

CHAPTER.....

AN ACT relating to health care; requiring applicants for the issuance or renewal of certain registrations and the renewal of certain licenses to pay a fee to support the system for the reporting of information on cancer and other neoplasms; requiring certain facilities and providers of health care to report information to the system; revising provisions relating to the reporting of information to the system; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Chief Medical Officer to establish and maintain a system for the reporting of information on cancer and other neoplasms. (NRS 457.230) Existing law requires the chief administrative officer of each health care facility in this State to make available to the Chief Medical Officer or his or her representative the records of the health care facility for each reportable neoplasm. (NRS 457.250) Existing law additionally requires providers of health care who diagnose or treat cancer or other neoplasms to report information to the system unless the case was directly referred or previously admitted to a hospital, medical laboratory or other facility. (NRS 457.230) **Section 4** of this bill removes that exemption, thereby requiring providers of health care who diagnose or provide treatment for cancer or other neoplasms to report information to the system regardless of whether the case was referred or previously admitted to a hospital, medical laboratory or other facility.

Existing law requires: (1) the chief administrative officer of certain facilities that provide health-related services to make available to the Chief Medical Officer or the Chief Medical Officer’s representative the records of the health care facility for each case of neoplasm which is required to be reported; (2) the Division of Public and Behavioral Health of the Department of Health and Human Services to abstract or require such a facility to abstract certain information from such records; (3) each health care facility from whose records such information is abstracted by the Division to pay a fee; and (4) the Division to compile the information not later than 6 months after abstraction. (NRS 457.250) Existing law additionally provides for the confidentiality of any identifying information concerning a patient or facility in abstracted records. (NRS 457.270) **Sections 6 and 7** of this bill make those provisions also applicable to certain other facilities and providers of health care, and **section 2** of this bill defines those facilities and providers of health care. Additionally, **section 6** revises terminology to refer to a facility or provider who provides information to the Division as reporting the information rather than abstracting it. Finally, **section 6** requires the abstraction or reporting of the information to be completed not later than 6 months after the admission, diagnosis or treatment of a patient for cancer or another neoplasm.

**Sections 1, 3, 8 and 9** of this bill require an applicant for the issuance or renewal of registration of a radiation machine, a certificate of authorization for a radiation machine for mammography or the renewal of certain licenses issued by the Division to pay a fee in an amount prescribed by the Division pursuant to **section 5** of this bill to support the system for the reporting of information on cancer and other neoplasms. Under **section 5**: (1) the amount of the fee must not exceed 8 percent of the fee for the issuance or renewal of the applicable license, registration or certificate; and (2) the fees collected must be accounted for



separately and used by the Division to support the system for reporting information on cancer and other neoplasms.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

**Section 1.** NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 *and subsection 4, as applicable*, unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, a peer support recovery organization, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool, organization or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for



intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a peer support recovery organization, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool, organization or home are in compliance with the provisions of NRS 449.093.

*4. Each reapplication for a surgical center for ambulatory patients, facility for the treatment of irreversible renal disease, facility for hospice care, program of hospice care, hospital, facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home or rural clinic must be accompanied by the fee prescribed by the State Board of Health pursuant to NRS 457.240, in addition to the fees imposed pursuant to NRS 449.050.*

**Sec. 2.** NRS 457.020 is hereby amended to read as follows:

457.020 As used in this chapter, unless the context requires otherwise:

1. "Cancer" means all malignant neoplasms, regardless of the tissue of origin, including malignant lymphoma and leukemia.

2. "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

3. "Health care facility" has the meaning ascribed to it in NRS 162A.740 and also includes freestanding facilities for plastic reconstructive, oral and maxillofacial surgery.

*4. "Other treatment facility" means a facility, other than a health care facility, that provides services to patients with cancer and other neoplasms, including, without limitation, screening, diagnosis and treatment.*

*5. "Provider of health care" has the meaning ascribed to it in NRS 629.031.*

**Sec. 3.** NRS 457.184 is hereby amended to read as follows:

457.184 1. The owner, lessee or other responsible person shall not operate or allow to be operated a radiation machine for mammography unless he or she:

(a) Has a valid certificate of authorization from the Division for the machine; and

(b) Is accredited by the American College of Radiology or meets the standards established by the State Board of Health pursuant to subsection 1 of NRS 457.065.

