

Amendment No. 209

Assembly Amendment to Assembly Bill No. 287	(BDR 40-799)
Proposed by: Assembly Committee on Health and Human Services	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date		SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

KRO/BJF



Date: 4/19/2021

A.B. No. 287—Providing for the licensing and regulating of freestanding birthing centers. (BDR 40-799)



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:

Existing law requires a midwife to perform certain duties relating to the registration of a birth and the care of a person who is pregnant or a newborn infant. (NRS 440.280, 440.340, 440.740, 440.770, 442.008, 442.030-442.110, 442.600-442.680) Sections 1 and 3 of this bill define the term “midwife” for those purposes to include a Certified Professional Midwife, a Certified Nurse-Midwife or any other 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 this bill replace the term “mother” with references to a person who is pregnant, a person giving birth, a person who gave birth or a person who has given birth, as appropriate, for purposes relating to vital statistics, maternal and child health and medical facilities and related entities. Section 22 of this bill replaces the term “gender transition” with the term “gender-affirming surgery.” Section 23 of this bill replaces a reference to lesbian, gay, bisexual, transgender and questioning persons with a reference to persons with various sexual orientations and gender identities and expressions.

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

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27 enforce provisions governing freestanding birthing centers. **Sections 16, 19, 21-24 and 30** of
 28 this bill make various other changes to ensure that freestanding birthing centers are treated
 29 similarly to other licensed facilities that provide health-related services.

30 Existing law requires the Board to develop and distribute to each hospital and obstetric
 31 center in the State forms for a voluntary acknowledgement of paternity or parentage. (NRS
 32 440.283, 440.285) **Sections 1.9 and 2** of this bill additionally require the Board to
 33 distribute these forms to each freestanding birthing center.

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

7 **(b) A Certified Nurse-Midwife by the American Midwifery Certification**
 8 **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 which the child
 12 shows evidence of life after complete birth. A birth is complete when the child is
 13 entirely outside the ~~mother's~~ **person giving birth**, even if the cord is uncut and the
 14 placenta still attached. The words "evidence of life" include heart action, breathing
 15 or coordinated movement of voluntary muscle.

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

17 440.280 1. If a birth occurs in a hospital or the ~~mother's~~ **person giving birth**
 18 and child are immediately transported to a hospital, the person in charge of the
 19 hospital or his or her designated representative shall obtain the necessary
 20 information, prepare a birth certificate, secure the signatures required by the
 21 certificate and file it within 10 days with the health officer of the registration
 22 district where the birth occurred. The physician in attendance shall provide the
 23 medical information required by the certificate and certify to the fact of birth within
 24 72 hours after the birth. If the physician does not certify to the fact of birth within
 25 the required 72 hours, the person in charge of the hospital or the designated
 26 representative shall complete and sign the certification.

27 2. If a birth occurs outside a hospital and the ~~mother's~~ **person giving birth** and
 28 child are not immediately transported to a hospital, the birth certificate must be
 29 prepared and filed by one of the following persons in the following order of
 30 priority:

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

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

1 (c) The ~~father, mother~~ person giving birth or ~~her~~ other parent, or if the
2 ~~father~~ other parent is absent and the ~~mother~~ person giving birth is
3 incapacitated, the person in charge of the premises where the birth occurred.

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

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

8 5. If the ~~mother~~ person giving birth was:

9 (a) Married at the time of birth, the name of ~~her~~ the spouse of that person
10 must be entered on the certificate as the other parent of the child unless:

11 (1) A court has issued an order establishing that a person other than the
12 ~~mother's~~ spouse of the person giving birth is the other parent of the child; or

13 (2) The ~~mother~~ person giving birth and a person other than the
14 ~~mother's~~ spouse of the person giving birth have signed a declaration for the
15 voluntary acknowledgment of paternity developed by the Board pursuant to NRS
16 440.283 or a declaration for the voluntary acknowledgment of parentage developed
17 by the Board pursuant to NRS 440.285.

