

**Amendment No. 846**

Assembly Amendment to Assembly Bill No. 263 First Reprint (BDR 40-125)

**Proposed by:** Assembly Committee on Ways and Means

**Amends:** Summary: No Title: No 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.





ASSEMBLY BILL NO. 263—ASSEMBLYMAN WATTS

MARCH 7, 2023

Referred to Committee on Health and Human Services

SUMMARY—Enacts provisions relating to the transmission of Legionnaires’ disease by building water systems in certain health care facilities. (BDR 40-125)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
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 water; enacting provisions relating to the transmission of Legionnaires’ disease by building water systems in covered health care facilities; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the State Board of Health to adopt regulations governing the control of communicable diseases in this State, including regulations specifically relating to the control of such diseases in educational, medical and correctional institutions. (NRS 441A.120) Existing law also establishes requirements for: (1) a provider of health care, medical facility or laboratory director to report if a person has or is suspected of having a communicable disease; and (2) the health authority to investigate such reports. (NRS 441A.150-441A.165) This bill establishes certain requirements for the building water systems in covered health care facilities to limit the risk of the transmission of Legionnaires’ disease.

**Section 5** of this bill defines the term “covered health care facility” to mean ~~[a health care] : (1) a facility [that receives federal or state money through] for intermediate care that has been certified by the Centers for Medicare [or] and Medicaid [; (1) in which a patient’s stay may exceed 24 hours; (2) that contains one or more areas to house and treat patients receiving treatment for burns, chemotherapy, solid organ transplantation or bone marrow transplantation; (3) that contains one or more areas to house patients who are immunocompromised and at risk persons on medications that weaken the immune system or who have diabetes or chronic lung disease; or (4) that is a residential facility for groups.] Services of the United States Department of Health and Human Services; (2) a facility for skilled nursing that has been certified by the Centers; (3) a hospital that has been certified by the Centers; and (4) a hospital that has been certified as a critical access hospital.~~

Sections 2.5-4, 7 and ~~[6-8]~~ 8 of this bill define certain other terms relating to the provisions of this bill for covered health care facilities.

**Section 9** of this bill requires each owner or operator of a covered health care facility to adopt and implement a water management plan for the building water system to minimize the risks of the transmission of Legionnaires’ disease by the building water system, which, among other requirements, must: (1) with certain exceptions, be designed by a water management

27 team that includes persons holding certain certifications relating to water management and  
28 infection control; and (2) include provisions for monitoring the water from the building water  
29 system. **Section 9** further requires the owner or operator of the covered health care facility to  
30 review the water management plan on an annual basis.

31 **Section 8.5** of this bill requires the Administrator of the Division of Public and  
32 Behavioral Health of the Department of Health and Human Services to review each new  
33 edition of certain standards relating to water management and Legionellosis for the purposes  
34 of the provisions of **sections 2-14** of this bill.

35 **Section 11** of this bill requires a provider of health care, medical facility or laboratory  
36 director to immediately notify the health authority upon the suspicion or positive diagnosis of  
37 Legionnaires’ disease connected to a covered health care facility.

38 **Section 12** of this bill requires the Board to adopt regulations to carry out the provisions  
39 of **sections 2-14**.

40 **Section 13** of this bill requires the Board to submit a report to the Governor and the  
41 Director of the Legislative Counsel Bureau detailing the occurrence of Legionnaires’ disease  
42 in this State.

43 **Section 14** of this bill provides that a covered health care facility that violates the  
44 provisions of **sections 2-14** or any regulation adopted or order issued pursuant thereto is a  
45 public nuisance and requires the covered health care facility to abate the nuisance.

46 As a result of the inclusion of **sections 2-14** in chapter 441A of NRS, a person who  
47 violates the provisions of **sections 2-14** is guilty of a misdemeanor. (NRS 441A.910)

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

1 **Section 1.** Chapter 441A of NRS is hereby amended by adding thereto the  
2 provisions set forth as sections 2 to 14, inclusive, of this act.

