

ASSEMBLY BILL NO. 278—ASSEMBLYWOMAN DURAN

MARCH 15, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Provides for the collection of certain information from physicians. (BDR 54-771)

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; requiring a physician to complete a data request when renewing his or her license or registration; requiring licensing boards that license physicians to make the data request available to applicants for the renewal of a license or registration and transmit the information obtained from the data request to the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law generally requires a holder of a license to practice allopathic
2 medicine to register biennially with the Board of Medical Examiners. (NRS
3 630.267) Existing law also requires the holders of certain special types of licenses
4 to practice medicine to renew their licenses at various times. (NRS 630.258,
5 630.261, 630.2615, 630.262, 630.264, 630.2645, 630.265) Existing law requires a
6 holder of a license to practice osteopathic medicine to renew his or her license
7 annually or, for certain special types of licenses, at times determined by the State
8 Board of Osteopathic Medicine. (NRS 633.401, 633.411, 633.415, 633.416,
9 633.417, 633.418, 633.471) **Section 4** of this bill requires the Department of Health
10 and Human Services to develop and make available to the Board of Medical
11 Examiners and the State Board of Osteopathic Medicine a data request to be
12 administered to applicants for the renewal of a license or a biennial registration.
13 **Section 4** requires the data request to solicit from each applicant certain
14 information about the practice of the applicant. **Sections 1 and 2** of this bill require:
15 (1) each holder of a license to practice as an allopathic or osteopathic physician to
16 complete the data request; and (2) the Board of Medical Examiners and the State
17 Board of Osteopathic Medicine to make the data request available to applicants and
18 transmit the information obtained from the data request to the Department. **Section**
19 **4** requires the Department to collect and maintain the information received from the
20 data request from the respective licensing boards. **Sections 1-4** of this bill provide



21 that information collected using the data request is confidential. The Board of
22 Medical Examiners and the State Board of Osteopathic Medicine would be
23 authorized to refuse to renew the license of or issue a biennial registration to a
24 physician who knowingly or willfully fails to complete the data request. (NRS
25 630.3065, 633.131, 633.511)

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

1 **Section 1.** Chapter 630 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *In addition to any other requirements set forth in this*
4 *chapter and any regulations adopted pursuant thereto, each*
5 *applicant for the renewal of any type of license as a physician*
6 *pursuant to this chapter or a biennial registration pursuant to*
7 *NRS 630.267 shall complete the data request developed by the*
8 *Department of Health and Human Services pursuant to section 4*
9 *of this act. The applicant shall provide to the Board all the*
10 *information requested by the data request.*

11 2. *The Board shall make the data request described in*
12 *subsection 1 available to applicants for the renewal of a license as*
13 *a physician or biennial registration on an electronic application*
14 *for the renewal of a license or registration or through a link*
15 *included on the Internet website maintained by the Board.*

16 3. *The Board shall transmit the information contained in a*
17 *completed data request described in subsection 1 to the*
18 *Department of Health and Human Services.*

19 4. *The information contained in a completed data request is*
20 *confidential and, except as required by section 4 of this act, must*
21 *not be disclosed to any person or entity.*

22 **Sec. 2.** Chapter 633 of NRS is hereby amended by adding
23 thereto a new section to read as follows:

24 1. *In addition to any other requirements set forth in this*
25 *chapter and any regulations adopted pursuant thereto, each*
26 *applicant for the renewal of any type of license as an osteopathic*
27 *physician pursuant to this chapter shall complete the data request*
28 *developed by the Department of Health and Human Services*
29 *pursuant to section 4 of this act. The applicant shall provide to the*
30 *Board all the information included in the request.*

31 2. *The Board shall make the data request described in*
32 *subsection 1 available to applicants for the renewal of a license as*
33 *an osteopathic physician or an electronic application for the*
34 *renewal of a license or through a link included on the Internet*
35 *website maintained by the Board.*



1 **3. The Board shall transmit the information contained in a**
2 **completed data request described in subsection 1 to the**
3 **Department of Health and Human Services.**

4 **4. The information contained in a completed data request is**
5 **confidential and, except as required by section 4 of this act, must**
6 **not be disclosed to any person or entity.**

7 **Sec. 3.** NRS 239.010 is hereby amended to read as follows:

8 239.010 1. Except as otherwise provided in this section and
9 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
10 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
11 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
12 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
13 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
14 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
15 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
16 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130,
17 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
18 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,
19 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015,
20 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
21 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
22 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
23 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
24 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
25 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
26 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069,
27 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014,
28 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,
29 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,
30 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
31 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490,
32 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
33 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068,
34 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,
35 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
36 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061,
37 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,
38 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,
39 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
40 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180,
41 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,
42 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455,
43 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249,
44 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,
45 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,



