

Summary for Clinics
State of Nevada Medical Records Privacy Laws

I. Summary

Nevada has a significant host of laws and regulations related to health care and patient records that, for all purposes and intents, mirrors the federal HIPAA regulations; however, the state law expands the coverage to include all forms of recorded medical records, not just electronically transmitted records.¹ In general, HIPAA requirements should be applied to the security, care and transmittal of all medical records in Nevada PMCs. Both PRCs and PMCs have an obligation to provide notice of any unauthorized access to stored personal information of clients.

II. Do the requirements of the law apply to Nevada PRCs? To PMCs?

The requirements do not apply to Nevada PRCs; however, the Nevada definition of “provider of health care” is broad enough to include PMCs as it relates to retention, disclosure, inspection, copying and availability of health care records.²

III. Does Nevada law define “Protected Information” differently than HIPAA?

Nevada law defines “Health Care Records” as “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.”³

IV. Are there any specific compliance requirements for PMCs under Nevada law not identified in the NIFLA HIPAA VOLUNTARY COMPLIANCE MANUAL FOR PMCs?

Nevada PMCs should adopt the standards for treatment and handling of protected health information found in the NIFLA HIPAA Voluntary Compliance Manual for PMCs.

V. Are there any specific Nevada law provisions applicable to PRCs?

Nevada requires any person conducting business in Nevada who electronically collects personal information (first name or first initial and last name in connection with a social security number, driver’s license number, credit card number or other account numbers) to notify the owner of the information if there is an unauthorized access or breach of unencrypted data immediately upon discovery of the breach.⁴ PMCs and PRCs are strongly encouraged to install encryption software on their computer systems to minimize the risk of a breach.

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¹ NRS Chapter 629.010-629.490

² NRS Chapter 629.031

³ NRS Chapter 629-021

⁴ NRS Chapter 603A.100-603A.920

