

SENATE BILL NO. 175—SENATOR NEAL

MARCH 8, 2021

Referred to Committee on Health and Human Services

SUMMARY—Enacts provisions relating to lupus. (BDR 40-8)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 public health; requiring the Chief Medical Officer to establish and maintain a system for the reporting and analysis of certain information on lupus and its variants; authorizing administrative penalties for the failure to report certain information; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to report certain information on lupus and its variants; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Chief Medical Officer appointed by the Director of
2 the Department of Health and Human Services to establish and maintain systems
3 for the reporting of information on: (1) sickle cell disease and its variants, and (2)
4 cancer and other neoplasms. (NRS 439.4929, 457.230) Existing law requires the
5 chief administrative officer of each health care facility in this State to make
6 available to the Chief Medical Officer or his or her representative the records of the
7 health care facility for each reportable incidence of sickle cell disease or a variant
8 thereof or cancer or another neoplasm. (NRS 439.4933, 457.250) **Section 5** of this
9 bill requires the Chief Medical Officer to establish and maintain a similar system
10 for the reporting of information on lupus and its variants. **Sections 5 and 6** of this
11 bill require hospitals, medical laboratories, certain other facilities and providers of
12 health care to report certain information prescribed by the State Board of Health
13 concerning each case of lupus and its variants diagnosed or treated at the facility or
14 by the provider, as applicable. **Section 7** of this bill requires the chief
15 administrative officer of each health care facility in this State to make available to
16 the Chief Medical Officer or his or her representative the records of the health care
17 facility for each case of lupus and its variants for abstraction by the Division of
18 Public and Behavioral Health of the Department of Health and Human Services.
19 **Section 7** also: (1) requires the State Board of Health to adopt a schedule of fees
20 which must be assessed to a health care facility for each case from which



21 information is abstracted; and (2) provides for the imposition of an administrative
22 penalty against a person that fails to make the records of the facility for each case
23 of lupus and its variants available for abstraction. **Sections 8 and 9** of this bill
24 provide for analysis, reporting and research of the reported and abstracted
25 information concerning cases of lupus and its variants. **Section 10** of this bill
26 requires the Division to apply for and accept gifts, grants and donations to carry out
27 the provisions of **sections 2-12** of this bill. **Sections 6, 11 and 13** of this bill
28 provide for the confidentiality of reported information concerning patients,
29 physicians and facilities. **Section 12** of this bill provides immunity from liability for
30 any person or organization who discloses information in good faith to the Division
31 in accordance with the requirements of **sections 5-7**.

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

1 **Section 1.** Chapter 439 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 12, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 12, inclusive, of this act,*
5 *unless context otherwise requires, the words and terms defined in*
6 *sections 3 and 4 of this act have the meanings ascribed to them in*
7 *those sections.*

8 **Sec. 3.** *“Health care facility” has the meaning ascribed to it*
9 *in NRS 162A.740.*

10 **Sec. 4.** *“Lupus and its variants” means a chronic*
11 *autoimmune disease that occurs when the immune system attacks*
12 *tissues and organs which can cause inflammation and pain in any*
13 *part of the body of the person with the disease.*

14 **Sec. 5. 1.** *The Chief Medical Officer shall, pursuant to*
15 *regulations adopted by the State Board of Health pursuant to*
16 *section 6 of this act, establish and maintain a system for the*
17 *reporting of information on lupus and its variants.*

18 **2.** *The system established pursuant to subsection 1 must*
19 *include a record of the cases of lupus and its variants which occur*
20 *in this State along with such information concerning the cases as*
21 *may be appropriate to form the basis for:*

22 **(a)** *Conducting comprehensive epidemiologic surveys of lupus*
23 *and its variants in this State; and*

24 **(b)** *Evaluating the appropriateness of measures for the*
25 *treatment of lupus and its variants.*

26 **3.** *Hospitals, medical laboratories and other facilities that*
27 *provide screening, diagnostic or therapeutic services to patients*
28 *with respect to lupus and its variants shall report the information*
29 *prescribed by the State Board of Health pursuant to section 6 of*
30 *this act to the system established pursuant to subsection 1.*



1 4. Any provider of health care who diagnoses or provides
2 treatment for lupus and its variants, except for cases directly
3 referred to the provider or cases that have been previously
4 admitted to a hospital, medical laboratory or other facility
5 described in subsection 3, shall report the information prescribed
6 by the State Board of Health pursuant to section 6 of this act to the
7 system established pursuant to subsection 1.

8 5. As used in this section:

9 (a) "Medical laboratory" has the meaning ascribed to it in
10 NRS 652.060.

