

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; revising certain terminology relating to pregnancy and birth; 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 requires a midwife to perform certain duties relating to the  
2 registration of a birth and the care of a person who is pregnant or a newborn infant.  
3 (NRS 440.280, 440.340, 440.740, 440.770, 442.008, 442.030-442.110, 442.600-  
4 442.680) **Sections 1 and 3** of this bill define the term “midwife” for those purposes  
5 to include a Certified Professional Midwife, a Certified Nurse-Midwife or any other  
6 type of midwife. **Sections 1.3-2.9, 4, 5, 6.3, 6.7, 7.2-7.7, 8.5, 9.3, 9.7 and 33.5** of  
7 this bill replace the term “mother” with references to a person who is pregnant, a  
8 person giving birth, a person who gave birth or a person who has given birth, as  
9 appropriate, for purposes relating to vital statistics, maternal and child health and  
10 medical facilities and related entities. **Section 22** of this bill replaces the term  
11 “gender transition” with the term “gender-affirming surgery.” **Section 23** of this  
12 bill replaces a reference to lesbian, gay, bisexual, transgender and questioning  
13 persons with a reference to persons with various sexual orientations and gender  
14 identities and expressions.

15 Existing law: (1) defines the term “obstetric center” to mean a facility that is  
16 not part of a hospital and provides services for normal, uncomplicated births; and  
17 (2) provides for the regulation of an obstetric center as a medical facility. (NRS  
18 449.0155, 449.0302) **Sections 3 and 11** of this bill define the term “freestanding  
19 birthing center” to mean a facility that provides maternity care and birthing services



20 in a location similar to a residence. **Section 14** of this bill clarifies that a  
 21 freestanding birthing center is not subject to the same requirements as an obstetric  
 22 center. **Section 12** of this bill requires the State Board of Health to adopt  
 23 regulations providing for the licensure of freestanding birthing centers separately  
 24 from medical facilities. **Section 12** also: (1) requires a freestanding birthing center  
 25 to be located within 30 miles of a hospital that offers services relating to pregnancy;  
 26 and (2) prohibits the performing of surgery at a freestanding birthing center.  
 27 **Sections 13 and 15** of this bill make conforming changes to indicate the proper  
 28 placement of **sections 11 and 12** in the Nevada Revised Statutes. **Sections 17, 18,**  
 29 **20, 25-29 and 31-33** of this bill authorize certain actions to enforce provisions  
 30 governing freestanding birthing centers. **Sections 16, 19, 21-24 and 30** of this bill  
 31 make various other changes to ensure that freestanding birthing centers are treated  
 32 similarly to other licensed facilities that provide health-related services.

33 Existing law requires the Board to develop and distribute to each hospital and  
 34 obstetric center in the State forms for a voluntary acknowledgement of paternity or  
 35 parentage. (NRS 440.283, 440.285) **Sections 1.9 and 2** of this bill additionally  
 36 require the Board to distribute these forms to each freestanding birthing center.

37 Existing law requires certain persons and entities that provide care for pregnant  
 38 women and newborn infants to: (1) screen a newborn infant for certain conditions;  
 39 (2) report information concerning certain conditions to the local health officer; and  
 40 (3) make certain information concerning birth defects available to the Chief  
 41 Medical Officer. (NRS 442.008, 442.040, 442.325, 442.610, 442.680) **Sections 4, 5**  
 42 **and 7-9** of this bill make these requirements applicable to freestanding birthing  
 43 centers. **Section 6** of this bill provides for the imposition of a fine against a  
 44 freestanding birthing center that fails to perform the required screening for  
 45 ophthalmia neonatorum.

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

1 **Section 1.** Chapter 440 of NRS is hereby amended by adding  
 2 thereto a new section to read as follows:

3 *As used in this chapter, "midwife" means:*

4 *1. A person certified as:*

5 *(a) A Certified Professional Midwife by the North American*  
 6 *Registry of Midwives, or its successor organization; or*

7 *(b) A Certified Nurse-Midwife by the American Midwifery*  
 8 *Certification Board, or its successor organization; or*

9 *2. Any other type of midwife.*

10 **Sec. 1.3.** NRS 440.030 is hereby amended to read as follows:

11 440.030 As used in this chapter, "live birth" means a birth in  
 12 which the child shows evidence of life after complete birth. A birth  
 13 is complete when the child is entirely outside the ~~{mother,}~~ *person*  
 14 *giving birth*, even if the cord is uncut and the placenta still attached.  
 15 The words "evidence of life" include heart action, breathing or  
 16 coordinated movement of voluntary muscle.

17 **Sec. 1.6.** NRS 440.280 is hereby amended to read as follows:

18 440.280 1. If a birth occurs in a hospital or the ~~{mother,}~~  
 19 *person giving birth* and child are immediately transported to a



1 hospital, the person in charge of the hospital or his or her designated  
2 representative shall obtain the necessary information, prepare a birth  
3 certificate, secure the signatures required by the certificate and file it  
4 within 10 days with the health officer of the registration district  
5 where the birth occurred. The physician in attendance shall provide  
6 the medical information required by the certificate and certify to the  
7 fact of birth within 72 hours after the birth. If the physician does not  
8 certify to the fact of birth within the required 72 hours, the person in  
9 charge of the hospital or the designated representative shall  
10 complete and sign the certification.

11 2. If a birth occurs outside a hospital and the **[mother] person**  
12 **giving birth** and child are not immediately transported to a hospital,  
13 the birth certificate must be prepared and filed by one of the  
14 following persons in the following order of priority:

15 (a) The physician in attendance at or immediately after the birth.

16 (b) Any other person in attendance at or immediately after the  
17 birth.

18 (c) The **[father, mother] person giving birth** or **[ ] other parent,**  
19 **or** if the **[father] other parent** is absent and the **[mother] person**  
20 **giving birth** is incapacitated, the person in charge of the premises  
21 where the birth occurred.

22 3. If a birth occurs in a moving conveyance, the place of birth  
23 is the place where the child is removed from the conveyance.

24 4. In cities, the certificate of birth must be filed sooner than 10  
25 days after the birth if so required by municipal ordinance or  
26 regulation.

