

Senate Bill No. 2—Committee on Government Affairs

CHAPTER.....

AN ACT relating to emergency management; revising provisions relating to the State Disaster Identification Coordination Committee of the Division of Emergency Management of the Office of the Military; transferring the duty to adopt regulations governing the Committee from the Office of the Military to the Division; revising provisions relating to the reporting to the Committee of certain information regarding the treatment of certain persons; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes the State Disaster Identification Coordination Committee within the Division of Emergency Management of the Office of the Military. (NRS 414.270) Existing law further authorizes, under certain circumstances, the Chief of the Division to activate the Committee or a subcommittee thereof: (1) during the existence of a state of emergency or a declaration of a disaster or a public health emergency or other health event; or (2) during an emergency in a city or county. If activated, the Committee or subcommittee thereof is required to coordinate the sharing of information among state, local and tribal governmental agencies regarding persons who appear to be injured or killed or contracted an illness. (NRS 414.038, 414.285) **Section 2** of this bill clarifies that, under certain circumstances, the Chief of the Division may also activate the Committee or a subcommittee thereof in preparation for an imminent emergency, disaster, public health emergency or other health event.

Existing law authorizes a provider of health care to whom a person comes or is brought for the treatment of an injury inflicted during a state of emergency or declaration of disaster or an illness contracted during a public health emergency or other health event to submit a report to the Committee. The report must contain certain information relating to the person who was treated. (NRS 629.043) **Section 5** of this bill instead requires providers of health care to submit such a report. **Section 5** further provides that: (1) such a report must include certain information including the number of the medical record of the person who was treated; and (2) the information in such a report is confidential and must be securely maintained by each person who has possession, custody or control of such information. **Section 4** of this bill makes a conforming change to provide that these reports are not public records.

Existing law requires the Committee to notify providers of health care of the provisions of existing law governing the submission of such reports to the Committee. (NRS 414.280) **Section 1** of this bill: (1) requires the Committee to share the information from the reports submitted by providers of health care with a county or city upon the request of the county or city for the purpose of reunification or identification services; and (2) makes a member of the Committee immune from civil action for a disclosure concerning the reports submitted by providers of health care that is made in good faith.

Existing law requires the Office of the Military to adopt regulations governing the Committee. (NRS 414.300) **Section 3** of this bill transfers the requirement to adopt regulations from the Office of the Military to the Division.



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

Section 1. NRS 414.280 is hereby amended to read as follows:
414.280 **1.** The State Disaster Identification Coordination

Committee shall:

~~1.~~ **(a)** Notify providers of health care, as defined in NRS 629.031, in writing of the provisions of NRS 629.043.

~~2.~~ **(b)** Develop a plan for performing its duties pursuant to NRS 414.285 during activation. Such a plan is confidential and must be securely maintained by each person who has possession, custody or control of the plan.

~~3.~~ **(c)** Annually review the plan developed pursuant to ~~subsection 2~~ **paragraph (b)** and annually practice carrying out the plan.

~~4.~~ **(d)** On or before January 31 of each year, submit a report to the Chief, the Governor and the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature, if the report is submitted in an even-numbered year, or the Legislative Commission, if the report is submitted in an odd-numbered year. The report must include, without limitation:

~~(a)~~ **(1)** A description of the activities of the State Disaster Identification Coordination Committee for the immediately preceding calendar year; and

~~(b)~~ **(2)** A summary of any policies or procedures adopted by the State Disaster Identification Coordination Committee for the immediately preceding calendar year.

(e) Upon the request of a political subdivision made for the purpose of performing reunification or identification services, share information obtained in a report submitted to the Committee pursuant to NRS 629.043 with the political subdivision, including, without limitation, the local health authority, the local law enforcement, the local emergency manager, the local coroner or other persons assigned by the political subdivision to perform reunification and identification services.

2. A member of the State Disaster Identification Coordination Committee is immune from any civil action for any disclosure made in good faith in accordance with paragraph (e) of subsection 1.



Sec. 2. NRS 414.285 is hereby amended to read as follows:

414.285 **1.** The Chief may activate the State Disaster Identification Coordination Committee or any subcommittee thereof ~~to coordinate the sharing of information among state, local and tribal governmental agencies regarding persons who appear to have been injured or killed or contracted an illness;~~

~~—1.] :~~

(a) During the existence of a state of emergency or declaration of disaster pursuant to NRS 414.070 or a public health emergency or other health event pursuant to NRS 439.970; ~~for~~

~~—2.] (b)~~ During an emergency in a political subdivision, upon the request of a political subdivision, if the Chief determines that the political subdivision requires the services of the Committee ~~];~~ **or**

(c) In preparation for an imminent occurrence that may result in emergency, disaster, public health emergency or other health event described in paragraph (a) or (b).

2. If the State Disaster Identification Coordination Committee or any subcommittee thereof is activated pursuant to subsection 1, the Committee or subcommittee, as applicable, shall prepare for and coordinate the sharing of information among state, local and tribal governmental agencies regarding persons who appear to have been injured or killed or contracted an illness during the emergency, disaster, public health emergency or other health event, as applicable.

Sec. 3. NRS 414.300 is hereby amended to read as follows:

414.300 The **Division of Emergency Management of the** Office of the Military shall adopt such regulations as are necessary to govern the State Disaster Identification Coordination Committee.

Sec. 4. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,



200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,



534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, **629.043**, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in



any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 5. NRS 629.043 is hereby amended to read as follows:

629.043 1. A provider of health care to whom any person comes or is brought for the treatment of an injury which the provider concludes was inflicted during the existence of a state of emergency or declaration of disaster pursuant to NRS 414.070 or an illness which the provider concludes was contracted during a public



health emergency or other health event pursuant to NRS 439.970 ~~[may]~~ **shall** submit a written report ~~[electronically]~~ to the State Disaster Identification Coordination Committee.

2. ~~[If a provider of health care submits a]~~ **A report submitted** pursuant to subsection 1 ~~[, the report]~~ must include, ~~[without limitation:]~~ **in as much detail as possible:**

(a) The name, address, telephone number and electronic mail address of the person treated, if known;

(b) **The number of the medical record of the person treated;**

(c) The location where the person was treated; and

~~[(e)]~~ (d) The character or extent of the injuries or illness of the person treated.

3. A provider of health care and his or her agents and employees are immune from any civil action for any disclosures made in good faith in accordance with the provisions of this section.

4. **Except as otherwise provided in NRS 414.280, a report submitted to the State Disaster Identification Coordination Committee pursuant to this section is confidential and must be securely maintained by each person who has possession, custody or control of the report.**

Sec. 6. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 7. This act becomes effective upon passage and approval.

