

Assembly Bill No. 89—Committee on
Health and Human Services

CHAPTER.....

AN ACT relating to surgical centers for ambulatory patients; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to submit a quarterly report to the Legislature relating to surgical centers for ambulatory patients; prohibiting the Department from exercising its authority to suspend the collection or dissemination of certain information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to establish and maintain a program to increase public awareness of health care information concerning hospitals and surgical centers for ambulatory patients. (NRS 439A.200-439A.290) Pursuant to the program, the Department is required to collect, maintain and provide certain information concerning the charges imposed and quality of care provided by surgical centers for ambulatory patients. (NRS 439A.240, 439A.250) Additionally, existing law: (1) requires the Department to notify a surgical center for ambulatory patients each time the center fails to provide required information or provides incomplete or inaccurate information; and (2) authorizes the Department to impose a civil penalty of not more than \$20,000 for each such violation. (NRS 439A.250, 439A.310)

Existing law requires the Department to suspend certain of its programs or duties if it determines that sufficient money is not available to carry them out. (NRS 439A.280) In such circumstances, **section 2** of this bill prohibits the Department from suspending programs and duties relating to the collection and dissemination of information relating to surgical centers for ambulatory patients.

Section 3.6 of this bill requires the Division of Public and Behavioral Health of the Department to submit a quarterly report to the Legislature concerning information submitted to the Division by a surgical center for ambulatory patients relating to the discharge location of its patients.

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

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 439A.280 is hereby amended to read as follows:
439A.280 1. On or before July 1 of each odd-numbered year, the Department shall make a determination of whether sufficient money is available and authorized for expenditure to fund one or more components of the programs and other duties of the Department relating to NRS 439A.200 to 439A.290, inclusive.



2. The Department shall temporarily suspend any components of the program or duties of the Department , *other than those set forth in NRS 439A.240 and 439A.250*, for which it determines pursuant to subsection 1 that sufficient money is not available.

3. The Department may accept any gift, donation, bequest, grant or other source of money for the purpose of carrying out the provisions of NRS 439A.200 to 439A.290, inclusive.

Sec. 3. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 3.3 and 3.6 of this act.

Sec. 3.3. *The Legislature finds and declares that:*

1. This State has a compelling interest in assuring that residents of this State have access to health care;

2. Surgical centers for ambulatory patients play an important role in providing essential health care services and have become a critical element in the delivery of health care in this State; and

3. A license issued by this State to operate a surgical center for ambulatory patients pursuant to this chapter should be accompanied by oversight by the agency issuing the license.

Sec. 3.6. *The Division shall:*

1. Compile the information collected from and submitted by surgical centers for ambulatory patients to the Department pursuant to NRS 439A.240, 439A.250 and 439A.260 and any regulations adopted pursuant thereto, and prepare a quarterly report that:

(a) Identifies the discharge location of each patient of a surgical center for ambulatory patients; and

(b) Compares the discharge location of patients of surgical centers for ambulatory patients in different geographical regions of this State; and

2. Submit the quarterly report prepared pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

Sec. 4. NRS 449.435 is hereby amended to read as follows:

449.435 As used in NRS 449.435 to 449.448, inclusive, *and sections 3.3 and 3.6 of this act*, unless the context otherwise requires, the words and terms defined in NRS 449.436 to 449.439, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 449.441 is hereby amended to read as follows:

449.441 The provisions of NRS 449.435 to 449.448, inclusive, *and sections 3.3 and 3.6 of this act* do not apply to an office of a physician or a facility that provides health care, other than a medical facility, if the office of a physician or the facility only administers a medication to a patient to relieve the patient's anxiety or pain and if



the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

Sec. 6. NRS 449.447 is hereby amended to read as follows:

449.447 1. If an office of a physician or a facility that provides health care, other than a medical facility, violates the provisions of NRS 449.435 to 449.448, inclusive, *and sections 3.3 and 3.6 of this act*, or the regulations adopted pursuant thereto, or fails to correct a deficiency indicated in a report pursuant to NRS 449.446, the Division, in accordance with the regulations adopted pursuant to NRS 449.448, may take any of the following actions:

- (a) Decline to issue or renew a permit;
- (b) Suspend or revoke a permit; or
- (c) Impose an administrative penalty of not more than \$1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum.

2. The Division may review a report submitted pursuant to NRS 630.30665 or 633.524 to determine whether an office of a physician or a facility is in violation of the provisions of NRS 449.435 to 449.448, inclusive, *and sections 3.3 and 3.6 of this act*, or the regulations adopted pursuant thereto. If the Division determines that such a violation has occurred, the Division shall immediately notify the appropriate professional licensing board of the physician.

3. If a surgical center for ambulatory patients violates the provisions of NRS 449.435 to 449.448, inclusive, *and sections 3.3 and 3.6 of this act*, or the regulations adopted pursuant thereto, or fails to correct a deficiency indicated in a report pursuant to NRS 449.446, the Division may impose administrative sanctions pursuant to NRS 449.163.

Sec. 7. NRS 449.448 is hereby amended to read as follows:

449.448 1. The Board shall adopt regulations to carry out the provisions of NRS 449.435 to 449.448, inclusive, *and sections 3.3 and 3.6 of this act*, including, without limitation, regulations which:

(a) Prescribe the amount of the fee required for applications for the issuance and renewal of a permit pursuant to NRS 449.443 and 449.444.

(b) Prescribe the procedures and standards for the issuance and renewal of a permit.

(c) Identify the nationally recognized organizations approved by the Board for the purposes of the accreditation required for the issuance of a:



(1) License to operate a surgical center for ambulatory patients.

(2) Permit for an office of a physician or a facility that provides health care, other than a medical facility, to offer to a patient a service of general anesthesia, conscious sedation or deep sedation.

(d) Prescribe the procedures and scope of the inspections conducted by the Division pursuant to NRS 449.446.

(e) Prescribe the procedures and time frame for correcting each deficiency indicated in a report pursuant to NRS 449.446.

(f) Prescribe the criteria for the imposition of each sanction prescribed by NRS 449.447, including, without limitation:

(1) Setting forth the circumstances and manner in which a sanction applies;

(2) Minimizing the time between the identification of a violation and the imposition of a sanction; and

(3) Providing for the imposition of incrementally more severe sanctions for repeated or uncorrected violations.

2. The regulations adopted pursuant to this section must require that the practices and policies of each holder of a permit to offer to a patient a service of general anesthesia, conscious sedation or deep sedation and each holder of a license to operate a surgical center for ambulatory patients provide adequately for the protection of the health, safety and well-being of patients.

Sec. 7.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. This act becomes effective on July 1, 2017.