27 5. If the **[mother] person giving birth** was:

28 (a) Married at the time of birth, the name of **[her] the spouse of**  
29 **that person** must be entered on the certificate as the other parent of  
30 the child unless:

31 (1) A court has issued an order establishing that a person  
32 other than the **[mother's] spouse of the person giving birth** is the  
33 other parent of the child; or

34 (2) The **[mother] person giving birth** and a person other than  
35 the **[mother's] spouse of the person giving birth** have signed a  
36 declaration for the voluntary acknowledgment of paternity  
37 developed by the Board pursuant to NRS 440.283 or a declaration  
38 for the voluntary acknowledgment of parentage developed by the  
39 Board pursuant to NRS 440.285.

40 (b) Widowed at the time of birth but married at the time of  
41 conception, the name of **[her] the spouse of the person giving birth**  
42 at the time of conception must be entered on the certificate as the  
43 other parent of the child unless:



1 (1) A court has issued an order establishing that a person  
2 other than the [mother's] spouse *of the person giving birth* at the  
3 time of conception is the other parent of the child; or

4 (2) The [mother] *person giving birth* and a person other than  
5 the [mother's] spouse *of the person giving birth* at the time of  
6 conception have signed a declaration for the voluntary  
7 acknowledgment of paternity developed by the Board pursuant to  
8 NRS 440.283 or a declaration for the voluntary acknowledgment of  
9 parentage developed by the Board pursuant to NRS 440.285.

10 6. If the [mother] *person giving birth* was unmarried at the  
11 time of birth, the name of the other parent may be entered on the  
12 original certificate of birth only if:

13 (a) The provisions of paragraph (b) of subsection 5 are  
14 applicable;

15 (b) A court has issued an order establishing that the person is the  
16 other parent of the child; or

17 (c) The parents of the child have signed a declaration for the  
18 voluntary acknowledgment of paternity developed by the Board  
19 pursuant to NRS 440.283 or a declaration for the voluntary  
20 acknowledgment of parentage developed by the Board pursuant to  
21 NRS 440.285. If both parents execute a declaration consenting to  
22 the use of the surname of one parent as the surname of the child, the  
23 name of that parent must be entered on the original certificate of  
24 birth and the surname of that parent must be entered thereon as the  
25 surname of the child.

26 7. An order entered or a declaration executed pursuant to  
27 subsection 6 must be submitted to the local health officer, the local  
28 health officer's authorized representative, or the attending physician  
29 or midwife before a proper certificate of birth is forwarded to the  
30 State Registrar. The order or declaration must then be delivered to  
31 the State Registrar for filing. The State Registrar's file of orders and  
32 declarations must be sealed and the contents of the file may be  
33 examined only upon order of a court of competent jurisdiction or at  
34 the request of either parent or the Division of Welfare and  
35 Supportive Services of the Department of Health and Human  
36 Services as necessary to carry out the provisions of 42 U.S.C. §  
37 654a. The local health officer shall complete the original certificate  
38 of birth in accordance with subsection 6 and other provisions of this  
39 chapter.

40 8. As used in this section, "court" has the meaning ascribed to  
41 it in NRS 125B.004.

42 **Sec. 1.9.** NRS 440.283 is hereby amended to read as follows:

43 440.283 1. The Board shall:

44 (a) Develop a declaration to be signed under penalty of perjury  
45 for the voluntary acknowledgment of paternity in this State that



1 complies with the requirements prescribed by the Secretary of  
2 Health and Human Services pursuant to 42 U.S.C. § 652(a); and

3 (b) Distribute the declarations to:

4 (1) Each hospital , ~~for~~ obstetric center *or freestanding*  
5 *birthing center* in this State; and

6 (2) Any other entity authorized to provide services relating to  
7 the voluntary acknowledgment of paternity pursuant to the  
8 regulations adopted by the Secretary of Health and Human Services  
9 pursuant to 42 U.S.C. § 666(a)(5)(C).

10 2. Subject to the provisions of subsection 3, the State Registrar  
11 of Vital Statistics and the entities described in paragraph (b) of  
12 subsection 1 shall offer to provide services relating to the voluntary  
13 acknowledgment of paternity in the manner prescribed in the  
14 regulations adopted by the Secretary of Health and Human Services  
15 pursuant to 42 U.S.C. § 666(a)(5)(C).

16 3. Before providing a declaration for the acknowledgment of  
17 paternity to the ~~mother-of~~ *person who gave birth to* a child or a  
18 person who wishes to acknowledge the paternity of the child, the  
19 agencies described in paragraph (b) of subsection 1 shall ensure that  
20 the ~~mother~~ *person who gave birth* and the person who wishes to  
21 acknowledge paternity are given notice, orally and in writing, of the  
22 rights, responsibilities and legal consequences of, and the  
23 alternatives to, signing the declaration for the acknowledgment of  
24 paternity.

25 **Sec. 2.** NRS 440.285 is hereby amended to read as follows:

26 440.285 1. The Board shall:

27 (a) Develop a declaration to be signed under penalty of perjury  
28 for the voluntary acknowledgment of parentage in this State; and

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

31 2. Before providing a declaration for the acknowledgment of  
32 parentage to the ~~mother-of~~ *person who gave birth to* a child or a  
33 person who wishes to acknowledge the parentage of a child, the  
34 agencies described in paragraph (b) of subsection 1 shall ensure that  
35 the ~~mother~~ *person who gave birth* and the person who wishes to  
36 acknowledge parentage are given notice, orally and in writing, of  
37 the rights, responsibilities and legal consequences of, and the  
38 alternatives to, signing the declaration for the acknowledgment of  
39 parentage.

40 **Sec. 2.3.** NRS 440.287 is hereby amended to read as follows:

41 440.287 1. If a ~~mother~~ *person who has given birth* or a  
42 person who has signed a declaration for the voluntary  
43 acknowledgment of paternity developed by the Board pursuant to  
44 NRS 440.283 or a declaration for the voluntary acknowledgment of  
45 parentage developed by the Board pursuant to NRS 440.285 with



1 the ~~mother~~ *person who has given birth* rescinds the  
2 acknowledgment pursuant to subsection 2 of NRS 126.053, the  
3 State Registrar shall not issue a new certificate of birth to remove  
4 the name of the person who originally acknowledged paternity or  
5 parentage, as applicable, unless a court issues an order establishing  
6 that the person who acknowledged paternity or parentage, as  
7 applicable, is not the father or parent, as applicable, of the child.

