

HIPPA COMPLIANT CLINIC
HIPPA COMPLIANT PROVIDER

NRS 629.021 “Health care records” defined. “Health care records” means any reports, notes, orders, photographs, X-rays or other recorded data or information whether maintained in written, electronic or other form which is received or produced by a provider of health care, or any person employed by a provider of health care, and contains information relating to the medical history, examination, diagnosis or treatment of the patient.

(Added to NRS by [1977, 1313](#); A [1993, 916](#))

NRS 629.051 Retention of records; disclosure to patients concerning destruction of records; exceptions; regulations.

1. Except as otherwise provided in this section and in regulations adopted by the State Board of Health pursuant to [NRS 652.135](#) with regard to the records of a medical laboratory and unless a longer period is provided by federal law, each provider of health care shall retain the health care records of his or her patients as part of his or her regularly maintained records for 5 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of [NRS 629.061](#). Health care records may be created, authenticated and stored in a computer system which meets the requirements of [NRS 439.581](#) to [439.595](#), inclusive, and the regulations adopted pursuant thereto.
2. A provider of health care shall post, in a conspicuous place in each location at which the provider of health care performs health care services, a sign which discloses to patients that their health care records may be destroyed after the period set forth in subsection 1.
3. When a provider of health care performs health care services for a patient for the first time, the provider of health care shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be destroyed after the period set forth in subsection 1.
4. If a provider of health care fails to deliver the written statement to the patient pursuant to subsection 3, the provider of health care shall deliver to the patient the written statement described in subsection 3 when the provider of health care next performs health care services for the patient.
5. In addition to delivering a written statement pursuant to subsection 3 or 4, a provider of health care may deliver such a written statement to a patient at any other time.
6. A written statement delivered to a patient pursuant to this section may be included with other written information delivered to the patient by a provider of health care.
7. A provider of health care shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person

who has attained the age of 23 years may be destroyed in accordance with this section for those records which have been retained for at least 5 years or for any longer period provided by federal law.

8. The provisions of this section do not apply to a pharmacist.

9. The State Board of Health shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the signs and written statements required pursuant to this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

(Added to NRS by [1977, 1313](#); A [1993, 916](#); [1997, 1123](#); [2009, 2549](#); [2011, 1762](#))

NRS 629.053 Disclosure on Internet website by State Board of Health and certain regulatory boards concerning destruction of records; regulations.

1. The State Board of Health and each board created pursuant to [chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 640, 640A, 640B, 640C, 641, 641A, 641B](#) or [641C](#) of NRS shall post on its website on the Internet, if any, a statement which discloses that:

(a) Pursuant to the provisions of subsection 7 of [NRS 629.051](#):

(1) The health care records of a person who is less than 23 years of age may not be destroyed; and

(2) The health care records of a person who has attained the age of 23 years may be destroyed for those records which have been retained for at least 5 years or for any longer period provided by federal law; and

(b) Except as otherwise provided in subsection 7 of [NRS 629.051](#) and unless a longer period is provided by federal law, the health care records of a patient who is 23 years of age or older may be destroyed after 5 years pursuant to subsection 1 of [NRS 629.051](#).

2. The State Board of Health shall adopt regulations prescribing the contents of the statements required pursuant to this section.

(Added to NRS by [2009, 2549](#); A [2015, 2292](#))

NRS 629.061 Inspection; copies; use in public hearing; immunity of certain persons from civil action for disclosure.

1. Each provider of health care shall make the health care records of a patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient;

(b) The personal representative of the estate of a deceased patient;

(c) Any trustee of a living trust created by a deceased patient;

- (d) The parent or guardian of a deceased patient who died before reaching the age of majority;
- (e) An investigator for the Attorney General or a grand jury investigating an alleged violation of [NRS 200.495](#), [200.5091](#) to [200.50995](#), inclusive, or [422.540](#) to [422.570](#), inclusive;
- (f) An investigator for the Attorney General investigating an alleged violation of [NRS 616D.200](#), [616D.220](#), [616D.240](#) or [616D.300](#) to [616D.440](#), inclusive, or any fraud in the administration of [chapter 616A](#), [616B](#), [616C](#), [616D](#) or [617](#) of NRS or in the provision of benefits for industrial insurance; or
- (g) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

2. The records described in subsection 1 must be made available at a place within the depository convenient for physical inspection. Except as otherwise provided in subsection 3, if the records are located:

- (a) Within this State, the provider shall make any records requested pursuant to this section available for inspection within 10 working days after the request.
- (b) Outside this State, the provider shall make any records requested pursuant to this section available in this State for inspection within 20 working days after the request.

3. If the records described in subsection 1 are requested pursuant to paragraph (e), (f) or (g) of subsection 1 and the investigator, grand jury or authorized representative, as applicable, declares that exigent circumstances exist which require the immediate production of the records, the provider shall make any records which are located:

- (a) Within this State available for inspection within 5 working days after the request.
- (b) Outside this State available for inspection within 10 working days after the request.

