# Nevada

## Birth Defects Surveillance System

<table>
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<tr>
<th>State</th>
<th>Statute/Rule</th>
<th>Language Specific to Surveillance System</th>
<th>Data Sharing</th>
<th>Research Authority</th>
<th>Consent Required?</th>
<th>Dissent Allowed?</th>
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<tr>
<td>NV</td>
<td>STATUTE: Title 40 Chapter 442 RULE: NAC Chapter 442</td>
<td>NRS 442.310 “Birth defect” defined. “Birth defect” means any structural or chemical abnormality present in a child at birth. (Added to NRS by 1999, 3509) NRS 442.320 Statewide system for collection and analysis of information: Establishment and maintenance; regulations. 1. The Health Division, in cooperation with the University of Nevada School of Medicine, shall establish and maintain a statewide system for the collection and analysis of information concerning birth defects and other adverse birth outcomes.</td>
<td>NRS 442.325 Provision of certain information by chief administrative officer of hospital or obstetric center; exclusion of name of patient; preparation of abstracts. 1. Except as otherwise provided in subsection 2, the chief administrative officer of each hospital and obstetric center or a representative of the Officer shall: (a) Prepare and make available to the State Health Officer or a representative of the Officer a list of:</td>
<td>NRS 442.330. 1. Except as otherwise provided in NRS 439.538, information obtained by the system from any source may be used only: (a) To investigate the causes of birth defects and other adverse birth outcomes; (b) To determine, evaluate and develop strategies to prevent the occurrence of birth defects and other adverse birth outcomes;</td>
<td>NO</td>
<td>NO – only the patient’s name is deleted</td>
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2. The State Board of Health shall adopt regulations to carry out the provisions of NRS 442.300 to 442.330, inclusive. The regulations must:

(a) Establish a procedure to inform a patient that his name will be used for research and referrals to related services unless the patient requests the exclusion of his or her name from the system; and

(b) Require the exclusion from the system of the name of a patient if the patient or, if the patient is a minor, a parent or legal guardian of the patient has requested in writing to exclude the name of the patient from the system. [emphasis added]

(1) Patients who are under 7 years of age and have been diagnosed with one or more birth defects; and

(2) Patients discharged with adverse birth outcomes; and

(b) Make available to the State Health Officer or a representative of the Officer the records of the hospital or obstetric center regarding:

(1) Patients who are under 7 years of age and have been diagnosed with one or more birth defects; and

(2) Patients discharged with adverse birth outcomes.

(c) To assist in the early detection of birth defects; and

(d) To assist in ensuring the delivery of services for children identified with birth defects.
3. The provisions of NRS 442.300 to 442.330, inclusive, do not authorize any prenatal genetic testing of children.

**NRS 442.330 Access to and use of information obtained by system: Restrictions; exceptions; regulations.**

...2. The State Board of Health shall adopt regulations to ensure that, except as otherwise provided in subsection 3 and NRS 439.538:

(a) Access to information contained in the system is limited to persons authorized and approved by the State Health Officer or a representative of the officer who are employed by the Health Division or the University of Nevada School of Medicine.

(b) Any information obtained by the system that would reveal the identity of a patient remains confidential.

2. *The name of a patient must be excluded* from the information prepared and made available pursuant to subsection 1 if the patient or, if the patient is a minor, a parent or legal guardian of the patient has requested in writing to exclude the name of the patient from that information in the manner prescribed by the State Board of Health pursuant to NRS 442.320... [emphasis added]

**NRS 442.320 Statewide system for collection and analysis of information: Establishment and maintenance; regulations.**

...2. The State Board of Health shall adopt regulations to carry out the provisions of NRS 442.300 to 442.330, inclusive. The regulations must:

(a) Establish a procedure to inform a patient that his name will be used for research and referrals to related services unless he requests the exclusion of his name from the system; and
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<th>Information obtained by the system is used solely for the purposes set forth in subsection 1.</th>
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<td>3.</td>
<td>This section does not prohibit the publishing of statistical compilations relating to birth defects and other adverse birth outcomes that do not in any manner identify individual patients or individual sources of information.</td>
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