

Proposed Language for Personal Health Information Sharing Post Incident

NRS 414.270

1. A State Disaster Identification Coordination Committee is hereby established within the Division of Emergency Management of the Office of the Military. The Chief shall appoint to the State Disaster Identification Coordination Committee:

- (a) One or more representatives of a state or local organization for emergency management;
- (b) One or more representatives of the office of a county coroner;
- (c) One or more representatives of the Office of the Attorney General;
- (d) One or more representatives of the Nevada Hospital Association or its successor organization;
- (e) One or more representatives of a state or local public health agency whose duties relate to emergency preparedness;
- (f) The **State's** Chief Medical Officer;
- (g) An employee of the Department of Health and Human Services whose duties relate to ensuring compliance with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and any applicable regulations; and
- (h) A consumer of healthcare services.

2. The State Disaster Identification Coordination Committee shall meet at the call of the Chief as frequently as required to perform its duties, but not less than once each calendar year.

3. The provisions of chapter 241 of NRS do not apply to any meeting held by the State Disaster Identification Coordination Committee or a subcommittee thereof.

414.280

The State Disaster Identification Coordination Committee shall:

- 1. Notify providers of health care, as defined in NRS 629.031, in writing of the provisions of NRS 629.043.
- 2. 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. Annually review the plan developed pursuant to subsection 2 and annually practice carrying out the plan.
- 4. 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) A description of the activities of the State Disaster Identification Coordination Committee for the immediately preceding calendar year; and
 - (b) A summary of any policies or procedures adopted by the State Disaster Identification Coordination Committee for the immediately preceding calendar year.

414.285

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. During the existence, **or in anticipation in the immediate future 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; or

2. During an emergency, **or in anticipation in the immediate future of 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

(a) To aid in the identification and reunification of persons who appear to have been injured or killed or contracted an illness, during an or in anticipation of an emergency, the State Disaster Identification Coordination Committee shall share information obtained on persons to the political subdivision from which the request was received, not limited to the local health authority, local law enforcement, local emergency manager, or other assigned to perform reunification and identification services at the local level.

3. Members of the State Disaster Identification Coordination Committee are immune from any civil action for any disclosures made in good faith in accordance with the provisions of this section.

NRS414.300 Regulations.

The Division shall adopt such regulations as are necessary to govern the State Disaster Identification Coordination Committee.

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 **are required to** submit a written report **electronically** to the State Disaster Identification Coordination Committee .

2. **When** a provider of health care submits a report pursuant to subsection 1, the report **must** ~~should~~ include **as much detail as possible for the following data points, without limitation:**

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

(b) **The patient's medical record number; and,**

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

(d) The character or extent of the injuries or illness of the person treated.

Information obtained on, or reports related to, persons who are injured, killed, or contracted an illness pursuant to the provisions of this section, is confidential and must be securely maintained by each person who has possession, custody or control of the information or reports.

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.