

ASSEMBLY BILL NO. 316—ASSEMBLYMEN DONDERO LOOP,  
SPRINKLE AND KIRKPATRICK

MARCH 18, 2013

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing medical records.  
(BDR 40-233)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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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 a person who receives a health care record from certain persons or governmental entities to maintain the confidentiality of the record; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law prohibits a person from using, releasing or publishing certain  
2 information from an electronic health record or from the statewide health  
3 information exchange for a purpose unrelated to the treatment, care, well-being or  
4 billing of the person who is the subject of the information or for a marketing  
5 purpose unless the use, release or publication is authorized by the Health Insurance  
6 Portability and Accountability Act of 1996, Public Law 104-191. (NRS 439.590)  
7 This bill: (1) prohibits a person who receives health care records from a person or  
8 governmental entity who is subject to the Health Insurance Portability and  
9 Accountability Act of 1996 from sharing or otherwise disclosing any information  
10 contained in the records in any manner that is not authorized by the Act; and (2)  
11 allows a resident of this State who is harmed by any such sharing or disclosure of  
12 his or her health care records to bring an action to recover civil damages against the  
13 person or governmental entity who provided the health care records to the person  
14 who violated this provision.

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 a new section to read as follows:

3 *1. A person who receives health care records as part of a*  
4 *transaction with a person or governmental entity who is subject to*



\* A B 3 1 6 \*

1 *the Health Insurance Portability and Accountability Act of 1996,*  
2 *Public Law 104-191, shall not share or otherwise disclose any*  
3 *information contained in the health care records in any manner*  
4 *not authorized by the Health Insurance Portability and*  
5 *Accountability Act of 1996.*

6 2. *A person who is harmed by a violation of subsection 1 may*  
7 *bring an action to recover any damages sustained in a court of*  
8 *competent jurisdiction in this State against the person or*  
9 *governmental entity who provided the health care records to the*  
10 *person who violated subsection 1.*

11 3. *Nothing in this section shall be construed to:*

12 (a) *Modify the application of the Health Insurance Portability*  
13 *and Accountability Act of 1996 to a person or governmental entity*  
14 *that is already subject to that law.*

15 (b) *Waive any immunity from liability or limitation on liability*  
16 *otherwise applicable to a governmental entity.*

17 4. *As used in this section, "health care records" has the*  
18 *meaning ascribed to it in NRS 629.021.*

19 **Sec. 2.** This act becomes effective on July 1, 2013.

