

SENATE BILL NO. 240—SENATOR SPEARMAN

MARCH 15, 2021

Referred to Committee on Health and Human Services

SUMMARY—Requires hospitals to submit a report concerning certain charges. (BDR 40-5)

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 hospitals; requiring each hospital to report certain information relating to the prices of items and services to the Division of Public and Behavioral Health of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing federal regulations require hospitals to make public certain
2 information relating to the standard charges for certain items and services provided
3 by the hospital and to update that information at least once annually. (45 C.F.R.
4 Part 180, Subpart B) **Section 1** of this bill requires each hospital in this State to
5 submit to the Division of Public and Behavioral Health of the Department of Health
6 and Human Services annually a report containing that information. **Sections 2 and**
7 **3** of this bill make a conforming change to indicate the placement of **section 1** in
8 the Nevada Revised Statutes. **Sections 4-8** of this bill authorize certain actions to be
9 taken against a hospital that fails to report the required information pursuant to
10 **section 1.**

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

1 **Section 1.** Chapter 449 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. Each hospital shall annually submit to the Division a*
4 *report of the standard charges that are required to be made public*
5 *by 45 C.F.R. §§ 180.50 and 180.60 in the formats required by*
6 *those sections.*



1 **2. As used in this section, “standard charge” has the meaning**
2 **ascribed to it in 45 C.F.R. § 180.20.**

3 **Sec. 2.** NRS 449.029 is hereby amended to read as follows:
4 449.029 As used in NRS 449.029 to 449.240, inclusive, **and**
5 **section 1 of this act** unless the context otherwise requires, “medical
6 facility” has the meaning ascribed to it in NRS 449.0151 and
7 includes a program of hospice care described in NRS 449.196.

8 **Sec. 3.** NRS 449.0301 is hereby amended to read as follows:
9 449.0301 The provisions of NRS 449.029 to 449.2428,
10 inclusive, **and section 1 of this act** do not apply to:

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

18 2. Foster homes as defined in NRS 424.014.

19 3. Any medical facility, facility for the dependent or facility
20 which is otherwise required by the regulations adopted by the Board
21 pursuant to NRS 449.0303 to be licensed that is operated and
22 maintained by the United States Government or an agency thereof.

23 **Sec. 4.** NRS 449.089 is hereby amended to read as follows:

24 449.089 1. Each license issued pursuant to NRS 449.029
25 to 449.2428, inclusive, **and section 1 of this act** expires on
26 December 31 following its issuance and is renewable for 1 year
27 upon reapplication and payment of all fees required pursuant to
28 NRS 449.050 unless the Division finds, after an investigation, that
29 the facility has not:

30 (a) Satisfactorily complied with the provisions of NRS 449.029
31 to 449.2428, inclusive, **and section 1 of this act** or the standards and
32 regulations adopted by the Board;

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

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

37 2. Each reapplication for an agency to provide personal care
38 services in the home, an agency to provide nursing in the home, a
39 community health worker pool, a facility for intermediate care, a
40 facility for skilled nursing, a provider of community-based living
41 arrangement services, a hospital described in 42 U.S.C. §
42 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient
43 services to children, a psychiatric residential treatment facility, a
44 residential facility for groups, a program of hospice care, a home for
45 individual residential care, a facility for the care of adults during the



1 day, a facility for hospice care, a nursing pool, a peer support
2 recovery organization, the distinct part of a hospital which meets the
3 requirements of a skilled nursing facility or nursing facility pursuant
4 to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as
5 described in 42 C.F.R. § 482.58 or, if residential services are
6 provided to children, a medical facility or facility for the treatment
7 of alcohol or other substance use disorders must include, without
8 limitation, a statement that the facility, hospital, agency, program,
9 pool, organization or home is in compliance with the provisions of
10 NRS 449.115 to 449.125, inclusive, and 449.174.