18 (b) Widowed at the time of birth but married at the time of conception, the
19 name of ~~her~~ the spouse of the person giving birth at the time of conception must
20 be entered on the certificate as the other parent of the child unless:

21 (1) A court has issued an order establishing that a person other than the
22 ~~mother's~~ spouse of the person giving birth at the time of conception is the other
23 parent of the child; or

24 (2) The ~~mother~~ person giving birth and a person other than the
25 ~~mother's~~ spouse of the person giving birth at the time of conception have signed
26 a declaration for the voluntary acknowledgment of paternity developed by the
27 Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment
28 of parentage developed by the Board pursuant to NRS 440.285.

29 6. If the ~~mother~~ person giving birth was unmarried at the time of birth, the
30 name of the other parent may be entered on the original certificate of birth only if:

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

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

34 (c) The parents of the child have signed a declaration for the voluntary
35 acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or
36 a declaration for the voluntary acknowledgment of parentage developed by the
37 Board pursuant to NRS 440.285. If both parents execute a declaration consenting to
38 the use of the surname of one parent as the surname of the child, the name of that
39 parent must be entered on the original certificate of birth and the surname of that
40 parent must be entered thereon as the surname of the child.

41 7. An order entered or a declaration executed pursuant to subsection 6 must
42 be submitted to the local health officer, the local health officer's authorized
43 representative, or the attending physician or midwife before a proper certificate of
44 birth is forwarded to the State Registrar. The order or declaration must then be
45 delivered to the State Registrar for filing. The State Registrar's file of orders and
46 declarations must be sealed and the contents of the file may be examined only upon
47 order of a court of competent jurisdiction or at the request of either parent or the
48 Division of Welfare and Supportive Services of the Department of Health and
49 Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The
50 local health officer shall complete the original certificate of birth in accordance
51 with subsection 6 and other provisions of this chapter.

52 8. As used in this section, "court" has the meaning ascribed to it in NRS
53 125B.004.

~~Section 1.1~~ **Sec. 1.9.** NRS 440.283 is hereby amended to read as follows:

440.283 1. The Board shall:

(a) Develop a declaration to be signed under penalty of perjury for the voluntary acknowledgment of paternity in this State that complies with the requirements prescribed by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 652(a); and

(b) Distribute the declarations to:

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

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

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

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

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

440.285 1. The Board shall:

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

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

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

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

440.287 1. If a ~~mother~~ person who has given birth or a person who has signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285 with the ~~mother~~ person who has given birth rescinds the acknowledgment pursuant to subsection 2 of NRS 126.053, the State Registrar shall not issue a new certificate of birth to remove the name of the person who originally acknowledged paternity or parentage, as applicable, unless a court issues an order establishing that the person who acknowledged paternity or parentage, as applicable, is not the father or parent, as applicable, of the child.

2. As used in this section, “court” has the meaning ascribed to it in NRS 125B.004.

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

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

1 (a) ~~[(Mother)]~~ Person who gave birth and ~~[(father)]~~ other parent acknowledging
 2 paternity of a child by signing a declaration for the voluntary acknowledgment of
 3 paternity developed by the Board pursuant to NRS 440.283;

4 (b) ~~[(Mother)]~~ Person who gave birth and another person acknowledging
 5 parentage of the child by signing a declaration for the voluntary acknowledgment of
 6 parentage developed by the Board pursuant to NRS 440.285; or

7 (c) Order of a district court,

8 ➤ the State Registrar, upon the receipt of the declaration or court order, shall
 9 prepare a new certificate of birth in the name of the child as shown in the
 10 declaration or order with no reference to the fact of legitimation.

