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ASSEMBLY BILL NO. 299—ASSEMBLYMEN FIORE, HICKEY, HARDY;  
PAUL ANDERSON, DUNCAN, ELLISON, GRADY, HAMBRICK,  
HANSEN, KIRNER, LIVERMORE, OSCARSON, WHEELER AND  
WOODBURY

MARCH 15, 2013

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JOINT SPONSORS: SENATORS HAMMOND; CEGAVSKE,  
GUSTAVSON, KIECKHEFER AND SETTELMAYER

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Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to the provision of  
medical and dental services within the Department of  
Corrections. (BDR 16-749)

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.

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AN ACT relating to the Department of Corrections; requiring the  
Director of the Department to contract with physicians and  
dentists who provide medical and dental services to  
offenders serving terms of imprisonment in an institution  
or facility of the Department; and providing other matters  
properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law requires the Director of the Department of Corrections, with the  
2 approval of the Board of State Prison Commissioners, to adopt standards for the  
3 medical and dental services of each institution or facility of the Department. (NRS  
4 209.381) Under existing law, a state agency may contract for the services of a  
5 person as an independent contractor. (NRS 333.700) Existing law also establishes  
6 certain restrictions on state agencies that enter into contracts with a person to  
7 provide services for the agency, including, without limitation, prohibiting a state  
8 agency from entering into a contract with a former employee of a state agency if  
9 less than 2 years have expired since the termination of that person's employment  
10 with the State unless, before the contract is executed by the agency, the State Board  
11 of Examiners approves the employment of that person. (NRS 284.1729) Under  
12 existing law, a person who enters into a contract to provide medical services for the  
13 Department of Corrections is treated the same as an employee of the state for the



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14 purposes of any civil action arising out of an act or omission within the scope of  
15 the person's employment. (NRS 41.0307)

16 **Section 1** of this bill requires the Director of the Department of Corrections to  
17 contract with physicians and dentists to provide as independent contractors medical  
18 and dental services to offenders who are serving a term of imprisonment in an  
19 institution or facility of the Department. Under **section 4** of this bill, a physician or  
20 dentist employed by the Department to provide medical or dental services may  
21 continue to perform such services as an employee of the Department until the  
22 Department enters into a contract with a physician or dentist to perform those  
23 services.

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

1 **Section 1.** Chapter 209 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *1. The Director shall contract for the services of physicians  
4 and dentists, in accordance with the provisions of NRS 333.700, to  
5 provide medical and dental services to offenders who are serving  
6 terms of imprisonment in an institution or facility.*

7 *2. Any physician or dentist who provides medical or dental  
8 services to offenders who are serving terms of imprisonment in an  
9 institution or facility must be an independent contractor with the  
10 Department pursuant to subsection 1.*

11 **Sec. 2.** NRS 209.3925 is hereby amended to read as follows:

12 209.3925 1. Except as otherwise provided in subsection 6,  
13 the Director may assign an offender to the custody of the Division  
14 of Parole and Probation of the Department of Public Safety to serve  
15 a term of residential confinement pursuant to NRS 213.380 or other  
16 appropriate supervision as determined by the Division of Parole and  
17 Probation, for not longer than the remainder of his or her sentence,  
18 if:

19 (a) The Director has reason to believe that the offender is:

20 (1) Physically incapacitated or in ill health to such a degree  
21 that the offender does not presently, and likely will not in the future,  
22 pose a threat to the safety of the public; or

23 (2) In ill health and expected to die within 12 months, and  
24 does not presently, and likely will not in the future, pose a threat to  
25 the safety of the public; and

26 (b) At least two physicians licensed pursuant to chapter 630 or  
27 633 of NRS ~~1, one of whom is not employed by the Department,~~  
28 verify, in writing, that the offender is:

29 (1) Physically incapacitated or in ill health; or

30 (2) In ill health and expected to die within 12 months.

31 2. If the Director intends to assign an offender to the custody of  
32 the Division of Parole and Probation pursuant to this section, at least



1 45 days before the date the offender is expected to be released from  
2 the custody of the Department, the Director shall notify:

3 (a) If the offender will reside within this State after the offender  
4 is released from the custody of the Department, the board of county  
5 commissioners of the county in which the offender will reside; and

6 (b) The Division of Parole and Probation.

