

**PROPOSED REGULATION OF THE  
STATE BOARD OF HEALTH**

**LCB File No. R176-99**

November 4, 1999

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1 and 2, NRS 442.320 and 442.330; §§3, 4 and 6, NRS 442.320; §5, NRS 442.330.

**Section 1.** Chapter 442 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

**Sec. 2.** *As used in sections 2 to 5, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in NRS 442.305, 442.310 and 442.315 have the meanings ascribed to them in those sections.*

**Sec. 3.** *In carrying out the provisions of NRS 442.300 to 442.330, inclusive, the state health officer or his representative:*

*1. May review any:*

*(a) Records of birth, stillbirth, death or fetal death maintained by the state registrar of vital statistics;*

*(b) Records of examinations or tests conducted pursuant to NRS 442.115; and*

*(c) Lists or records made available pursuant to NRS 442.325,*

*for any information pertinent to birth defects or adverse birth outcomes.*

*2. Shall, upon identifying a patient who has:*

*(a) A condition indicating that the patient may have a birth defect; or*

*(b) Been discharged with an adverse birth outcome,*

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*contact the patient or, if the patient is a minor, a parent or legal guardian of the patient, to determine the extent to which the patient will participate in the activities of the system.*

**Sec. 4. 1.** *Before including any information in the system that would reveal the identity of a patient, the state health officer or his representative shall advise the patient or, if the patient is a minor, a parent or legal guardian of the patient, that:*

*(a) The name of the patient will be used for research and referrals to related services unless the patient or his parent or legal guardian requests in writing to exclude the name from the system;*

*(b) Any information obtained by the system that would reveal the identity of the patient will remain confidential;*

*(c) Access to the information contained in the system is limited to persons authorized and approved by the state health officer or his representative who are employed by the health division of the department of human resources or the University of Nevada School of Medicine; and*

*(d) The information obtained by the system may be used only as set forth in NRS 442.330.*

**2.** *The state health officer and his representatives shall:*

*(a) Exclude from the system the name of a patient if the patient or, if the patient is a minor, a parent or legal guardian of the patient has requested in writing to exclude the name of the patient from the system; and*

*(b) Cause the request to be maintained with the records for the patient.*

**Sec. 5.** *The state health officer shall establish appropriate procedures and take any other actions necessary to ensure that:*

*1. Access to the information contained in the system is limited to persons authorized and approved by the state health officer or his representative who are employed by the health division of the department of human resources or the University of Nevada School of Medicine;*

*2. Any information obtained by the system that would reveal the identity of a patient remains confidential; and*

*3. Except as otherwise provided in subsection 3 of NRS 442.330, the information obtained by the system is used solely for the purposes set forth in subsection 1 of that section.*

**Sec. 6.** NAC 442.060 is hereby amended to read as follows:

442.060 1. *Except as otherwise provided in subsection 2 or required to carry out NRS 442.300 to 442. 330, inclusive, and sections 2 to 5, inclusive, of this regulation:*

(a) Any information concerning personal facts and circumstances obtained by the state or a local staff administering the maternal and child health and crippled children's program is a privileged communication and must be held confidential.

~~{2.}~~ (b) The information must not be divulged without the consent of the person seeking or receiving services or the consent of his parent or guardian if he is a minor.

~~{3.}~~ 2. The information may be disclosed without consent if it is in a summary, statistical or other form which does not identify the person receiving or seeking services.