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

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

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

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

22 440.610 Each certificate, as provided for in this chapter, filed within 6 months
 23 after the time prescribed for their filing, shall be prima facie evidence of the facts
 24 therein stated. Data pertaining to the ~~[(father of)]~~ parent who did not give birth to
 25 a child is such evidence if the alleged ~~[(father)]~~ parent is, or becomes, the ~~[(husband)]~~
 26 spouse of the ~~[(mother)]~~ person who gave birth to the child in a legal marriage; if
 27 not, the data pertaining to the ~~[(father of)]~~ parent who did not give birth to a child is
 28 not such evidence in any civil or criminal proceeding adverse to the interests of the
 29 alleged father, or of his heirs, devisees or other successors in interest, if the
 30 paternity is controverted.

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

32 442.003 As used in this chapter, unless the context requires otherwise:

33 1. "Advisory Board" means the Advisory Board on Maternal and Child
 34 Health.

35 2. "Department" means the Department of Health and Human Services.

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

37 4. "Division" means the Division of Public and Behavioral Health of the
 38 Department.

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

40 6. **"Freestanding birthing center" has the meaning ascribed to it in section**
 41 **11 of this act.**

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

43 ~~[(7)]~~ 8. **"Midwife" means:**

44 **(a) A person certified as:**

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

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

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

50 "Obstetric center" has the meaning ascribed to it in NRS 449.0155.

51 ~~[(8)]~~ 9. "Provider of health care or other services" means:

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

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

4 (c) A licensed nurse;

5 (d) A licensed psychologist;

6 (e) A licensed marriage and family therapist;

7 (f) A licensed clinical professional counselor;

8 (g) A licensed social worker;

9 (h) A licensed dietitian; or

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

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

12 442.008 1. The State Board of Health shall adopt regulations governing
13 examinations and tests required for the discovery in infants of preventable or
14 inheritable disorders, including tests for the presence of sickle cell disease and its
15 variants and sickle cell trait.

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

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

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

25 3. Any examination or test required by the regulations adopted pursuant to
26 subsection 1 which must be performed by a laboratory must be sent to the State
27 Public Health Laboratory. If the State Public Health Laboratory increases the
28 amount charged for performing such an examination or test pursuant to NRS
29 439.240, the Division shall hold a public hearing during which the State Public
30 Health Laboratory shall provide to the Division a written and verbal fiscal analysis
31 of the reasons for the increased charges.

32 4. Except as otherwise provided in subsection 7, the regulations adopted
33 pursuant to subsection 1 concerning tests for the presence of sickle cell disease and
34 its variants and sickle cell trait must require the screening for sickle cell disease and
35 its variants and sickle cell trait of:

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

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

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

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

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

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

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

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

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

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

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

14 442.040 1. Any physician, midwife, nurse, obstetric center, freestanding
15 birthing center or hospital of any nature, parent, relative or person attending or
16 assisting in any way any infant, or the ~~mother of~~ person who gave birth to any
17 infant, at childbirth, or any time within 2 weeks after childbirth, knowing the
18 condition defined in NRS 442.030 to exist, shall immediately report such fact in
19 writing to the local health officer of the county, city or other political subdivision
20 within which the infant or the ~~mother of~~ person who gave birth to any infant may
21 reside.

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

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

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

31 442.110 Any physician, midwife, nurse, manager or person in charge of an
32 obstetric center, freestanding birthing center or hospital, parent, relative or person
33 attending upon or assisting at the birth of an infant who violates any of the
34 provisions of NRS 442.030 to 442.100, inclusive, shall be punished by a fine of not
35 more than \$250.

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

37 442.130 1. The Department is hereby designated as the agency of this State
38 to administer, through the Division, a maternal and child health program, and to
39 supervise the administration of those services included in the program which are
40 not administered directly by it.

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

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

46 442.137 The purpose of the Advisory Board is to advise the Administrator of
47 the Division concerning perinatal care to enhance the survivability and health of
48 infants and ~~mothers,~~ persons who are pregnant, are giving birth and have given
49 birth, and concerning programs to improve the health of preschool children, to
50 achieve the following objectives:

- 51 1. Ensuring the availability and accessibility of primary care health services;
- 52 2. Reducing the rate of infant mortality;

1 3. Reducing the incidence of preventable diseases and handicapping
2 conditions among children;

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

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

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

8 7. Increasing the number of children who are appropriately immunized
9 against disease;

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

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

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

17 11. Assisting the University of Nevada School of Medicine in reviewing,
18 amending and distributing the guidelines it is required to develop pursuant to NRS
19 442.390; and

20 12. Promoting the health of infants and ~~mothers~~ persons who are pregnant,
21 are giving birth or have given birth by ensuring the availability and accessibility of
22 affordable perinatal services.