8 2. As used in this section, "court" has the meaning ascribed to  
9 it in NRS 125B.004.

10 **Sec. 2.6.** NRS 440.325 is hereby amended to read as follows:

11 440.325 1. In the case of the paternity or parentage of a child  
12 being established by the:

13 (a) ~~Mother~~ *Person who gave birth* and ~~father~~ *other parent*  
14 acknowledging paternity of a child by signing a declaration for the  
15 voluntary acknowledgment of paternity developed by the Board  
16 pursuant to NRS 440.283;

17 (b) ~~Mother~~ *Person who gave birth* and another person  
18 acknowledging parentage of the child by signing a declaration for  
19 the voluntary acknowledgment of parentage developed by the Board  
20 pursuant to NRS 440.285; or

21 (c) Order of a district court,  
22 ↪ the State Registrar, upon the receipt of the declaration or court  
23 order, shall prepare a new certificate of birth in the name of the  
24 child as shown in the declaration or order with no reference to the  
25 fact of legitimation.

26 2. The new certificate must be identical with the certificate  
27 registered for the birth of a child born in wedlock.

28 3. Except as otherwise provided in subsection 4, the evidence  
29 upon which the new certificate was made and the original certificate  
30 must be sealed and filed and may be opened only upon the order of  
31 a court of competent jurisdiction.

32 4. The State Registrar shall, upon the request of the Division of  
33 Welfare and Supportive Services of the Department of Health and  
34 Human Services, open a file that has been sealed pursuant to  
35 subsection 3 to allow the Division to compare the information  
36 contained in the declaration or order upon which the new certificate  
37 was made with the information maintained pursuant to 42 U.S.C. §  
38 654a.

39 **Sec. 2.9.** NRS 440.610 is hereby amended to read as follows:

40 440.610 Each certificate, as provided for in this chapter, filed  
41 within 6 months after the time prescribed for their filing, shall be  
42 prima facie evidence of the facts therein stated. Data pertaining to  
43 the ~~father-of~~ *parent who did not give birth to* a child is such  
44 evidence if the alleged ~~father~~ *parent* is, or becomes, the ~~husband~~  
45 *spouse* of the ~~mother~~ *person who gave birth to the child* in a legal



1 marriage; if not, the data pertaining to the ~~father of~~ *parent who did*  
2 *not give birth to* a child is not such evidence in any civil or criminal  
3 proceeding adverse to the interests of the alleged father, or of his  
4 heirs, devisees or other successors in interest, if the paternity is  
5 controverted.

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

7 442.003 As used in this chapter, unless the context requires  
8 otherwise:

9 1. "Advisory Board" means the Advisory Board on Maternal  
10 and Child Health.

11 2. "Department" means the Department of Health and Human  
12 Services.

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

14 4. "Division" means the Division of Public and Behavioral  
15 Health of the Department.

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

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

19 7. "Laboratory" has the meaning ascribed to it in  
20 NRS 652.040.

21 ~~7.]~~ 8. *"Midwife" means:*

22 (a) *A person certified as:*

23 (1) *A Certified Professional Midwife by the North*  
24 *American Registry of Midwives, or its successor organization; or*

25 (2) *A Certified Nurse-Midwife by the American Midwifery*  
26 *Certification Board, or its successor organization; or*

27 (b) *Any other type of midwife.*

28 9. "Obstetric center" has the meaning ascribed to it in  
29 NRS 449.0155.

30 ~~8.]~~ 10. "Provider of health care or other services" means:

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

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

38 (c) A licensed nurse;

39 (d) A licensed psychologist;

40 (e) A licensed marriage and family therapist;

41 (f) A licensed clinical professional counselor;

42 (g) A licensed social worker;

43 (h) A licensed dietitian; or

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



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

2       442.008 1. The State Board of Health shall adopt regulations  
3 governing examinations and tests required for the discovery in  
4 infants of preventable or inheritable disorders, including tests for the  
5 presence of sickle cell disease and its variants and sickle cell trait.

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

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

16       (b) Insufficient resources to address the results of the  
17 examination and test.

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

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

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

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

36       5. Any physician, midwife, nurse, obstetric center ,  
37 *freestanding birthing center* or hospital of any nature attending or  
38 assisting in any way any infant, or the ~~mother of~~ *person who gave*  
39 *birth to* any infant, at childbirth shall:

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





(b) Collect and send to the State Public Health Laboratory or cause to be collected and sent to the State Public Health Laboratory any specimens needed for the examinations and tests that must be performed by a laboratory and are required by the regulations adopted pursuant to subsection 1.

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

(a) Report the condition to the Chief Medical Officer or the representative of the Chief Medical Officer, the local health officer of the county or city within which the infant or the ~~mother of~~ *person who gave birth to* the infant resides, and the local health officer of the county or city in which the child is born; and

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

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

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

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

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

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

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

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

442.110 Any physician, midwife, nurse, manager or person in charge of an obstetric center, *freestanding birthing center* or hospital, parent, relative or person attending upon or assisting at the



1 birth of an infant who violates any of the provisions of NRS  
2 442.030 to 442.100, inclusive, shall be punished by a fine of not  
3 more than \$250.

4 **Sec. 6.3.** NRS 442.130 is hereby amended to read as follows:

5 442.130 1. The Department is hereby designated as the  
6 agency of this State to administer, through the Division, a maternal  
7 and child health program, and to supervise the administration of  
8 those services included in the program which are not administered  
9 directly by it.

10 2. The purpose of such program shall be to develop, extend and  
11 improve health services, and to provide for development of  
12 demonstration services in needy areas for ~~mothers~~ *persons who*  
13 *are pregnant, are giving birth or have given birth* and children.

