

**A.B. 478**

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ASSEMBLY BILL NO. 478—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE OFFICE OF FINANCE  
IN THE OFFICE OF THE GOVERNOR)

MAY 4, 2021

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Referred to Committee on Ways and Means

SUMMARY—Revises provisions relating to the Patient Protection Commission. (BDR 40-1069)

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

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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 health care; transferring the Patient Protection Commission from the Office of the Governor to the Aging and Disability Services Division of the Department of Health and Human Services; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law creates the Patient Protection Commission within the Office of the  
2 Governor and requires the Commission to perform certain duties relating to the  
3 provision of health care in this State. (NRS 439.902-439.918) Existing law requires  
4 the Governor to: (1) appoint the Executive Director of the Commission; and (2)  
5 post a report prepared by the Commission on an Internet website maintained by the  
6 Governor. (NRS 439.914, 439.918) **Section 3** of this bill transfers the Commission  
7 from the Office of the Governor to the Aging and Disability Services Division of  
8 the Department of Health and Human Services. **Section 1** of this bill defines  
9 “Division” to mean the Aging and Disability Services Division of the Department  
10 for purposes of provisions of law relating to the Commission. **Section 2** of this bill  
11 makes a conforming change to indicate the proper placement of **section 1** in the  
12 Nevada Revised Statutes. **Section 4** of this bill requires the Administrator of the  
13 Division to appoint the Executive Director of the Commission, who serves at  
14 the pleasure of the Administrator. **Section 5** of this bill requires the Executive  
15 Director to post the report prepared by the Commission on an Internet website  
16 maintained by the Division.

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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       ***“Division” means the Aging and Disability Services Division of***  
4 ***the Department.***

5       **Sec. 2.** NRS 439.902 is hereby amended to read as follows:

6       439.902 As used in NRS 439.902 to 439.918, inclusive, ***and***  
7 ***section 1 of this act***, the words and terms defined in NRS 439.904  
8 and 439.906 ***and section 1 of this act*** have the meanings ascribed to  
9 them in those sections.

10       **Sec. 3.** NRS 439.908 is hereby amended to read as follows:

11       439.908 1. The Patient Protection Commission is hereby  
12 created ***⌈*** ***within the Division.*** The Commission consists of:

13       (a) The following 11 voting members appointed by the  
14 Governor:

15           (1) Two persons who have expertise and experience in  
16 advocating on behalf of patients.

17           (2) Two representatives of providers of health care.

18           (3) Two representatives of hospitals.

19           (4) Two representatives of health insurers.

20           (5) One person who engages in the academic study of health  
21 care policy or public health.

22           (6) One representative of the prescription drug industry.

23           (7) One representative of the general public.

24       (b) The Director of the Department, the Commissioner of  
25 Insurance and the Executive Director of the Silver State Health  
26 Insurance Exchange as ex officio, nonvoting members.

27       2. The Governor shall:

28       (a) Appoint two of the voting members of the Commission  
29 described in paragraph (a) of subsection 1 from a list of persons  
30 nominated by the Majority Leader of the Senate;

31       (b) Appoint two of the voting members of the Commission  
32 described in paragraph (a) of subsection 1 from a list of persons  
33 nominated by the Speaker of the Assembly; and

34       (c) Ensure that the members appointed by the Governor to the  
35 Commission reflect the geographic diversity of this State.

36       3. Members of the Commission serve without compensation or  
37 per diem but are entitled to receive reimbursement for travel  
38 expenses in the same amount provided for state officers and  
39 employees generally.

40       4. After the initial terms, the term of each voting member is 2  
41 years, except that the Governor may remove a voting member at any  
42 time and for any reason. A member may be reappointed.



1 5. If a vacancy occurs during the term of a voting member, the  
2 Governor shall appoint a person similarly qualified to replace that  
3 member for the remainder of the unexpired term.

4 6. The Governor shall annually designate a voting member to  
5 serve as the Chair of the Commission.

6 7. A majority of the voting members of the Commission  
7 constitutes a quorum for the transaction of business, and a majority  
8 of the members of a quorum present at any meeting is sufficient for  
9 any official action taken by the Commission.

10 **Sec. 4.** NRS 439.914 is hereby amended to read as follows:

11 439.914 1. The  ~~Governor~~ *Administrator* shall appoint the  
12 Executive Director of the Commission .  ~~within the Office of the~~  
13  ~~Governor.~~ The Executive Director:

14 (a) Must have experience in health care or health insurance;

15 (b) Is in the unclassified service of the State; and

16 (c) Serves at the pleasure of the  ~~Governor.~~ *Administrator.*

17 2. The Executive Director shall:

18 (a) Perform the administrative duties of the Commission and  
19 such other duties as are directed by the Commission; and

20 (b) To the extent that money is available for this purpose,  
21 appoint employees to assist the Executive Director in carrying out  
22 the duties prescribed in paragraph (a). Such employees serve at the  
23 pleasure of the Executive Director and are in the unclassified service  
24 of the State.

25 3. The Executive Director may request any information  
26 maintained by a state agency that is necessary for the performance  
27 of his or her duties, including, without limitation, information that is  
28 otherwise declared confidential by law. To the extent authorized by  
29 the Health Insurance Portability and Accountability Act of 1996,  
30 Public Law 104-191, and the regulations adopted pursuant thereto,  
31 an agency from which such information is requested shall provide  
32 the information to the Executive Director.

33 4. The Executive Director:

34 (a) Shall maintain any information obtained pursuant to  
35 subsection 3 under the same conditions as the information is  
36 maintained by the agency that provided the information; and

37 (b) Except as otherwise provided in this paragraph, shall not  
38 disclose any confidential information obtained pursuant to  
39 subsection 3 to any other person or entity, including, without  
40 limitation, the Commission or a member thereof. The Executive  
41 Director may disclose or publish aggregated information in a  
42 manner that does not reveal the identity of any person.

43 **Sec. 5.** NRS 439.918 is hereby amended to read as follows:

44 439.918 1. In addition to conducting the review described in  
45 NRS 439.916, the Commission shall attempt to:



1 (a) Identify and facilitate collaboration between existing state  
2 governmental entities that study or address issues relating to the  
3 quality, accessibility and affordability of health care in this State,  
4 including, without limitation, the regional behavioral health policy  
5 boards created by NRS 433.429; and

6 (b) Coordinate with such entities to reduce any duplication of  
7 efforts among and between those entities and the Commission.

8 2. On or before January 1 and July 1 of each year, the  
9 Commission shall:

10 (a) Compile a report describing the meetings of the Commission  
11 and the activities of the Commission during the immediately  
12 preceding 6 months. The report must include, without limitation, a  
13 description of any issues identified as negatively impacting the  
14 quality, accessibility or affordability of health care in this State and  
15 any recommendations for legislation, regulations or other changes to  
16 policy or budgets to address those issues.

17 (b) Submit the report to the Governor and the Director of the  
18 Legislative Counsel Bureau for transmittal to:

19 (1) In January of odd-numbered years, the next regular  
20 session of the Legislature.

21 (2) In all other cases, to the Legislative Committee on Health  
22 Care.

23 3. ~~Upon receiving a report pursuant to subsection 2, the~~  
24 ~~Governor~~ *The Executive Director* shall post the report *compiled*  
25 *pursuant to subsection 2* on an Internet website maintained by the  
26 ~~Governor~~ *Division*.

27 4. The Commission may prepare and publish additional reports  
28 on specific topics at the direction of the Chair.

29 **Sec. 6.** This act becomes effective on July 1, 2021.