11 3. Each reapplication for an agency to provide personal care
12 services in the home, a community health worker pool, a facility for
13 intermediate care, a facility for skilled nursing, a facility for the care
14 of adults during the day, a peer support recovery organization, a
15 residential facility for groups or a home for individual residential
16 care must include, without limitation, a statement that the holder of
17 the license to operate, and the administrator or other person in
18 charge and employees of, the facility, agency, pool, organization or
19 home are in compliance with the provisions of NRS 449.093.

20 **Sec. 5.** NRS 449.160 is hereby amended to read as follows:

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

25 (a) Violation by the applicant or the licensee of any of the
26 provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, *and*
27 *section 1 of this act* or of any other law of this State or of the
28 standards, rules and regulations adopted thereunder.

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

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

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

36 (e) Failure of the applicant to obtain written approval from the
37 Director of the Department of Health and Human Services as
38 required by NRS 439A.100 or as provided in any regulation adopted
39 pursuant to NRS 449.001 to 449.430, inclusive, *and section 1 of*
40 *this act*, and 449.435 to 449.531, inclusive, and chapter 449A of
41 NRS if such approval is required.

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

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

44 2. In addition to the provisions of subsection 1, the Division
45 may revoke a license to operate a facility for the dependent if, with



1 respect to that facility, the licensee that operates the facility, or an
2 agent or employee of the licensee:

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

5 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
6 244.360, 244.3603 or 268.4124; or

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

10 3. The Division shall maintain a log of any complaints that it
11 receives relating to activities for which the Division may revoke the
12 license to operate a facility for the dependent pursuant to subsection
13 2. The Division shall provide to a facility for the care of adults
14 during the day:

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

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

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

21 ➔ The facility shall make the information available to the public
22 pursuant to NRS 449.2486.

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

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

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

30 **Sec. 6.** NRS 449.163 is hereby amended to read as follows:

31 449.163 1. In addition to the payment of the amount required
32 by NRS 449.0308, if a medical facility, facility for the dependent or
33 facility which is required by the regulations adopted by the Board
34 pursuant to NRS 449.0303 to be licensed violates any provision
35 related to its licensure, including any provision of NRS 439B.410 or
36 449.029 to 449.2428, inclusive, *and section 1 of this act* or any
37 condition, standard or regulation adopted by the Board, the
38 Division, in accordance with the regulations adopted pursuant to
39 NRS 449.165, may:

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

42 (b) Limit the occupancy of the facility to the number of beds
43 occupied when the violation occurred, until it determines that the
44 facility has corrected the violation;



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

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

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

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

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

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

18 (a) Suspend the license of the facility until the administrative
19 penalty is paid; and

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

22 3. The Division may require any facility that violates any
23 provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and*
24 *section 1 of this act* or any condition, standard or regulation adopted
25 by the Board to make any improvements necessary to correct the
26 violation.

27 4. Any money collected as administrative penalties pursuant to
28 paragraph (d) of subsection 1 must be accounted for separately and
29 used to administer and carry out the provisions of NRS 449.001 to
30 449.430, inclusive, *and section 1 of this act*, 449.435 to 449.531,
31 inclusive, and chapter 449A of NRS to protect the health, safety,
32 well-being and property of the patients and residents of facilities in
33 accordance with applicable state and federal standards or for any
34 other purpose authorized by the Legislature.

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

36 449.220 1. The Division may bring an action in the name of
37 the State to enjoin any person, state or local government unit or
38 agency thereof from operating or maintaining any facility within the
39 meaning of NRS 449.029 to 449.2428, inclusive ~~§~~, *and section 1*
40 *of this act*:

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

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



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

4 **Sec. 8.** NRS 449.240 is hereby amended to read as follows:

5 449.240 The district attorney of the county in which the facility
6 is located shall, upon application by the Division, institute and
7 conduct the prosecution of any action for violation of any provisions
8 of NRS 449.029 to 449.245, inclusive ~~[]~~, *and section 1 of this act.*

9 **Sec. 9.** This act becomes effective on July 1, 2021.

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