14 **Sec. 6.7.** NRS 442.137 is hereby amended to read as follows:

15 442.137 The purpose of the Advisory Board is to advise the  
16 Administrator of the Division concerning perinatal care to enhance  
17 the survivability and health of infants and ~~mothers~~ *persons who*  
18 *are pregnant, are giving birth and have given birth*, and  
19 concerning programs to improve the health of preschool children, to  
20 achieve the following objectives:

21 1. Ensuring the availability and accessibility of primary care  
22 health services;

23 2. Reducing the rate of infant mortality;

24 3. Reducing the incidence of preventable diseases and  
25 handicapping conditions among children;

26 4. Identifying the most effective methods of preventing fetal  
27 alcohol syndrome and collecting information relating to the  
28 incidence of fetal alcohol syndrome in this state;

29 5. Preventing the consumption of alcohol by women during  
30 pregnancy;

31 6. Reducing the need for inpatient and long-term care services;

32 7. Increasing the number of children who are appropriately  
33 immunized against disease;

34 8. Increasing the number of children from low-income families  
35 who are receiving assessments of their health;

36 9. Ensuring that services to follow up the assessments are  
37 available, accessible and affordable to children identified as in need  
38 of those services;

39 10. Assisting the Division in developing a program of public  
40 education that it is required to develop pursuant to NRS 442.385,  
41 including, without limitation, preparing and obtaining information  
42 relating to fetal alcohol syndrome;

43 11. Assisting the University of Nevada School of Medicine in  
44 reviewing, amending and distributing the guidelines it is required to  
45 develop pursuant to NRS 442.390; and



1 12. Promoting the health of infants and ~~mothers~~ *persons who*  
2 *are pregnant, are giving birth or have given birth* by ensuring the  
3 availability and accessibility of affordable perinatal services.

4 **Sec. 7.** NRS 442.325 is hereby amended to read as follows:

5 442.325 1. Except as otherwise provided in subsection 2, the  
6 chief administrative officer of each hospital , ~~and~~  
7 *and freestanding birthing center* or a representative of the officer  
8 shall:

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

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

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

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

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

19 (2) Patients discharged with adverse birth outcomes.

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

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

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

35 **Sec. 7.2.** NRS 442.400 is hereby amended to read as follows:

36 442.400 The agency which provides child welfare services or a  
37 licensed child-placing agency shall inquire, during its initial contact  
38 with a natural parent of a child who is to be placed for adoption,  
39 about consumption of alcohol by or any substance use disorder of  
40 the ~~mother of~~ *person who gave birth to* the child during  
41 pregnancy. The information obtained from the inquiry must be:

42 1. Included in the report provided to the adopting parents of the  
43 child pursuant to NRS 127.152; and



1 2. Reported to the Division on a form prescribed by the  
2 Division. The report must not contain any identifying information  
3 and may be used only for statistical purposes.

4 **Sec. 7.5.** NRS 442.405 is hereby amended to read as follows:

5 442.405 1. The agency which provides child welfare services  
6 shall inquire, during its initial contact with a natural parent of a child  
7 who is to be placed in a family foster home, about consumption of  
8 alcohol by or any substance use disorder of the ~~mother of~~ *person*  
9 *who gave birth to* the child during pregnancy. The information  
10 obtained from the inquiry must be:

11 (a) Provided to the provider of foster care pursuant to NRS  
12 424.038; and

13 (b) Reported to the Division on a form prescribed by the  
14 Division. The report must not contain any identifying information  
15 and may be used only for statistical purposes.

16 2. As used in this section, "family foster home" has the  
17 meaning ascribed to it in NRS 424.013.

18 **Sec. 7.7.** NRS 442.410 is hereby amended to read as follows:

19 442.410 An agency which provides child welfare services shall  
20 inquire, during its initial contact with a natural parent of a child  
21 whom a court has determined must be kept in temporary or  
22 permanent custody, about consumption of alcohol by or any  
23 substance use disorder of the ~~mother of~~ *person who gave birth to*  
24 the child during pregnancy. The information obtained from the  
25 inquiry must be:

26 1. Included in the report the agency is required to make  
27 pursuant to NRS 432B.540; and

28 2. Reported to the Division on a form prescribed by the  
29 Division. The report must not contain any identifying information  
30 and may be used only for statistical purposes.

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

32 442.610 "Provider of health care" means:

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

34 2. A midwife; and

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

37 **Sec. 8.5.** NRS 442.650 is hereby amended to read as follows:

38 442.650 A provider of health care who attends or assists at the  
39 delivery of a child shall, if the ~~mother~~ *person giving birth* has not  
40 been tested for the human immunodeficiency virus earlier during her  
41 pregnancy or the results of an earlier test are not available, ensure  
42 that a rapid test for the human immunodeficiency virus is performed  
43 on the child unless a parent or legal guardian of the child objects to  
44 the performance of the test because it is contrary to the religious  
45 beliefs of the parent or legal guardian.



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

2       442.680 1. Except as otherwise provided in subsection 3, any  
3 physician, midwife or nurse attending or assisting in any way any  
4 infant at childbirth at an obstetric center , *a freestanding birthing*  
5 *center* or a hospital which regularly offers obstetric services in the  
6 normal course of business and not only on an emergency basis shall  
7 make or cause to be made an examination of the infant, to determine  
8 whether the infant may suffer from critical congenital heart disease,  
9 including, without limitation, conducting pulse oximetry screening.  
10 If the physician, midwife or nurse who conducts the examination is  
11 not the attending physician of the infant, the physician, midwife or  
12 nurse shall submit the results of the examination to the attending  
13 physician of the infant.

14       2. If the examination reveals that an infant may suffer from  
15 critical congenital heart disease, the attending physician of the infant  
16 shall conduct an examination to confirm whether the infant does  
17 suffer from critical congenital heart disease. If the attending  
18 physician determines that the infant suffers from critical congenital  
19 heart disease, the attending physician must:

20       (a) Report the condition to the Chief Medical Officer or a  
21 representative of the Chief Medical Officer; and

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

25       3. An examination of an infant is not required pursuant to this  
26 section if either parent files a written objection with the person  
27 responsible for conducting the examination or with the obstetric  
28 center , *freestanding birthing center* or hospital at which the infant  
29 is born.

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

32       **Sec. 9.3.** NRS 442.761 is hereby amended to read as follows:

33       442.761 “Severe maternal morbidity” means an unexpected  
34 incident during childbirth that has a serious negative effect on the  
35 short-term or long-term health of the ~~mother~~ *person who is giving*  
36 *birth or has given birth to a child.*

37       **Sec. 9.7.** NRS 442.774 is hereby amended to read as follows:

38       442.774 1. The Committee is entitled to access to:

39       (a) All final investigative information of law enforcement  
40 agencies regarding a maternal death or incident of severe maternal  
41 morbidity being investigated by the Committee for which the  
42 investigation by the law enforcement agency has been closed;

43       (b) Any autopsy and coroner’s investigative records relating to  
44 the death or incident;



1 (c) Any medical or mental health records of the ~~[mother;]~~  
2 *person who gave birth to a child;*

3 (d) Any records of social and rehabilitative services or of any  
4 other social service agency which has provided services to the  
5 ~~[mother]~~ *person who gave birth to a child* or the ~~[mother's]~~ family  
6 ~~[;]~~ *of the person who gave birth to a child;* and

7 (e) Any other records determined by the Committee to be  
8 necessary to perform its duties, except for records of a law  
9 enforcement agency not described in paragraph (a).