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

24 442.325 1. Except as otherwise provided in subsection 2, the chief
25 administrative officer of each hospital, ~~and~~ obstetric center and freestanding
26 birthing center or a representative of the officer shall:

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

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

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

32 (b) Make available to the Chief Medical Officer or a representative of the
33 Officer the records of the hospital, ~~or~~ obstetric center or freestanding birthing
34 center regarding:

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

37 (2) Patients discharged with adverse birth outcomes.

38 2. The name of a patient must be excluded from the information prepared and
39 made available pursuant to subsection 1 if the patient or, if the patient is a minor, a
40 parent or legal guardian of the patient has requested in writing to exclude the name
41 of the patient from that information in the manner prescribed by the State Board of
42 Health pursuant to NRS 442.320. The provisions of this subsection do not relieve
43 the chief administrative officer of the duty of preparing and making available the
44 information required by subsection 1.

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

49 4. As used in this section, "hospital" has the meaning ascribed to it in NRS
50 449.012.

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

52 442.400 The agency which provides child welfare services or a licensed
53 child-placing agency shall inquire, during its initial contact with a natural parent of

1 a child who is to be placed for adoption, about consumption of alcohol by or any
2 substance use disorder of the ~~[mother of]~~ person who gave birth to the child during
3 pregnancy. The information obtained from the inquiry must be:

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

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

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

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

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

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

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

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

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

27 1. Included in the report the agency is required to make pursuant to NRS
28 432B.540; and

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

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 pursuant to
37 chapter 449 of NRS.

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

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

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

47 442.680 1. Except as otherwise provided in subsection 3, any physician,
48 midwife or nurse attending or assisting in any way any infant at childbirth at an
49 obstetric center, *a freestanding birthing center* or a hospital which regularly offers
50 obstetric services in the normal course of business and not only on an emergency
51 basis shall make or cause to be made an examination of the infant, to determine
52 whether the infant may suffer from critical congenital heart disease, including,
53 without limitation, conducting pulse oximetry screening. If the physician, midwife

1 or nurse who conducts the examination is not the attending physician of the infant,
2 the physician, midwife or nurse shall submit the results of the examination to the
3 attending physician of the infant.

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

9 (a) Report the condition to the Chief Medical Officer or a representative of the
10 Chief Medical Officer; and

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

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

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

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

21 442.761 "Severe maternal morbidity" means an unexpected incident during
22 childbirth that has a serious negative effect on the short-term or long-term health of
23 the ~~mother,~~ **person who is giving birth or has given birth to a child.**

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

25 442.774 1. The Committee is entitled to access to:

26 (a) All final investigative information of law enforcement agencies regarding a
27 maternal death or incident of severe maternal morbidity being investigated by the
28 Committee for which the investigation by the law enforcement agency has been
29 closed;

30 (b) Any autopsy and coroner's investigative records relating to the death or
31 incident;

32 (c) Any medical or mental health records of the ~~mother,~~ **person who gave**
33 **birth to a child;**

34 (d) Any records of social and rehabilitative services or of any other social
35 service agency which has provided services to the ~~mother,~~ **person who gave birth**
36 **to a child** or the ~~mother's~~ family, **+** **of the person who gave birth to a child;** and

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

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

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

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

44 3. The Committee may petition the district court for the issuance of, and the
45 district court may issue, a subpoena to compel the production of any books, records
46 or papers described in subsection 1 that are relevant to the cause of any death or
47 incident of severe maternal morbidity being investigated by the Committee. Except
48 as otherwise provided in NRS 239.0115, any books, records or papers received by
49 the Committee pursuant to the subpoena shall be deemed confidential and
50 privileged and not subject to disclosure.