2. To obtain a certificate of authorization from the Division for a radiation machine for mammography, a person must:



(a) Submit an application to the Division on a form provided by the Division;

(b) Provide any additional information required by the Division; ~~and~~

(c) Pay the fee required by the Division which must be calculated to cover the administrative costs directly related to the process of issuing the certificates ~~and~~; *and*

*(d) Pay the fee prescribed by the State Board of Health pursuant to NRS 457.240.*

3. After an inspection, the Division shall issue a certificate of authorization for a radiation machine for mammography if the machine:

(a) Meets the standards adopted by the State Board of Health pursuant to subsection 2 of NRS 457.065;

(b) Is specifically designed to perform mammography; and

(c) Is used to perform mammography and may be used for screening, diagnostic or therapeutic purposes.

4. A certificate of authorization for a radiation machine for mammography expires 1 year after the date on which it was issued unless renewed before that date. The Division may require an inspection of the machine as a prerequisite to renewal of a certificate and shall charge ~~and~~:

*(a) A fee for renewal that is calculated to cover the administrative costs directly related to the process of renewing certificates ~~and~~; and*

*(b) The fee prescribed by the State Board of Health pursuant to NRS 457.240.*

5. A person who owns or leases or is otherwise responsible for more than one radiation machine for mammography shall obtain a certificate of authorization for each radiation machine.

**Sec. 4.** NRS 457.230 is hereby amended to read as follows:

457.230 1. The Chief Medical Officer shall, pursuant to the regulations of the State Board of Health, establish and maintain a system for the reporting of information on cancer and other neoplasms.

2. The system must include a record of the cases of cancer and other neoplasms, which are specified by the State Board of Health as subject to reporting, which occur in this state along with such information concerning the cases as may be appropriate to form the basis for:

(a) The conducting of comprehensive epidemiologic surveys of cancer, cancer-related diseases and other neoplasms in this state; and



(b) The evaluation of the appropriateness of measures for the prevention and control of cancer and other neoplasms.

3. Hospitals, medical laboratories and other facilities that provide screening, diagnostic or therapeutic services to patients with respect to cancer and other neoplasms shall report information on cases of cancer and other neoplasms, which are specified by the State Board of Health as subject to reporting, to the system.

4. Any provider of health care who diagnoses or provides treatment for cancer or other neoplasms ~~[-, except for cases directly referred or previously admitted to a hospital, medical laboratory or other facility described in subsection 3,]~~ shall report information on cases of cancer and other neoplasms, which are specified by the State Board of Health as subject to reporting, to the system.

5. As used in this section ~~[-~~

~~—(a) “Medical] , “medical laboratory” has the meaning ascribed to it in NRS 652.060.~~

~~[(b) “Provider of health care” has the meaning ascribed to it in NRS 629.031.]~~

**Sec. 5.** NRS 457.240 is hereby amended to read as follows:

457.240 **1.** The State Board of Health shall by regulation:

~~[(1)]~~ **(a)** Prescribe the form and manner in which the information on cases of cancer and other neoplasms must be reported;

~~[(2)]~~ **(b)** Specify the neoplasms which must be reported;

~~[(3)]~~ **(c)** Prescribe other information to be included in each such report, for example, the patient’s name and address, the pathological findings, the stage of the disease, the environmental and occupational factors, the methods of treatment, the incidence of cancer or other neoplasms in the patient’s family, and the places where the patient has resided; ~~and~~

~~—4.]~~ **(d)** Establish a protocol for obtaining access to and preserving the confidentiality of the patients’ records needed for research into cancer and other neoplasms ~~[-~~; **and**

**(e) Prescribe a fee to be imposed on an applicant for:**

**(1) The issuance or renewal of a certificate of authorization for a radiation machine for mammography pursuant to NRS 457.184;**

**(2) The issuance or renewal of registration of a radiation machine pursuant to the regulations adopted by the State Board of Health pursuant to NRS 459.201;**