10 2. The Committee may, if appropriate, meet and share  
11 information with:

12 (a) A multidisciplinary team to review the death of the victim of  
13 a crime that constitutes domestic violence organized or sponsored  
14 pursuant to NRS 217.475; or

15 (b) The Committee on Domestic Violence appointed pursuant to  
16 NRS 228.470.

17 3. The Committee may petition the district court for the  
18 issuance of, and the district court may issue, a subpoena to compel  
19 the production of any books, records or papers described in  
20 subsection 1 that are relevant to the cause of any death or incident of  
21 severe maternal morbidity being investigated by the Committee.  
22 Except as otherwise provided in NRS 239.0115, any books, records  
23 or papers received by the Committee pursuant to the subpoena shall  
24 be deemed confidential and privileged and not subject to disclosure.

25 4. The Committee may use data collected concerning a  
26 maternal death or incident of severe maternal morbidity for the  
27 purpose of research or to prevent future maternal mortality and  
28 severe maternal morbidity if the data is aggregated and does not  
29 allow for the identification of any person.

30 5. Except as otherwise provided in this section, information  
31 acquired by, and the records of, the Committee are confidential, are  
32 not public records, must not be disclosed, and are not subject to  
33 subpoena, discovery or introduction into evidence in any civil or  
34 criminal proceeding.

35 6. The meetings of the Committee are closed to the public.

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

38 **Sec. 11.** *“Freestanding birthing center” means a facility that*  
39 *provides maternity care and birthing services using a family-*  
40 *centered approach in which births are planned to occur in a*  
41 *location similar to a residence that is not the usual place of*  
42 *residence of the person giving birth to a child.*

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

44 *(a) Regulations providing for the licensure of freestanding*  
45 *birthing centers; and*



1 (b) Any other regulations necessary for the regulation of  
2 freestanding birthing centers.

3 2. Any regulations adopted pursuant to this section:

4 (a) Must align with the standards established by the American  
5 Association of Birth Centers, or its successor organization, the  
6 accrediting body of the Commission for the Accreditation of Birth  
7 Centers, or its successor organization, or another nationally  
8 recognized organization for accrediting freestanding birthing  
9 centers; and

10 (b) Must allow the provision of supervised training to  
11 providers of health care, as appropriate, at a freestanding birthing  
12 center.

13 3. A freestanding birthing center must be located within 30  
14 miles of a hospital that offers obstetric, neonatal and emergency  
15 services relating to pregnancy.

16 4. Surgery, including, without limitation, the use of forceps,  
17 vacuum extractions, Caesarean sections and tubal ligations, must  
18 not be performed at a freestanding birthing center.

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

20 449.001 As used in this chapter, unless the context otherwise  
21 requires, the words and terms defined in NRS 449.0015 to  
22 449.0195, inclusive, *and section 11 of this act* have the meanings  
23 ascribed to them in those sections.

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

25 449.0155 "Obstetric center" means a facility that is not part of  
26 a hospital and provides services for normal, uncomplicated births.  
27 *The term does not include a freestanding birthing center.*

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

29 449.029 As used in NRS 449.029 to 449.240, inclusive, *and*  
30 *section 12 of this act*, unless the context otherwise requires,  
31 "medical facility" has the meaning ascribed to it in NRS 449.0151  
32 and includes a program of hospice care described in NRS 449.196.

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

34 449.0301 The provisions of NRS 449.029 to 449.2428,  
35 inclusive, *and section 12 of this act* do not apply to:

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

43 2. Foster homes as defined in NRS 424.014.

44 3. Any medical facility, facility for the dependent, ~~for~~ facility  
45 which is otherwise required by the regulations adopted by the Board



1 pursuant to NRS 449.0303 to be licensed *or freestanding birthing*  
2 *center* that is operated and maintained by the United States  
3 Government or an agency thereof.

4 **Sec. 17.** NRS 449.0307 is hereby amended to read as follows:  
5 449.0307 The Division may:

6 1. Upon receipt of an application for a license, conduct an  
7 investigation into the premises, facilities, qualifications of  
8 personnel, methods of operation, policies and purposes of any  
9 person proposing to engage in the operation of a medical facility, a  
10 facility for the dependent ~~{or}~~, *a* facility which is required by the  
11 regulations adopted by the Board pursuant to NRS 449.0303 to be  
12 licensed ~~{}~~ *or a freestanding birthing center*. The facility is subject  
13 to inspection and approval as to standards for safety from fire, on  
14 behalf of the Division, by the State Fire Marshal.

15 2. Upon receipt of a complaint against a medical facility,  
16 facility for the dependent, ~~{or}~~ facility which is required by the  
17 regulations adopted by the Board pursuant to NRS 449.0303 to be  
18 licensed ~~{}~~ *or freestanding birthing center*, except for a complaint  
19 concerning the cost of services, conduct an investigation into the  
20 premises, facilities, qualifications of personnel, methods of  
21 operation, policies, procedures and records of that facility or any  
22 other medical facility, facility for the dependent, ~~{or}~~ facility which  
23 is required by the regulations adopted by the Board pursuant to NRS  
24 449.0303 to be licensed *or freestanding birthing center* which may  
25 have information pertinent to the complaint.

26 3. Employ such professional, technical and clerical assistance  
27 as it deems necessary to carry out the provisions of NRS 449.029 to  
28 449.245, inclusive ~~{}~~, *and section 12 of this act*.

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

30 449.0308 1. Except as otherwise provided in this section, the  
31 Division may charge and collect from a medical facility, facility for  
32 the dependent, ~~{or}~~ facility which is required by the regulations  
33 adopted by the Board pursuant to NRS 449.0303 to be licensed *or*  
34 *freestanding birthing center* or a person who operates such a  
35 facility without a license issued by the Division the actual costs  
36 incurred by the Division for the enforcement of the provisions of  
37 NRS 449.029 to 449.2428, inclusive, *and section 12 of this act*,  
38 including, without limitation, the actual cost of conducting an  
39 inspection or investigation of the facility.