51 4. The Committee may use data collected concerning a maternal death or
52 incident of severe maternal morbidity for the purpose of research or to prevent

1 future maternal mortality and severe maternal morbidity if the data is aggregated
2 and does not allow for the identification of any person.

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

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

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

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

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

15 (a) *Regulations providing for the licensure of freestanding birthing centers;*
16 *and*

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

19 2. *Any regulations adopted pursuant to this section:*

20 (a) *Must align with the standards established by the American Association of*
21 *Birth Centers, or its successor organization, the accrediting body of the*
22 *Commission for the Accreditation of Birth Centers, or its successor organization,*
23 *or another nationally recognized organization for accrediting freestanding*
24 *birthing centers; and*

25 (b) *Must allow the provision of supervised training to providers of health*
26 *care, as appropriate, at a freestanding birthing center.*

27 3. *A freestanding birthing center must be located within 30 miles of a*
28 *hospital that offers obstetric ~~and nursery services~~, neonatal and emergency*
29 *services relating to pregnancy.*

30 ~~3.~~ 4. *Surgery, including, without limitation, the use of forceps, vacuum*
31 *extractions, Caesarean sections and tubal ligations, must not be performed at a*
32 *freestanding birthing center.*

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

34 449.001 As used in this chapter, unless the context otherwise requires, the
35 words and terms defined in NRS 449.0015 to 449.0195, inclusive, *and section 11*
36 *of this act* have the meanings ascribed to them in those sections.

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

38 449.0155 “Obstetric center” means a facility that is not part of a hospital and
39 provides services for normal, uncomplicated births. *The term does not include a*
40 *freestanding birthing center.*

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

42 449.029 As used in NRS 449.029 to 449.240, inclusive, *and section 12 of*
43 *this act*, unless the context otherwise requires, “medical facility” has the meaning
44 ascribed to it in NRS 449.0151 and includes a program of hospice care described in
45 NRS 449.196.

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

47 449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, *and section*
48 *12 of this act* do not apply to:

49 1. Any facility conducted by and for the adherents of any church or religious
50 denomination for the purpose of providing facilities for the care and treatment of
51 the sick who depend solely upon spiritual means through prayer for healing in the
52 practice of the religion of the church or denomination, except that such a facility

1 shall comply with all regulations relative to sanitation and safety applicable to other
2 facilities of a similar category.

3 2. Foster homes as defined in NRS 424.014.

4 3. Any medical facility, facility for the dependent , ~~for~~ facility which is
5 otherwise required by the regulations adopted by the Board pursuant to NRS
6 449.0303 to be licensed *or freestanding birthing center* that is operated and
7 maintained by the United States Government or an agency thereof.

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

9 449.0307 The Division may:

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

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

26 3. Employ such professional, technical and clerical assistance as it deems
27 necessary to carry out the provisions of NRS 449.029 to 449.245, inclusive ~~for~~ , *and*
28 *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 Division may
31 charge and collect from a medical facility, facility for the dependent , ~~for~~ facility
32 which is required by the regulations adopted by the Board pursuant to NRS
33 449.0303 to be licensed *or freestanding birthing center* or a person who operates
34 such a facility without a license issued by the Division the actual costs incurred by
35 the Division for the enforcement of the provisions of NRS 449.029 to 449.2428,
36 inclusive, *and section 12 of this act*, including, without limitation, the actual cost of
37 conducting an inspection or investigation of the facility.

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

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

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

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

47 4. The provisions of this section do not apply to any costs incurred by the
48 Division for the enforcement of the provisions of NRS 449.24185, 449.2419 or
49 449.24195.

