Fund to be
23 used to administer and carry out the provisions of NRS 449.001 to
24 449.430, inclusive, *and sections 11 and 12 of this act* and to protect
25 the health, safety, well-being and property of the patients and
26 residents of facilities in accordance with applicable state and federal
27 standards.

28 **Sec. 32.** NRS 449.220 is hereby amended to read as follows:

29 449.220 1. The Division may bring an action in the name of
30 the State to enjoin any person, state or local government unit or
31 agency thereof from operating or maintaining any facility within the
32 meaning of NRS 449.029 to 449.2428, inclusive ~~§~~, *and section 12*
33 *of this act:*

34 (a) Without first obtaining a license therefor; or

35 (b) After his or her license has been revoked or suspended by
36 the Division.

37 2. It is sufficient in such action to allege that the defendant did,
38 on a certain date and in a certain place, operate and maintain such a
39 facility without a license.

40 **Sec. 33.** NRS 449.240 is hereby amended to read as follows:

41 449.240 The district attorney of the county in which the facility
42 is located shall, upon application by the Division, institute and
43 conduct the prosecution of any action for violation of any provisions
44 of NRS 449.029 to 449.245, inclusive ~~§~~, *and section 12 of this*
45 *act.*



1 **Sec. 34.** NRS 449.246 is hereby amended to read as follows:
2 449.246 1. Before discharging an unmarried woman who has
3 borne a child, a hospital , ~~or~~ obstetric center *or freestanding*
4 *birthing center* shall provide to the child’s parents:

5 (a) The opportunity to sign, in the hospital, a declaration for the
6 voluntary acknowledgment of paternity developed pursuant to
7 NRS 440.283;

8 (b) Written materials about establishing paternity;

9 (c) The forms necessary to acknowledge paternity voluntarily;

10 (d) A written description of the rights and responsibilities of
11 acknowledging paternity; and

12 (e) The opportunity to speak by telephone with personnel of the
13 program for enforcement of child support who are trained to clarify
14 information and answer questions about the establishment of
15 paternity.

16 2. The Administrator of the Division of Welfare and
17 Supportive Services of the Department of Health and Human
18 Services shall adopt the regulations necessary to ensure that the
19 services provided by a hospital , ~~or~~ obstetric center *or*
20 *freestanding birthing center* pursuant to this section are in
21 compliance with the regulations adopted by the Secretary of Health
22 and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

23 **Sec. 35.** NRS 449A.056 is hereby amended to read as follows:

24 449A.056 “Obstetric center” ~~[means a facility that is not part of~~
25 ~~a hospital and provides services for normal, uncomplicated births.]~~
26 *has the meaning ascribed to it in NRS 449.0155.*

27 **Sec. 36.** Any valid license as an obstetric center issued to a
28 freestanding birthing center before January 1, 2022, shall be deemed
29 to be a license as a freestanding birthing center and remains valid
30 until its date of expiration.

31 **Sec. 37.** 1. This section becomes effective upon passage and
32 approval.

33 2. Sections 1 to 36, inclusive, of this act become effective:

34 (a) Upon passage and approval for the purpose of adopting any
35 regulations and performing any other preparatory administrative
36 tasks that are necessary to carry out the provisions of this act; and

37 (b) On January 1, 2022, for all other purposes.