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

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

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





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

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

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

9 449.089 1. Each license issued pursuant to NRS 449.029 to  
10 449.2428, inclusive, *and section 12 of this act* expires on  
11 December 31 following its issuance and is renewable for 1 year  
12 upon reapplication and payment of all fees required pursuant to  
13 NRS 449.050 unless the Division finds, after an investigation, that  
14 the facility has not:

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

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

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

22 2. Each reapplication for an agency to provide personal care  
23 services in the home, an agency to provide nursing in the home, a  
24 community health worker pool, a facility for intermediate care, a  
25 facility for skilled nursing, a provider of community-based living  
26 arrangement services, a hospital described in 42 U.S.C. §  
27 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient  
28 services to children, a psychiatric residential treatment facility, a  
29 residential facility for groups, a program of hospice care, a home for  
30 individual residential care, a facility for the care of adults during the  
31 day, a facility for hospice care, a nursing pool, a peer support  
32 recovery organization, the distinct part of a hospital which meets the  
33 requirements of a skilled nursing facility or nursing facility pursuant  
34 to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as  
35 described in 42 C.F.R. § 482.58 or, if residential services are  
36 provided to children, a medical facility or facility for the treatment  
37 of alcohol or other substance use disorders must include, without  
38 limitation, a statement that the facility, hospital, agency, program,  
39 pool, organization or home is in compliance with the provisions of  
40 NRS 449.115 to 449.125, inclusive, and 449.174.

41 3. Each reapplication for an agency to provide personal care  
42 services in the home, a community health worker pool, a facility for  
43 intermediate care, a facility for skilled nursing, a facility for the care  
44 of adults during the day, a peer support recovery organization, a  
45 residential facility for groups or a home for individual residential



1 care must include, without limitation, a statement that the holder of  
2 the license to operate, and the administrator or other person in  
3 charge and employees of, the facility, agency, pool, organization or  
4 home are in compliance with the provisions of NRS 449.093.

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

6 449.091 1. The Division may cancel the license of a medical  
7 facility, facility for the dependent , ~~for a~~ facility which is required  
8 by the regulations adopted by the Board pursuant to NRS 449.0303  
9 to be licensed *or freestanding birthing center* and issue a  
10 provisional license, effective for a period determined by the  
11 Division, to such a facility if it:

12 (a) Is in operation at the time of the adoption of standards and  
13 regulations pursuant to the provisions of NRS 449.029 to 449.2428,  
14 inclusive, *and section 12 of this act* and the Division determines  
15 that the facility requires a reasonable time under the particular  
16 circumstances within which to comply with the standards and  
17 regulations; or

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

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

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

28 449.101 1. A medical facility, facility for the dependent , ~~for~~  
29 facility which is otherwise required by regulations adopted by the  
30 Board pursuant to NRS 449.0303 to be licensed *or freestanding*  
31 *birthing center* and any employee or independent contractor of such  
32 a facility shall not discriminate in the admission of, or the provision  
33 of services to, a patient or resident based wholly or partially on the  
34 actual or perceived race, color, religion, national origin, ancestry,  
35 age, gender, physical or mental disability, sexual orientation, gender  
36 identity or expression or human immunodeficiency virus status of  
37 the patient or resident or any person with whom the patient or  
38 resident associates.

39 2. A medical facility, facility for the dependent , ~~for~~ facility  
40 which is otherwise required by regulations adopted by the Board  
41 pursuant to NRS 449.0303 to be licensed *or freestanding birthing*  
42 *center* shall:

43 (a) Develop and carry out policies to prevent the specific types  
44 of prohibited discrimination described in the regulations adopted by



1 the Board pursuant to NRS 449.0302 and meet any other  
2 requirements prescribed by regulations of the Board; and

3 (b) Post prominently in the facility and include on any Internet  
4 website used to market the facility the following statement:  
5

6 [Name of facility] does not discriminate and does not permit  
7 discrimination, including, without limitation, bullying, abuse  
8 or harassment, on the basis of actual or perceived race, color,  
9 religion, national origin, ancestry, age, gender, physical or  
10 mental disability, sexual orientation, gender identity or  
11 expression or HIV status, or based on association with  
12 another person on account of that person's actual or perceived  
13 race, color, religion, national origin, ancestry, age, gender,  
14 physical or mental disability, sexual orientation, gender  
15 identity or expression or HIV status.  
16

17 3. In addition to the statement prescribed by subsection 2, a  
18 facility for skilled nursing, facility for intermediate care or  
19 residential facility for groups shall post prominently in the facility  
20 and include on any Internet website used to market the facility:

21 (a) Notice that a patient or resident who has experienced  
22 prohibited discrimination may file a complaint with the Division;  
23 and

24 (b) The contact information for the Division.

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

26 (a) Require a medical facility, facility for the dependent , ~~for~~  
27 facility which is otherwise required by regulations adopted by the  
28 Board pursuant to NRS 449.0303 to be licensed *or freestanding*  
29 *birthing center* or an employee or independent contractor thereof to  
30 take or refrain from taking any action in violation of reasonable  
31 medical standards; or

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

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

39 449.102 A medical facility, facility for the dependent , ~~for~~  
40 facility which is otherwise required by regulations adopted by the  
41 Board pursuant to NRS 449.0303 to be licensed *or freestanding*  
42 *birthing center* shall:

43 1. Maintain the confidentiality of personally identifiable  
44 information concerning the sexual orientation of a patient or  
45 resident, whether the patient or resident is transgender or has



1 undergoe ~~[a gender transition]~~ *gender-affirming surgery* and the  
2 human immunodeficiency virus status of the patient or resident and  
3 take reasonable actions to prevent the unauthorized disclosure of  
4 such information;

5 2. Prohibit employees or independent contractors of the facility  
6 who are not performing a physical examination or directly providing  
7 care to a patient or resident from being present during any portion of  
8 the physical examination or care, as applicable, during which the  
9 patient or resident is fully or partially unclothed without the express  
10 permission of the patient or resident or the authorized representative  
11 of the patient or resident;

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

15 4. Allow a patient or resident to refuse to be examined,  
16 observed or treated by an employee or independent contractor of the  
17 facility for a purpose that is primarily educational rather than  
18 therapeutic.