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

51 449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428,
52 inclusive, *and section 12 of this act* expires on December 31 following its issuance
53 and is renewable for 1 year upon reapplication and payment of all fees required

1 pursuant to NRS 449.050 unless the Division finds, after an investigation, that the
2 facility has not:

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

6 (b) Obtained the approval of the Director of the Department of Health and
7 Human Services before undertaking a project, if such approval is required by NRS
8 439A.100; or

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

10 2. Each reapplication for an agency to provide personal care services in the
11 home, an agency to provide nursing in the home, a community health worker pool,
12 a facility for intermediate care, a facility for skilled nursing, a provider of
13 community-based living arrangement services, a hospital described in 42 U.S.C. §
14 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to
15 children, a psychiatric residential treatment facility, a residential facility for groups,
16 a program of hospice care, a home for individual residential care, a facility for the
17 care of adults during the day, a facility for hospice care, a nursing pool, a peer
18 support recovery organization, the distinct part of a hospital which meets the
19 requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. §
20 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. §
21 482.58 or, if residential services are provided to children, a medical facility or
22 facility for the treatment of alcohol or other substance use disorders must include,
23 without limitation, a statement that the facility, hospital, agency, program, pool,
24 organization or home is in compliance with the provisions of NRS 449.115 to
25 449.125, inclusive, and 449.174.

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

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

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

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

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

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

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

2 449.101 1. A medical facility, facility for the dependent , ~~for~~ facility which
3 is otherwise required by regulations adopted by the Board pursuant to NRS
4 449.0303 to be licensed *or freestanding birthing center* and any employee or
5 independent contractor of such a facility shall not discriminate in the admission of,
6 or the provision of services to, a patient or resident based wholly or partially on the
7 actual or perceived race, color, religion, national origin, ancestry, age, gender,
8 physical or mental disability, sexual orientation, gender identity or expression or
9 human immunodeficiency virus status of the patient or resident or any person with
10 whom the patient or resident associates.

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

14 (a) Develop and carry out policies to prevent the specific types of prohibited
15 discrimination described in the regulations adopted by the Board pursuant to NRS
16 449.0302 and meet any other requirements prescribed by regulations of the Board;
17 and

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

20
21 [Name of facility] does not discriminate and does not permit discrimination,
22 including, without limitation, bullying, abuse or harassment, on the basis of
23 actual or perceived race, color, religion, national origin, ancestry, age,
24 gender, physical or mental disability, sexual orientation, gender identity or
25 expression or HIV status, or based on association with another person on
26 account of that person's actual or perceived race, color, religion, national
27 origin, ancestry, age, gender, physical or mental disability, sexual
28 orientation, gender identity or expression or HIV status.
29

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

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

36 (b) The contact information for the Division.

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

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

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

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

49 449.102 A medical facility, facility for the dependent , ~~for~~ facility which is
50 otherwise required by regulations adopted by the Board pursuant to NRS 449.0303
51 to be licensed *or freestanding birthing center* shall:

52 1. Maintain the confidentiality of personally identifiable information
53 concerning the sexual orientation of a patient or resident, whether the patient or

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

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

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

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

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

17 449.103 1. To enable an agent or employee of a medical facility, facility for
 18 the dependent, ~~[or]~~ facility which is otherwise required by regulations adopted by
 19 the Board pursuant to NRS 449.0303 to be licensed ***or freestanding birthing center***
 20 who provides care to a patient or resident of the facility to more effectively treat
 21 patients or care for residents, as applicable, the Board shall, by regulation, require
 22 such a facility to conduct training relating specifically to cultural competency for
 23 any agent or employee of the facility who provides care to a patient or resident of
 24 the facility so that such an agent or employee may better understand patients or
 25 residents who have different cultural backgrounds, including, without limitation,
 26 patients or residents who are:

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

28 (b) From various religious backgrounds;

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

31 (d) Children and senior citizens;

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

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

35 2. The training relating specifically to cultural competency conducted by a
 36 medical facility, facility for the dependent, ~~[or]~~ facility which is otherwise required
 37 by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed ***or***
 38 ***freestanding birthing center*** pursuant to subsection 1 must be provided through a
 39 course or program that is approved by the Department of Health and Human
 40 Services.