3 **Sec. 2.** *As used in sections 2 to 14, inclusive, of this act, unless the context  
4 otherwise requires, the words and terms defined in sections 2.5 to 8, inclusive, of  
5 this act, have the meanings ascribed to them in those sections.*

6 **Sec. 2.5.** *“Administrator” means the Administrator of the Division of  
7 Public and Behavioral Health of the Department of Health and Human Services.*

8 **Sec. 3.** *“ASSE Series 12000” means the most recent edition of the  
9 ASSE/IAPMO/ANSI Series 12000, Professional Qualifications Standard for  
10 Water Management and Infection Control Risk Assessment for Building Systems,  
11 published by ASSE International, or its successor organization, and approved by  
12 the Administrator pursuant to section 8.5 of this act.*

13 **Sec. 4.** *“Building water system” means a potable or non-potable water  
14 system in a building or building site.*

15 **Sec. 5.** *“Covered health care facility” means [a health care] :*

16 1. A facility for intermediate care as defined in NRS 449.0038 that ~~receives~~  
17 ~~federal or state money through~~ has been certified by the Centers for Medicare  
18 and Medicaid ~~;~~

19 ~~1. Where a patient’s length of stay may exceed 24 hours;~~ Services of the  
20 United States Department of Health and Human Services;

21 ~~2. [That contains one or more areas for housing or treating patients that~~  
22 ~~are receiving treatment for burns, chemotherapy, organ transplants or bone~~  
23 ~~marrow transplants];~~ A facility for skilled nursing as defined in NRS 449.0039  
24 that has been certified by the Centers for Medicare and Medicaid Services of the  
25 United States Department of Health and Human Services;

26 ~~3. [That contains one or more areas for housing patients that are~~  
27 ~~immunocompromised and at risk persons taking medications that weaken the~~  
28 ~~immune system or who have diabetes or chronic lung disease; or]~~ A hospital as

1 defined in NRS 449.012 that has been certified by the Centers for Medicare and  
2 Medicaid Services of the United States Department of Health and Human  
3 Services; and

4 ~~4. [That is a residential facility for groups.]~~ A hospital that has been  
5 certified as a critical access hospital by the Secretary of Health and Human  
6 Services pursuant to 42 U.S.C. § 1395i-4(e).

7 ~~Sec. 6. ["Health care facility" means any facility licensed pursuant to~~  
8 ~~chapter 449 of NRS.] (Deleted by amendment.)~~

9 ~~Sec. 7. "Legionnaires' disease" means a pulmonary disease caused by the~~  
10 ~~Legionella bacterium.~~

11 ~~Sec. 7.5. ["Residential facility for groups" has the meaning ascribed to it in~~  
12 ~~NRS 449.017.] (Deleted by amendment.)~~

13 ~~Sec. 8. "Standard 188" means the most recent edition of ANSI/ASHRAE~~  
14 ~~Standard 188, Legionellosis: Risk Management for Building Water Systems,~~  
15 ~~published by the American Society of Heating, Refrigerating and Air-~~  
16 ~~Conditioning Engineers, Inc. or its successor organization, and approved by the~~  
17 ~~Administrator pursuant to section 8.5 of this act.~~

18 ~~Sec. 8.5. 1. The Administrator shall review each new edition of:~~

19 ~~(a) ASSE Series 12000 that is published after the 2021 edition; and~~

20 ~~(b) Standard 188 that is published after the 2018 edition.~~

21 ~~2. Each new edition reviewed by the Administrator pursuant to subsection 1~~  
22 ~~shall be deemed approved unless the Administrator issues a formal declaration~~  
23 ~~within 90 days after publication of the new edition that the edition is not suitable~~  
24 ~~for this State.~~

25 ~~Sec. 9. 1. Each owner or operator of a covered health care facility shall~~  
26 ~~adopt and implement a water management program to minimize the growth and~~  
27 ~~transmission of Legionella bacteria in the building water system in accordance~~  
28 ~~with the provisions of sections 2 to 14, inclusive, of this act and any regulations~~  
29 ~~adopted pursuant thereto.~~

30 ~~2. The water management program required pursuant to subsection 1 must,~~  
31 ~~without limitation:~~

32 ~~(a) Be designed and administered in accordance with Standard 188;~~

33 ~~(b) Except as otherwise provided in subsection 5, be designed by a water~~  
34 ~~management team that includes, without limitation:~~

35 ~~(1) At least one person who holds the Water Quality Program~~  
36 ~~Certification for Employers and Designated Representatives, ASSE 12060; and~~

37 ~~(2) At least one person who holds the Legionella Water Safety and~~  
38 ~~Management Personnel Certification, ASSE 12080;~~

39 ~~(c) Require that any work or services necessary to administer the water~~  
40 ~~management program, including, without limitation, culture sampling and~~  
41 ~~analysis, cleaning, flushing, disinfecting, prevention, control or remediation~~  
42 ~~measures, are performed by persons and organizations that have been certified in~~  
43 ~~accordance with the most recent edition of ASSE Series 12000;~~