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

20 449.103 1. To enable an agent or employee of a medical  
21 facility, facility for the dependent, ~~[or]~~ facility which is otherwise  
22 required by regulations adopted by the Board pursuant to NRS  
23 449.0303 to be licensed *or freestanding birthing center* who  
24 provides care to a patient or resident of the facility to more  
25 effectively treat patients or care for residents, as applicable, the  
26 Board shall, by regulation, require such a facility to conduct training  
27 relating specifically to cultural competency for any agent or  
28 employee of the facility who provides care to a patient or resident of  
29 the facility so that such an agent or employee may better understand  
30 patients or residents who have different cultural backgrounds,  
31 including, without limitation, patients or residents who are:

32 (a) From various ~~[gender,]~~ racial and ethnic backgrounds;

33 (b) From various religious backgrounds;

34 (c) ~~[Lesbian, gay, bisexual, transgender and questioning~~  
35 ~~persons;]~~ *Persons with various sexual orientations and gender*  
36 *identities or expressions;*

37 (d) Children and senior citizens;

38 (e) Persons with a mental or physical disability; and

39 (f) Part of any other population that such an agent or employee  
40 may need to better understand, as determined by the Board.

41 2. The training relating specifically to cultural competency  
42 conducted by a medical facility, facility for the dependent, ~~[or]~~  
43 facility which is otherwise required by regulations adopted by the  
44 Board pursuant to NRS 449.0303 to be licensed *or freestanding*  
45 *birthing center* pursuant to subsection 1 must be provided through a



1 course or program that is approved by the Department of Health and  
2 Human Services.

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

4 449.104 The Board shall adopt regulations that require a  
5 medical facility, facility for the dependent , ~~for~~ facility which is  
6 otherwise required by regulations adopted by the Board pursuant to  
7 NRS 449.0303 to be licensed *or freestanding birthing center* to:

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

11 2. Adapt electronic records to reflect the gender identities or  
12 expressions of patients or residents with diverse gender identities or  
13 expressions, including, without limitation:

14 (a) If the facility is a medical facility, adapting health records to  
15 meet the medical needs of patients or residents with diverse sexual  
16 orientations and gender identities or expressions, including, without  
17 limitation, integrating information concerning sexual orientation and  
18 gender identity or expression into electronic systems for maintaining  
19 health records; and

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

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

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

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

27 449.132 Every medical facility, facility for the dependent , ~~for~~  
28 facility which is required by the regulations adopted by the Board  
29 pursuant to NRS 449.0303 to be licensed *or freestanding birthing*  
30 *center* may be inspected at any time, with or without notice, as often  
31 as is necessary by:

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

34 2. Any person designated by the Aging and Disability Services  
35 Division of the Department of Health and Human Services to  
36 investigate complaints made against the facility.

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

38 449.160 1. The Division may deny an application for a  
39 license or may suspend or revoke any license issued under the  
40 provisions of NRS 449.029 to 449.2428, inclusive, *and section 12*  
41 *of this act* upon any of the following grounds:

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



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

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

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

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

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

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

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

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

22 (b) Is ordered to but fails to abate a nuisance pursuant to NRS  
23 244.360, 244.3603 or 268.4124; or

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

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

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

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

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

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

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

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



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

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

4 449.163 1. In addition to the payment of the amount required  
5 by NRS 449.0308, if a medical facility, facility for the dependent ,  
6 ~~for~~ facility which is required by the regulations adopted by the  
7 Board pursuant to NRS 449.0303 to be licensed *or freestanding*  
8 *birthing center* violates any provision related to its licensure,  
9 including any provision of NRS 439B.410 or 449.029 to 449.2428,  
10 inclusive, *and section 12 of this act*, or any condition, standard or  
11 regulation adopted by the Board, the Division, in accordance with  
12 the regulations adopted pursuant to NRS 449.165, may:

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

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

18 (c) If the license of the facility limits the occupancy of the  
19 facility and the facility has exceeded the approved occupancy,  
20 require the facility, at its own expense, to move patients to another  
21 facility that is licensed;

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

25 (e) Appoint temporary management to oversee the operation of  
26 the facility and to ensure the health and safety of the patients of the  
27 facility, until:

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

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

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

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

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

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

44 4. Any money collected as administrative penalties pursuant to  
45 paragraph (d) of subsection 1 must be accounted for separately and



1 used to administer and carry out the provisions of NRS 449.001 to  
2 449.430, inclusive, *and section 12 of this act*, 449.435 to 449.531,  
3 inclusive, and chapter 449A of NRS to protect the health, safety,  
4 well-being and property of the patients and residents of facilities in  
5 accordance with applicable state and federal standards or for any  
6 other purpose authorized by the Legislature.

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

8 449.165 The Board shall adopt regulations establishing the  
9 criteria for the imposition of each sanction prescribed by NRS  
10 449.163. These regulations must:

11 1. Prescribe the circumstances and manner in which each  
12 sanction applies;

13 2. Minimize the time between identification of a violation and  
14 the imposition of a sanction;

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

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

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

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

25 449.171 1. If the Division suspends the license of a medical  
26 facility, a facility for the dependent, ~~for~~ a facility which is required  
27 by the regulations adopted by the Board pursuant to NRS 449.0303  
28 to be licensed *or a freestanding birthing center* pursuant to the  
29 provisions of this chapter, or if a facility otherwise ceases to operate,  
30 including, without limitation, pursuant to an action or order of a  
31 health authority pursuant to chapter 441A of NRS, the Division  
32 may, if deemed necessary by the Administrator of the Division, take  
33 control of and ensure the safety of the medical records of the  
34 facility.

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

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

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





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

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

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

10 449.209 1. In addition to the requirements and prohibitions  
11 set forth in NRS 449.0305, and notwithstanding any exceptions set  
12 forth in that section, a licensed medical facility or an employee of  
13 such a medical facility shall not:

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

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

21 2. If a licensed medical facility or an employee of such a  
22 medical facility violates the provisions of subsection 1, the licensed  
23 medical facility is liable for a civil penalty to be recovered by the  
24 Attorney General in the name of the Board for the first offense of  
25 not more than \$10,000 and for a second or subsequent offense of not  
26 less than \$10,000 or more than \$20,000. Unless otherwise required  
27 by federal law, the Board shall deposit all civil penalties collected  
28 pursuant to this section into a separate account in the State General  
29 Fund to be used for the enforcement of this section and the  
30 protection of the health, safety, well-being and property of residents  
31 of residential facilities for groups.