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

42 449.104 The Board shall adopt regulations that require a medical facility,
 43 facility for the dependent, ~~[or]~~ facility which is otherwise required by regulations
 44 adopted by the Board pursuant to NRS 449.0303 to be licensed ***or freestanding***
 45 ***birthing center*** to:

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

49 2. Adapt electronic records to reflect the gender identities or expressions of
 50 patients or residents with diverse gender identities or expressions, including,
 51 without limitation:

52 (a) If the facility is a medical facility, adapting health records to meet the
 53 medical needs of patients or residents with diverse sexual orientations and gender

1 identities or expressions, including, without limitation, integrating information
2 concerning sexual orientation and gender identity or expression into electronic
3 systems for maintaining health records; and

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

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

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

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

10 449.132 Every medical facility, facility for the dependent, ~~for~~ facility which
11 is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be
12 licensed *or freestanding birthing center* may be inspected at any time, with or
13 without notice, as often as is necessary by:

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

16 2. Any person designated by the Aging and Disability Services Division of
17 the Department of Health and Human Services to investigate complaints made
18 against the facility.

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

20 449.160 1. The Division may deny an application for a license or may
21 suspend or revoke any license issued under the provisions of NRS 449.029 to
22 449.2428, inclusive, *and section 12 of this act* upon any of the following grounds:

23 (a) Violation by the applicant or the licensee of any of the provisions of NRS
24 439B.410 or 449.029 to 449.245, inclusive, *and section 12 of this act* or of any
25 other law of this State or of the standards, rules and regulations adopted thereunder.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 ➤ The facility shall make the information available to the public pursuant to NRS
3 449.2486.

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

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

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

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

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

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

21 (b) Limit the occupancy of the facility to the number of beds occupied when
22 the violation occurred, until it determines that the facility has corrected the
23 violation;

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

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

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

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

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

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

38 (a) Suspend the license of the facility until the administrative penalty is paid;
39 and

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

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

46 4. Any money collected as administrative penalties pursuant to paragraph (d)
47 of subsection 1 must be accounted for separately and used to administer and carry
48 out the provisions of NRS 449.001 to 449.430, inclusive, *and section 12 of this act*,
49 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health,
50 safety, well-being and property of the patients and residents of facilities in
51 accordance with applicable state and federal standards or for any other purpose
52 authorized by the Legislature.

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

2 449.165 The Board shall adopt regulations establishing the criteria for the
3 imposition of each sanction prescribed by NRS 449.163. These regulations must:

- 4 1. Prescribe the circumstances and manner in which each sanction applies;
5 2. Minimize the time between identification of a violation and the imposition
6 of a sanction;
7 3. Provide for the imposition of incrementally more severe sanctions for
8 repeated or uncorrected violations;
9 4. Provide for less severe sanctions for lesser violations of applicable state
10 statutes, conditions, standards or regulations; and
11 5. Establish an administrative penalty to be imposed if a violation by a
12 medical facility, *a* facility for the dependent, ~~for~~ a facility which is required by the
13 regulations adopted by the Board pursuant to NRS 449.0303 to be licensed *or a*
14 *freestanding birthing center* causes harm or the risk of harm to more than one
15 person.

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

17 449.171 1. If the Division suspends the license of a medical facility, a
18 facility for the dependent, ~~for~~ a facility which is required by the regulations
19 adopted by the Board pursuant to NRS 449.0303 to be licensed *or a freestanding*
20 *birthing center* pursuant to the provisions of this chapter, or if a facility otherwise
21 ceases to operate, including, without limitation, pursuant to an action or order of a
22 health authority pursuant to chapter 441A of NRS, the Division may, if deemed
23 necessary by the Administrator of the Division, take control of and ensure the
24 safety of the medical records of the facility.

