

Please accept this courtesy notification of State law now in effect regarding electronic health record maintenance, transmittal, and exchange requirements. All underlined text are hyperlinks to additional information.

Due to passage of [Assembly Bill 7](#) (AB7) of the 2023 Nevada Legislature, now codified to Nevada Revised Statute ([NRS](#)) [439.589](#), State law requires all health care providers and medical facilities to maintain, transmit and exchange health information electronically in accordance with adopted regulations contained in LCB File No. R173-24 (adopted and in effect December 19, 2024). The text of the adopted regulation is available at the State of Nevada Register of Administrative Regulations at https://www.leg.state.nv.us/register/indexes/2024_NAC_REGISTER_NUMERICAL.htm.

If any health care provider **including an optometrist** or medical facility (who is not otherwise exempt) is not in compliance with this regulation, notification of noncompliance may be reported to the Department of Health and Human Services (Department) who will in turn report the health care provider or medical facility to the appropriate licensing or regulatory agency for administrative penalties and/or corrective action, as documented in the original bill language.

Per NRS 439.589(4), “[e]xcept as otherwise provided in subsections 5, 6 and 7, the Department and the divisions thereof, other state and local governmental entities, health care providers, third parties, pharmacy benefit managers and other entities licensed or certified pursuant to title 57 of NRS shall maintain, transmit and exchange health information in accordance with the regulations adopted pursuant to this section, the provisions of [NRS 439.581](#) to [439.597](#), inclusive, and any other regulations adopted pursuant thereto.”

Compliance Deadlines:

Per [Assembly Bill 7](#) approved through the 2023 Nevada Legislature, the following dates for compliance are as follows:

1. Hospitals and physician practices with more than 20 employees shall comply with the provisions of subsection 4 of NRS 439.589, as amended by section 1.08 of this act, on or before July 1, 2024.
2. Persons and entities subject to the provisions of subsection 4 of NRS 439.589, as amended by section 1.08 of this act, are not required to comply with those provisions until July 1, 2025.
3. Physician group practices or other business entities organized for the purpose of practicing a health care profession with 20 or fewer employees, including, without limitation, sole proprietorships, are not required to comply with the provisions of subsection 4 of NRS 439.589, as amended by section 1.08 of this act, until January 1, 2030.

Waiver Program for Health Care Providers:

Per [NRS 439.589\(6\)](#), “[a] health care provider may apply to the Department for a waiver from the provisions of subsection 4 on the basis that the health care provider does not have the

infrastructure necessary to comply with those provisions, including, without limitation, **because the health care provider does not have access to the Internet.**”

The Department shall grant a waiver if it determines that:

(a) The health care provider does not currently have the infrastructure necessary to comply with the provisions of subsection 4; and

(b) Obtaining such infrastructure is not reasonably practicable, including, without limitation, because the cost of such infrastructure would make it difficult for the health care provider to continue to operate. (Emphasis added.)”

Per [NRS 439.5895\(3\)\(a.\)](#) “Licensed provider or insurer” means: (1) A medical facility licensed pursuant to chapter 449 of NRS; (2) The holder of a permit to operate an ambulance, an air ambulance or a vehicle of a fire-fighting agency pursuant to chapter 450B of NRS; (3) A provider of health care, as defined in [NRS 629.031](#), who is licensed pursuant to title 54 of NRS; or (4) Any person licensed pursuant to title 57 of NRS. **This definition includes optometrists.**

To apply for a waiver of the provisions of NRS 439.589, a health care provider may follow the instructions to complete and submit a waiver application, located online at the [Electronic Health Information Advisory Group’s website](#) (see right-hand column); PDF copy attached for reference, including the accompanying Quick Reference Guide.

For ANY questions regarding compliance, compliance deadlines, and waiver applications, please contact:

Malinda Southard, DC, CPM

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Grant Program for Health Care Providers and Medical Facilities:

Grant funding still available! The Department has grant funding available appropriated through [Assembly Bill 7](#) (AB 7, 2023) for the purpose of awarding **grants to health care providers and medical facilities to comply with the requirements of [NRS 439.589](#). The deadline to apply for the grant funding is March 31, 2025, by 5 pm.** For more information and to apply, see the Notice of Funding Opportunity, application and attachments – all located in the right-hand column of [this website](#).

For ANY questions regarding grant funding applications, please contact:

CommunityAndProvider@DHCFP.nv.gov