32 3. The Board shall:

33 (a) Establish and maintain a system to track violations of this  
34 section and NRS 449.0305. Except as otherwise provided in this  
35 paragraph, records created by or for the system are public records  
36 and are available for public inspection. The following information is  
37 confidential:

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

40 (2) Information which may not be disclosed under federal  
41 law.

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

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



1 (a) A medical facility that is required to be licensed pursuant to  
2 NRS 449.029 to 449.2428, inclusive ~~{ }~~, *and section 12 of this act.*

3 (b) A facility for the dependent that is required to be licensed  
4 pursuant to NRS 449.029 to 449.2428, inclusive ~~{ }~~, *and section 12*  
5 *of this act.*

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

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

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

13 449.210 1. In addition to the payment of the amount required  
14 by NRS 449.0308 and any civil penalty imposed pursuant to  
15 subsection 4, a person who operates a medical facility, facility for  
16 the dependent, ~~{or}~~ a facility which is required by the regulations  
17 adopted by the Board pursuant to NRS 449.0303 to be licensed *or*  
18 *freestanding birthing center* without a license issued by the  
19 Division is guilty of a misdemeanor.

20 2. If the Division believes that a person is operating a medical  
21 facility, facility for the dependent, ~~{or}~~ a facility which is required  
22 by the regulations adopted by the Board pursuant to NRS 449.0303  
23 to be licensed *or freestanding birthing center* without such a  
24 license, the Division may issue an order to cease and desist the  
25 operation of the facility. The order must be served upon the person  
26 by personal delivery or by certified or registered mail, return receipt  
27 requested. The order is effective upon service.

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

35 4. Upon a showing by the Division that a person is operating a  
36 medical facility, facility for the dependent, ~~{or a}~~ facility which is  
37 required by the regulations adopted by the Board pursuant to NRS  
38 449.0303 to be licensed *or freestanding birthing center* without a  
39 license, a court of competent jurisdiction may:

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

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



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

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

10 449.220 1. The Division may bring an action in the name of  
11 the State to enjoin any person, state or local government unit or  
12 agency thereof from operating or maintaining any facility within the  
13 meaning of NRS 449.029 to 449.2428, inclusive ~~{}~~, *and section 12*  
14 *of this act*:

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

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

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

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

22 449.240 The district attorney of the county in which the facility  
23 is located shall, upon application by the Division, institute and  
24 conduct the prosecution of any action for violation of any provisions  
25 of NRS 449.029 to 449.245, inclusive ~~{}~~, *and section 12 of this*  
26 *act*.

27 **Sec. 33.5.** NRS 449.245 is hereby amended to read as follows:

28 449.245 1. No hospital licensed under the provisions of NRS  
29 449.029 to 449.2428, inclusive, may release from the hospital or  
30 otherwise surrender physical custody of any child under 6 months of  
31 age, whose living parent or guardian is known to the hospital, to any  
32 person other than a parent, guardian or relative by blood or marriage  
33 of that child, without a written authorization signed by a living  
34 parent, who must be the ~~mother~~ *person who gave birth to the*  
35 *child* if unwed, or guardian specifying the particular person or  
36 agency to whom the child may be released and the permanent  
37 address of that person or agency.

38 2. Upon the release or other surrender of physical custody of  
39 the child, the hospital shall require from the person to whom the  
40 child is released such reasonable proof of identity as the hospital  
41 may deem necessary for compliance with the provisions of this  
42 section. The hospital shall furnish a true copy of the written  
43 authorization to the Division of Child and Family Services of the  
44 Department of Health and Human Services before the release or  
45 other surrender by it of physical custody of the child. The copy must



1 be furnished to the Division immediately upon receipt by the  
2 hospital.

3 3. Any person to whom any such child is released who  
4 thereafter surrenders physical custody of that child to any other  
5 person or agency shall, upon demand by the Division of Child and  
6 Family Services, disclose to the Division the name and permanent  
7 address of the person or agency to whom physical custody of the  
8 child was delivered.

9 4. Except as otherwise provided in NRS 239.0115, all  
10 information received by the Division of Child and Family Services  
11 pursuant to the provisions of this section is confidential and must be  
12 protected from disclosure in the same manner that information is  
13 protected under NRS 432.035.

14 5. Compliance with the provisions of this section is not a  
15 substitute for compliance with NRS 127.220 to 127.310, inclusive,  
16 governing placements for adoption and permanent free care.

17 6. A violation of any provision of this section is a  
18 misdemeanor.

19 **Sec. 34.** NRS 449.246 is hereby amended to read as follows:

20 449.246 1. Before discharging an unmarried woman who has  
21 borne a child, a hospital, ~~for~~ obstetric center *or freestanding*  
22 *birthing center* shall provide to the child's parents:

23 (a) The opportunity to sign, in the hospital, a declaration for the  
24 voluntary acknowledgment of paternity developed pursuant to  
25 NRS 440.283;

26 (b) Written materials about establishing paternity;

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

28 (d) A written description of the rights and responsibilities of  
29 acknowledging paternity; and

30 (e) The opportunity to speak by telephone with personnel of the  
31 program for enforcement of child support who are trained to clarify  
32 information and answer questions about the establishment of  
33 paternity.

34 2. The Administrator of the Division of Welfare and  
35 Supportive Services of the Department of Health and Human  
36 Services shall adopt the regulations necessary to ensure that the  
37 services provided by a hospital, ~~for~~ obstetric center *or*  
38 *freestanding birthing center* pursuant to this section are in  
39 compliance with the regulations adopted by the Secretary of Health  
40 and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

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

42 449A.056 "Obstetric center" ~~[means a facility that is not part of~~  
43 ~~a hospital and provides services for normal, uncomplicated births.]~~  
44 *has the meaning ascribed to it in NRS 449.0155.*



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

5     **Sec. 37.** 1. This section becomes effective upon passage and  
6 approval.

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

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

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