44 ~~(d) Establish procedures to validate, as an initial matter and on an ongoing~~  
45 ~~basis, that the water management plan has been implemented as designed and~~  
46 ~~that the program is effectively controlling any hazardous conditions throughout~~  
47 ~~the building water system; and~~

48 ~~(e) Establish procedures to monitor the building water system in accordance~~  
49 ~~with subsection 3 and any regulations adopted by the Board pursuant to section~~  
50 ~~12 of this act.~~

51 ~~3. A water management program adopted pursuant to this section must set~~  
52 ~~forth requirements to monitor the building water system for the presence of~~  
53 ~~Legionella bacteria.~~

1           **4. The owner or operator of a covered health care facility shall:**

2           (a) *Except as otherwise provided in this paragraph, review the water*  
3 *management program and the monitoring of the building water system conducted*  
4 *in accordance with the program on an annual basis. The owner or operator shall*  
5 *conduct an additional review of the water management program and monitoring*  
6 *of the building water system if:*

7           (1) *One or more cases of Legionnaires' disease are or may be associated*  
8 *with the covered health care facility;*

9           (2) *Construction, modification or repair work has been completed which*  
10 *may affect the building water system;*

11           (3) *The hematopoietic stem cell transplant and solid organ transplant*  
12 *units, if present, are expanded or relocated; or*

13           (4) *Any other event determined by the Board that requires additional*  
14 *review.*

15           (b) *Maintain records of the water management program and all monitoring*  
16 *details and results for at least 3 years. Such records must be made available for*  
17 *inspection by the Board or health authority upon request.*

18           **5. The requirements of paragraph (b) of subsection 2 do not apply to a rural**  
19 **clinic, rural hospital or hospital that has been certified as a critical access**  
20 **hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. §**  
21 **1395i-4(e).**

22           **6. As used in this section:**

23           (a) *"Rural clinic" has the meaning ascribed to it in NRS 449.0175.*

24           (b) *"Rural hospital" has the meaning ascribed to it in NRS 449.0177.*

25           **Sec. 10.** (Deleted by amendment.)

26           **Sec. 11.** *Pursuant to NRS 441A.150, a provider of health care, medical*  
27 *facility or a laboratory director shall, in the manner prescribed by the Board,*  
28 *immediately notify the health authority upon a suspicion or positive diagnosis of*  
29 *Legionnaires' disease in a covered health care facility. The health authority shall*  
30 *investigate the matter pursuant to NRS 441A.160 or 441A.163, as applicable.*

31           **Sec. 12.** *The Board shall adopt regulations to carry out the provisions of*  
32 *sections 2 to 14, inclusive, of this act, including, without limitation, requirements*  
33 *for sampling sites, monitoring and testing for Legionella bacteria in the building*  
34 *water system of a covered health care facility and Legionella culture sampling*  
35 *and analysis.*

36           **Sec. 13.** *On or before January 31 of each year, the Board shall prepare and*  
37 *submit to the Governor and the Director of the Legislative Counsel Bureau for*  
38 *transmittal to the next regular session of the Legislature or, if the Legislature is*  
39 *not in session, to the Joint Interim Standing Committee on Health and Human*  
40 *Services, a report detailing the occurrence of Legionnaires' disease in this State*  
41 *which must include, without limitation:*

42           1. *The number of cases of Legionnaires' disease in this State for each of the*  
43 *immediately preceding 10 years;*

44           2. *The number of positive Legionella culture test results reported to the*  
45 *Board for the immediately preceding year;*

46           3. *The number and types of violations of the provisions of sections 2 to 14,*  
47 *inclusive, of this act; and*

48           4. *Any recommendations of the Board for legislation necessary to further*  
49 *control Legionella bacteria in the water systems of covered health care facilities.*

50           **Sec. 14.** *Any covered health care facility in violation of the provisions of*  
51 *sections 2 to 14, inclusive, of this act, or any regulation adopted or order issued*  
52 *pursuant thereto, is hereby declared to be a public nuisance. A covered health*  
53 *facility shall abate any such nuisance.*

1       **Sec. 15.** The provisions of subsection 1 of NRS 218D.380 do not apply to  
2 any provision of this act which adds or revises a requirement to submit a report to  
3 the Legislature.

4       **Sec. 16.** 1. This section and section 15 of this act become effective upon  
5 passage and approval.

6       2. Sections 1 to 14, inclusive, of this act become effective:

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

10       (b) On January 1, 2025, for all other purposes.