**(3) The renewal of a license to operate a surgical center for ambulatory patients, facility for the treatment of irreversible renal disease, facility for hospice care, program of hospice care, hospital, facility for intermediate care, facility for skilled nursing,**



*agency to provide personal care services in the home or a rural clinic pursuant to NRS 449.089; or*

*(4) The renewal of a license to operate a medical laboratory, other than a laboratory in which the only test performed is a test for the detection of the human immunodeficiency virus that is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations, pursuant to NRS 652.080.*

*2. The amount of any fee prescribed pursuant to paragraph (e) of subsection 1 must not exceed 8 percent of the fee for the issuance or renewal of the applicable license, certificate or registration. For the purposes of this subsection, the fee for the renewal of a license to operate a facility described in subparagraph (3) of paragraph (e) of subsection 1 does not include any fee that is imposed per bed in the facility.*

*3. The fees collected pursuant to paragraph (e) of subsection 1 must be accounted for separately and used by the Division to support the system for the reporting of information on cancer and other neoplasms established pursuant to NRS 457.230.*

**Sec. 6.** NRS 457.250 is hereby amended to read as follows:

457.250 1. ~~[The chief administrative officer of each]~~ *Each health care facility , other treatment facility and provider of health care* in this state shall make available to the Chief Medical Officer or the Chief Medical Officer's representative the records of the health care facility , *other treatment facility or provider of health care* for each case of neoplasm that is specified by the State Board of Health as subject to reporting.

2. The Division shall abstract from the records of the health care facility , *other treatment facility or provider of health care* or shall require the health care facility , *other treatment facility or provider of health care* to ~~[abstract from their own records]~~ *report to the Division* such information as is required by the State Board of Health. The ~~[Division shall compile the information timely and]~~ *abstraction or report must be completed* not later than 6 months after ~~[it abstracts the information or receives the abstracted information from the health care facility.]~~ *the admission, diagnosis or treatment of a patient for cancer or another neoplasm.*

3. The State Board of Health shall by regulation adopt a schedule of fees which must be assessed to the health care facility , *other treatment facility or provider of health care* for each case from which information is abstracted by the Division pursuant to subsection 2.



4. Any person who violates this section is subject to the administrative penalty established by the State Board of Health pursuant to subsection 5.

5. The State Board of Health shall adopt regulations establishing the administrative penalty for any violation of this section.

**Sec. 7.** NRS 457.270 is hereby amended to read as follows:

457.270 The Division shall not reveal the identity of any patient, ~~[physician or]~~ *provider of health care*, health care facility *or other treatment facility* which is involved in the reporting required by NRS 457.250 unless the patient, ~~[physician or]~~ *provider of health care*, health care facility *or other treatment facility, as applicable*, gives prior written consent to such a disclosure.

**Sec. 8.** NRS 459.035 is hereby amended to read as follows:

459.035 The Division shall not issue or renew the registration of a radiation machine pursuant to regulations adopted by the State Board of Health unless the applicant for issuance or renewal of the registration ~~[attests]~~ :

1. *Attests* that the persons employed by the applicant to operate the radiation machine are properly licensed pursuant to chapter 653 of NRS or are exempt from the requirement to obtain such licensure pursuant to NRS 653.430.

2. *Pays the fee prescribed by the State Board of Health pursuant to NRS 457.240, in addition to any fee for the issuance or renewal of the registration.*

**Sec. 9.** NRS 652.100 is hereby amended to read as follows:

652.100 1. All applications for a license or renewal thereof must be accompanied by a reasonable fee in an amount prescribed by the Board. All fees must be paid to the Division and must be deposited with the State Treasurer for credit to the appropriate account of the State Board of Health.

2. *In addition to the fee required by subsection 1, all applications for the renewal of a license, other than a license to operate a laboratory which only conducts a laboratory test for the detection of the human immunodeficiency virus that is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations, must be accompanied by the fee prescribed by the State Board of Health pursuant to NRS 457.240.*

3. Claims for per diem and travel expenses and for other expenses of administration of this chapter must be paid as other claims against the State are paid.

**Sec. 10.** Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing



Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

**Sec. 11.** This act becomes effective on July 1, 2021.

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