11 (b) "Provider of health care" has the meaning ascribed to it in
12 NRS 629.031.

13 **Sec. 6.** The State Board of Health shall by regulation:

14 1. Prescribe the form and manner in which information on
15 cases of lupus and its variants must be reported;

16 2. Prescribe the information that must be included in each
17 report, which must include, without limitation:

18 (a) The name, address, age and ethnicity of the patient;

19 (b) The variant of lupus with which the person has been
20 diagnosed;

21 (c) The method of treatment, including, without limitation, any
22 opioid prescribed for the patient and whether the patient has
23 adequate access to that opioid;

24 (d) Any other diseases from which the patient suffers;

25 (e) Information concerning the usage of and access to health
26 care services by the patient; and

27 (f) If a patient diagnosed with lupus and its variants dies, his
28 or her age at death; and

29 3. Establish a protocol for allowing appropriate access to and
30 preserving the confidentiality of the records of patients needed for
31 research into lupus and its variants.

32 **Sec. 7.** 1. The chief administrative officer of each health
33 care facility in this State shall make available to the Chief Medical
34 Officer or his or her representative the records of the health care
35 facility for each case of lupus and its variants.

36 2. The Division shall abstract from the records of a health
37 care facility or shall require a health care facility to abstract from
38 the records of the health care facility such information as is
39 required by the State Board of Health pursuant to section 6 of this
40 act. The Division shall compile the information in a timely
41 manner and not later than 6 months after the Division abstracts
42 the information or receives the abstracted information from the
43 health care facility.

44 3. The State Board of Health shall by regulation adopt a
45 schedule of fees which must be assessed to a health care facility



1 *for each case from which information is abstracted by the Division*
2 *pursuant to subsection 2.*

3 *4. Any person who violates this section is subject to an*
4 *administrative penalty established by regulation by the State Board*
5 *of Health.*

6 **Sec. 8. 1.** *The Division shall publish reports based upon the*
7 *information obtained pursuant to sections 5, 6 and 7 of this act*
8 *and make other appropriate uses of the information to report and*
9 *assess trends in the usage of and access to health care services by*
10 *patients with lupus and its variants in a particular area or*
11 *population, advance research and education concerning lupus and*
12 *its variants and improve the treatment of lupus and its variants*
13 *and associated disorders. The reports must include, without*
14 *limitation:*

15 *(a) Information concerning the locations in which patients*
16 *diagnosed with lupus and its variants reside, the demographics of*
17 *such patients and the utilization of health care services by such*
18 *patients;*

19 *(b) The information described in paragraph (a), specific to*
20 *patients diagnosed with lupus and its variants who are over 60*
21 *years of age; and*

22 *(c) The transition of patients diagnosed with lupus and its*
23 *variants from pediatric to adult care upon reaching 18 years of*
24 *age.*

25 **2.** *The Division shall provide any qualified researcher whom*
26 *the Division determines is conducting valid scientific research*
27 *with data from the information reported pursuant to sections 5, 6*
28 *and 7 of this act upon the researcher's:*

29 *(a) Compliance with appropriate conditions as established*
30 *pursuant to regulations of the State Board of Health; and*

31 *(b) Payment to the Division of a fee established by the Division*
32 *by regulation to cover the cost of providing the data.*

33 **Sec. 9. 1.** *The Chief Medical Officer or a qualified person*
34 *designated by the Administrator of the Division shall analyze the*
35 *information obtained pursuant to sections 5, 6 and 7 of this act*
36 *and the reports published pursuant to section 8 of this act to*
37 *determine whether any trends exist in the usage of and access to*
38 *health care services by patients with lupus and its variants in a*
39 *particular area or population.*

40 **2.** *If the Chief Medical Officer or the person designated*
41 *pursuant to subsection 1 determines that a trend exists in the*
42 *usage of and access to health care services by patients with lupus*
43 *and its variants in a particular area or population, the Chief*
44 *Medical Officer or the person designated pursuant to subsection 1*
45 *shall work with appropriate governmental, educational and*



1 *research entities to investigate the trend, advance research in the*
2 *trend and facilitate the treatment of lupus and its variants and*
3 *associated disorders.*

4 **Sec. 10.** *The Division shall apply for and accept any gifts,*
5 *grants and donations available to:*

6 *1. Carry out the provisions of sections 2 to 12, inclusive, of*
7 *this act;*

8 *2. Coordinate and administer any other state programs*
9 *relating to research concerning lupus and its variants or*
10 *assistance to patients diagnosed with lupus and its variants;*