4. Except as otherwise provided in subsection 5, the provider of health care shall also furnish a copy of the records to each person described in subsection 1 who requests it and pays the actual cost of postage, if any, the costs of making the copy, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy.

5. The provider of health care shall also furnish a copy of any records that are necessary to support a claim or appeal under any provision of the Social Security Act, 42 U.S.C. §§ 301 et seq., or under any federal or state financial needs-based benefit program, without charge, to a patient, or a representative with written authorization from the patient, who requests it, if the request is accompanied by documentation of the claim or appeal. A copying fee, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes, may be charged by the provider of health care for furnishing a second copy of the records to support the same claim or appeal. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy. The provider of health care shall furnish the copy of the records requested pursuant to this subsection within 30 days after the date of receipt of the request, and the provider of health care shall not deny the furnishing of a copy of the records pursuant to this subsection solely because the patient is unable to pay the fees established in this subsection.

6. Each person who owns or operates an ambulance in this State shall make the records regarding a sick or injured patient available for physical inspection by:

- (a) The patient or a representative with written authorization from the patient;
- (b) The personal representative of the estate of a deceased patient;
- (c) Any trustee of a living trust created by a deceased patient;
- (d) The parent or guardian of a deceased patient who died before reaching the age of majority; or

(e) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law. The records must be made available at a place within the depository convenient for physical inspection, and inspection must be permitted at all reasonable office hours and for a reasonable length of time. The person who owns or operates an ambulance shall also furnish a copy of the records to each person described in this subsection who requests it and pays the actual cost of postage, if any, and the costs of making the copy, not to exceed 60 cents per page for photocopies. No administrative fee or additional service fee of any kind may be charged for furnishing a copy of the records.

7. Records made available to a representative or investigator must not be used at any public hearing unless:

- (a) The patient named in the records has consented in writing to their use; or
- (b) Appropriate procedures are utilized to protect the identity of the patient from public disclosure.

8. Subsection 7 does not prohibit:

- (a) A state licensing board from providing to a provider of health care or owner or operator of an ambulance against whom a complaint or written allegation has been filed, or to his or her attorney, information on the identity of a patient whose records may be used in a public hearing relating to the complaint or allegation, but the provider of health care or owner or operator of an ambulance and the attorney shall keep the information confidential.
- (b) The Attorney General from using health care records in the course of a civil or criminal action against the patient or provider of health care.

9. A provider of health care or owner or operator of an ambulance and his or her agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

10. For the purposes of this section:

- (a) "Guardian" means a person who has qualified as the guardian of a minor pursuant to testamentary or judicial appointment but does not include a guardian ad litem.
- (b) "Living trust" means an inter vivos trust created by a natural person:
 - (1) Which was revocable by the person during the lifetime of the person; and

- (2) Who was one of the beneficiaries of the trust during the lifetime of the person.
- (c) “Parent” means a natural or adoptive parent whose parental rights have not been terminated.
- (d) “Personal representative” has the meaning ascribed to it in [NRS 132.265](#).

(Added to NRS by [1977, 1313](#); A [1985, 2246](#); [1987, 728, 1040](#); [1989, 2049](#); [1991, 1055, 1947](#); [1993, 781](#); [1995, 1879](#); [1999, 78](#); [2001, 829](#); [2003, 1331](#); [2005, 397](#); [2011, 845, 2856](#); [2013, 3179](#))

NRS 629.063 Custodian of records prohibited from preventing inspection or receipt of copies by provider of health care; duty of custodian ceasing to do business in State to deliver records or copies to provider of health care; penalties.

1. Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any other federal law or regulation:

(a) A custodian of health care records having custody of any health care records of a provider of health care pursuant to this chapter shall not prevent the provider of health care from physically inspecting the health care records or receiving copies of those records upon request by the provider of health care in the manner specified in [NRS 629.061](#).

(b) If a custodian of health care records specified in paragraph (a) ceases to do business in this State, the custodian of health care records shall, within 10 days after ceasing to do business in this State, deliver the health care records of the provider of health care, or copies thereof, to the provider of health care.

2. A custodian of health care records who violates a provision of this section is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$25,000 for each violation, or by both fine and imprisonment.

3. In addition to any criminal penalties imposed pursuant to subsection 2, a custodian of health care records who violates a provision of this section is subject to a civil penalty of not less than \$10,000 for each violation, to be recovered in a civil action brought in the district court in the county in which the provider of health care’s principal place of business is located or in the district court of Carson City.

4. As used in this section, “custodian of health care records” means any person having custody of any health care records pursuant to this chapter. The term does not include:

- (a) A facility for hospice care, as defined in [NRS 449.0033](#);
- (b) A facility for intermediate care, as defined in [NRS 449.0038](#);
- (c) A facility for skilled nursing, as defined in [NRS 449.0039](#);
- (d) A hospital, as defined in [NRS 449.012](#); or
- (e) A psychiatric hospital, as defined in [NRS 449.0165](#).

(Added to NRS by [2015, 1709](#))