1 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460,
2 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685,
3 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
4 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
5 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
6 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
7 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207,
8 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,
9 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
10 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345,
11 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,
12 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
13 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
14 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545,
15 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536,
16 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070,
17 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,
18 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,
19 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012,
20 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238,
21 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,
22 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
23 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368,
24 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715,
25 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
26 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
27 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,
28 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325,
29 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460,
30 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180,
31 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
32 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
33 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
34 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
35 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380,
36 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800,
37 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285,
38 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540,
39 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
40 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,
41 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
42 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120,
43 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and*
44 *sections 1, 2 and 4 of this act*, sections 35, 38 and 41 of chapter
45 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes



1 of Nevada 2013 and unless otherwise declared by law to be
2 confidential, all public books and public records of a governmental
3 entity must be open at all times during office hours to inspection by
4 any person, and may be fully copied or an abstract or memorandum
5 may be prepared from those public books and public records. Any
6 such copies, abstracts or memoranda may be used to supply the
7 general public with copies, abstracts or memoranda of the records or
8 may be used in any other way to the advantage of the governmental
9 entity or of the general public. This section does not supersede or in
10 any manner affect the federal laws governing copyrights or enlarge,
11 diminish or affect in any other manner the rights of a person in any
12 written book or record which is copyrighted pursuant to federal law.

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

15 3. A governmental entity that has legal custody or control of a
16 public book or record shall not deny a request made pursuant to
17 subsection 1 to inspect or copy or receive a copy of a public book or
18 record on the basis that the requested public book or record contains
19 information that is confidential if the governmental entity can
20 redact, delete, conceal or separate, including, without limitation,
21 electronically, the confidential information from the information
22 included in the public book or record that is not otherwise
23 confidential.

24 4. If requested, a governmental entity shall provide a copy of a
25 public record in an electronic format by means of an electronic
26 medium. Nothing in this subsection requires a governmental entity
27 to provide a copy of a public record in an electronic format or by
28 means of an electronic medium if:

29 (a) The public record:

- 30 (1) Was not created or prepared in an electronic format; and
31 (2) Is not available in an electronic format; or

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

- 34 (1) Give access to proprietary software; or
35 (2) Require the production of information that is confidential
36 and that cannot be redacted, deleted, concealed or separated from
37 information that is not otherwise confidential.

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

40 (a) Shall not refuse to provide a copy of that public record in the
41 medium that is requested because the officer, employee or agent has
42 already prepared or would prefer to provide the copy in a different
43 medium.

44 (b) Except as otherwise provided in NRS 239.030, shall, upon
45 request, prepare the copy of the public record and shall not require



1 the person who has requested the copy to prepare the copy himself
2 or herself.

3 **Sec. 4.** Chapter 439A of NRS is hereby amended by adding
4 thereto a new section to read as follows:

5 *1. The Department shall develop and make available to the*
6 *Board of Medical Examiners and the State Board of Osteopathic*
7 *Medicine an electronic data request to be completed by an*
8 *applicant for the renewal of a license as a physician or a biennial*
9 *registration pursuant to NRS 630.267. The electronic data request*
10 *must solicit from each such applicant the following information:*

11 *(a) Whether the applicant is employed by a hospital or an*
12 *entity owned by a health system or practices independently from a*
13 *hospital or an entity owned by a health system;*

14 *(b) If the applicant is employed by a hospital or an entity*
15 *owned by a health system, the name of the hospital or the entity*
16 *and the health system that owns the entity, as applicable;*

17 *(c) If the applicant is employed by an entity other than a*
18 *hospital or an entity owned by a health system, the name of the*
19 *legal entity which owns the practice and any assumed or fictitious*
20 *name of that entity;*

21 *(d) Whether the applicant practices as a solo practitioner or*
22 *with at least one other physician;*

23 *(e) If the applicant practices with at least one other physician,*
24 *the number of other physicians with which the applicant practices*
25 *and the specialty areas of those physicians;*

26 *(f) The number of locations at which the physician practices;*
27 *and*

28 *(g) If the applicant practices with at least one other physician,*
29 *the number of locations at which the physicians in the group*
30 *practice.*

31 *2. The Department shall collect and maintain the information*
32 *collected pursuant to subsection 1. Such information is*
33 *confidential and any reporting of the information maintained*
34 *pursuant to this section by the Department must be in an*
35 *aggregate form that does not reveal the identity of any physician.*

36 **Sec. 5.** 1. This section becomes effective upon passage and
37 approval.

38 2. Sections 1 to 4, inclusive, of this act become effective:

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

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