11 *3. Pay for research concerning lupus and its variants;*

12 *4. Provide education concerning lupus and its variants; and*

13 *5. Provide support to persons diagnosed with lupus and its*
14 *variants.*

15 **Sec. 11.** *The Division shall not reveal the identity of any*
16 *patient, physician or health care facility which is involved in the*
17 *reporting required by section 7 of this act unless the patient,*
18 *physician or health care facility gives prior written consent to such*
19 *a disclosure.*

20 **Sec. 12.** *A person or governmental entity that provides*
21 *information to the Division in accordance with sections 5, 6 and 7*
22 *of this act must not be held liable in a civil or criminal action for*
23 *sharing confidential information unless the person or*
24 *organization has done so in bad faith or with malicious purpose.*

25 **Sec. 13.** NRS 239.010 is hereby amended to read as follows:

26 239.010 1. Except as otherwise provided in this section and
27 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
28 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
29 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
30 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
31 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
32 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
33 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
34 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130,
35 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
36 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,
37 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015,
38 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
39 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
40 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
41 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
42 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
43 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
44 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069,
45 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014,



1 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,
2 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,
3 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
4 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490,
5 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
6 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068,
7 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,
8 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
9 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061,
10 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,
11 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,
12 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
13 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180,
14 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,
15 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455,
16 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249,
17 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,
18 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
19 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460,
20 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685,
21 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
22 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
23 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
24 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
25 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207,
26 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,
27 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
28 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345,
29 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,
30 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
31 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
32 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545,
33 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536,
34 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070,
35 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,
36 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,
37 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012,
38 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238,
39 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,
40 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
41 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368,
42 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715,
43 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
44 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
45 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,



1 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325,
2 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460,
3 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180,
4 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
5 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
6 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
7 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
8 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380,
9 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800,
10 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285,
11 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540,
12 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
13 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,
14 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
15 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120,
16 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and*
17 *section 11 of this act*, sections 35, 38 and 41 of chapter 478,
18 Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of
19 Nevada 2013 and unless otherwise declared by law to be
20 confidential, all public books and public records of a governmental
21 entity must be open at all times during office hours to inspection by
22 any person, and may be fully copied or an abstract or memorandum
23 may be prepared from those public books and public records. Any
24 such copies, abstracts or memoranda may be used to supply the
25 general public with copies, abstracts or memoranda of the records or
26 may be used in any other way to the advantage of the governmental
27 entity or of the general public. This section does not supersede or in
28 any manner affect the federal laws governing copyrights or enlarge,
29 diminish or affect in any other manner the rights of a person in any
30 written book or record which is copyrighted pursuant to federal law.

31 2. A governmental entity may not reject a book or record
32 which is copyrighted solely because it is copyrighted.

33 3. A governmental entity that has legal custody or control of a
34 public book or record shall not deny a request made pursuant to
35 subsection 1 to inspect or copy or receive a copy of a public book or
36 record on the basis that the requested public book or record contains
37 information that is confidential if the governmental entity can
38 redact, delete, conceal or separate, including, without limitation,
39 electronically, the confidential information from the information
40 included in the public book or record that is not otherwise
41 confidential.

42 4. If requested, a governmental entity shall provide a copy of a
43 public record in an electronic format by means of an electronic
44 medium. Nothing in this subsection requires a governmental entity



1 to provide a copy of a public record in an electronic format or by
2 means of an electronic medium if:

3 (a) The public record:

4 (1) Was not created or prepared in an electronic format; and

5 (2) Is not available in an electronic format; or

6 (b) Providing the public record in an electronic format or by
7 means of an electronic medium would:

8 (1) Give access to proprietary software; or

9 (2) Require the production of information that is confidential
10 and that cannot be redacted, deleted, concealed or separated from
11 information that is not otherwise confidential.

12 5. An officer, employee or agent of a governmental entity who
13 has legal custody or control of a public record:

14 (a) Shall not refuse to provide a copy of that public record in the
15 medium that is requested because the officer, employee or agent has
16 already prepared or would prefer to provide the copy in a different
17 medium.

18 (b) Except as otherwise provided in NRS 239.030, shall, upon
19 request, prepare the copy of the public record and shall not require
20 the person who has requested the copy to prepare the copy himself
21 or herself.

22 **Sec. 14.** 1. This section becomes effective upon passage and
23 approval.

24 2. Sections 1 to 13, inclusive, of this act become effective:

25 (a) Upon passage and approval for the purposes of adopting any
26 regulations and performing any other preparatory administrative
27 tasks that are necessary to carry out the provisions of this act; and

28 (b) On October 1, 2021, for all other purposes.