7 3. If any victim of a crime committed by the offender has,  
8 pursuant to subsection 4 of NRS 213.131, requested to be notified of  
9 the consideration of a prisoner for parole and has provided a current  
10 address, the Division of Parole and Probation shall notify the victim  
11 that:

12 (a) The Director intends to assign the offender to the custody of  
13 the Division of Parole and Probation pursuant to this section; and

14 (b) The victim may submit documents to the Division of Parole  
15 and Probation regarding such an assignment.

16 ➔ If a current address has not been provided by a victim as required  
17 by subsection 4 of NRS 213.131, the Division of Parole and  
18 Probation must not be held responsible if notification is not received  
19 by the victim. All personal information, including, but not limited to,  
20 a current or former address, which pertains to a victim and which  
21 is received by the Division of Parole and Probation pursuant to this  
22 subsection is confidential.

23 4. If an offender assigned to the custody of the Division of  
24 Parole and Probation pursuant to this section escapes or violates any  
25 of the terms or conditions of his or her residential confinement or  
26 other appropriate supervision as determined by the Division of  
27 Parole and Probation:

28 (a) The Division of Parole and Probation may, pursuant to the  
29 procedure set forth in NRS 213.410, return the offender to the  
30 custody of the Department.

31 (b) The offender forfeits all or part of the credits for good  
32 behavior earned by the offender before the escape or violation, as  
33 determined by the Director. The Director may provide for a  
34 forfeiture of credits pursuant to this paragraph only after proof of the  
35 offense and notice to the offender and may restore credits forfeited  
36 for such reasons as the Director considers proper. The decision of  
37 the Director regarding such a forfeiture is final.

38 5. The assignment of an offender to the custody of the Division  
39 of Parole and Probation pursuant to this section shall be deemed:

40 (a) A continuation of the offender's imprisonment and not a  
41 release on parole; and

42 (b) For the purposes of NRS 209.341, an assignment to a facility  
43 of the Department,



1 ↪ except that the offender is not entitled to obtain any benefits or to  
2 participate in any programs provided to offenders in the custody of  
3 the Department.

4 6. The Director may not assign an offender to the custody of  
5 the Division of Parole and Probation pursuant to this section if the  
6 offender is sentenced to death or imprisonment for life without the  
7 possibility of parole.

8 7. An offender does not have a right to be assigned to the  
9 custody of the Division of Parole and Probation pursuant to this  
10 section, or to remain in that custody after such an assignment, and it  
11 is not intended that the provisions of this section or of NRS 213.371  
12 to 213.410, inclusive, create any right or interest in liberty or  
13 property or establish a basis for any cause of action against the  
14 State, its political subdivisions, agencies, boards, commissions,  
15 departments, officers or employees.

16 **Sec. 3.** NRS 41.0307 is hereby amended to read as follows:

17 41.0307 As used in NRS 41.0305 to 41.039, inclusive:

18 1. "Employee" includes an employee of a:

19 (a) Part-time or full-time board, commission or similar body of  
20 the State or a political subdivision of the State which is created by  
21 law.

22 (b) Charter school.

23 (c) University school for profoundly gifted pupils described in  
24 chapter 392A of NRS.

25 2. "Employment" includes any services performed by an  
26 immune contractor.

27 3. "Immune contractor" means any natural person, professional  
28 corporation or professional association which:

29 (a) Is an independent contractor with the State pursuant to NRS  
30 333.700; and

31 (b) Contracts to provide medical *or dental* services for the  
32 Department of Corrections.

33 ↪ As used in this subsection, "professional corporation" and  
34 "professional association" have the meanings ascribed to them in  
35 NRS 89.020.

36 4. "Public officer" or "officer" includes:

37 (a) A member of a part-time or full-time board, commission or  
38 similar body of the State or a political subdivision of the State which  
39 is created by law.

40 (b) A public defender and any deputy or assistant attorney of a  
41 public defender or an attorney appointed to defend a person for a  
42 limited duration with limited jurisdiction.

43 (c) A district attorney and any deputy or assistant district  
44 attorney or an attorney appointed to prosecute a person for a limited  
45 duration with limited jurisdiction.



1     **Sec. 4.** Notwithstanding the provisions of section 1 of this act,  
2 any physician or dentist employed by the Department of Corrections  
3 on July 1, 2013, may continue to provide medical or dental services  
4 as an employee of the Department to offenders who are serving a  
5 term of imprisonment in an institution or facility of the Department  
6 until the Director of the Department contracts with a physician or  
7 dentist to provide such services pursuant to the provisions of section  
8 1 of this act.

9     **Sec. 5.** This act becomes effective on July 1, 2013.

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