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

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

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

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

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

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

40 449.209 1. In addition to the requirements and prohibitions set forth in NRS
41 449.0305, and notwithstanding any exceptions set forth in that section, a licensed
42 medical facility or an employee of such a medical facility shall not:

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

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

49 2. If a licensed medical facility or an employee of such a medical facility
50 violates the provisions of subsection 1, the licensed medical facility is liable for a
51 civil penalty to be recovered by the Attorney General in the name of the Board for
52 the first offense of not more than \$10,000 and for a second or subsequent offense of
53 not less than \$10,000 or more than \$20,000. Unless otherwise required by federal

1 law, the Board shall deposit all civil penalties collected pursuant to this section into
2 a separate account in the State General Fund to be used for the enforcement of this
3 section and the protection of the health, safety, well-being and property of residents
4 of residential facilities for groups.

5 3. The Board shall:

6 (a) Establish and maintain a system to track violations of this section and NRS
7 449.0305. Except as otherwise provided in this paragraph, records created by or for
8 the system are public records and are available for public inspection. The following
9 information is confidential:

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

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

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

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

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

18 (b) A facility for the dependent that is required to be licensed pursuant to NRS
19 449.029 to 449.2428, inclusive ~~{,}~~, *and section 12 of this act.*

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

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

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

25 449.210 1. In addition to the payment of the amount required by NRS
26 449.0308 and any civil penalty imposed pursuant to subsection 4, a person who
27 operates a medical facility, facility for the dependent , ~~{or}~~ a facility which is
28 required by the regulations adopted by the Board pursuant to NRS 449.0303 to be
29 licensed *or freestanding birthing center* without a license issued by the Division is
30 guilty of a misdemeanor.

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

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

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

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

50 (b) Impose a civil penalty on the operator to be recovered by the Division of
51 not more than \$10,000 for the first offense or not less than \$10,000 or more than
52 \$25,000 for a second or subsequent offense.

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

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

8 449.220 1. The Division may bring an action in the name of the State to
9 enjoin any person, state or local government unit or agency thereof from operating
10 or maintaining any facility within the meaning of NRS 449.029 to 449.2428,
11 inclusive ~~(f)~~, *and section 12 of this act*:

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

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

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

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

17 449.240 The district attorney of the county in which the facility is located
18 shall, upon application by the Division, institute and conduct the prosecution of any
19 action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~(f)~~,
20 *and section 12 of this act*.

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

22 449.245 1. No hospital licensed under the provisions of NRS 449.029 to
23 449.2428, inclusive, may release from the hospital or otherwise surrender physical
24 custody of any child under 6 months of age, whose living parent or guardian is
25 known to the hospital, to any person other than a parent, guardian or relative by
26 blood or marriage of that child, without a written authorization signed by a living
27 parent, who must be the ~~(mother)~~ *person who gave birth to the child* if unwed, or
28 guardian specifying the particular person or agency to whom the child may be
29 released and the permanent address of that person or agency.

30 2. Upon the release or other surrender of physical custody of the child, the
31 hospital shall require from the person to whom the child is released such reasonable
32 proof of identity as the hospital may deem necessary for compliance with the
33 provisions of this section. The hospital shall furnish a true copy of the written
34 authorization to the Division of Child and Family Services of the Department of
35 Health and Human Services before the release or other surrender by it of physical
36 custody of the child. The copy must be furnished to the Division immediately upon
37 receipt by the hospital.

38 3. Any person to whom any such child is released who thereafter surrenders
39 physical custody of that child to any other person or agency shall, upon demand by
40 the Division of Child and Family Services, disclose to the Division the name and
41 permanent address of the person or agency to whom physical custody of the child
42 was delivered.

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

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

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

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

2 449.246 1. Before discharging an unmarried woman who has borne a child,
3 a hospital, ~~or~~ obstetric center *or freestanding birthing center* shall provide to the
4 child's parents:

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

7 (b) Written materials about establishing paternity;

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

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

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

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

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

21 449A.056 "Obstetric center" ~~means a facility that is not part of a hospital and~~
22 ~~provides services for normal, uncomplicated births.~~ *has the meaning ascribed to it*
23 *in NRS 449.0155.*

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

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

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

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

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