
ASSEMBLY BILL NO. 573—ASSEMBLYMEN HUMKE AND FREEMAN

MARCH 15, 1999

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to employment of certain persons in certain medical and related facilities. (BDR 40-1539)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to personal care facilities; revising the provisions relating to the employment of certain persons in certain medical and related facilities; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 449.179 is hereby amended to read as follows:
2 449.179 1. Except as otherwise provided in subsection 4, within 10
3 days after hiring an employee, the administrator of, or the person licensed
4 to operate, an agency to provide nursing in the home, a facility for
5 intermediate care, a facility for skilled nursing or a residential facility for
6 groups shall:
7 (a) Obtain a written statement from the employee stating whether he
8 ~~has~~ :
9 ***(1) Has been convicted of any crime listed in subparagraphs (1) to***
10 ***(4), inclusive, of paragraph (a) of subsection 1 of NRS 449.188; or***
11 ***(2) Has been convicted of a crime listed in subparagraphs (5), (6)***
12 ***and (7) of paragraph (a) of subsection 1 of NRS 449.188, within the***
13 ***immediately preceding 3 years;***
14 (b) Obtain ~~a verbal~~ ***an oral*** and written confirmation of the
15 information contained in the written statement obtained pursuant to
16 paragraph (a);
17 (c) Obtain from the employee two sets of fingerprints and a written
18 authorization to forward the fingerprints to the central repository for

1 Nevada records of criminal history for submission to the Federal Bureau of
2 Investigation for its report; and

3 (d) Submit to the central repository for Nevada records of criminal
4 history the fingerprints obtained pursuant to paragraph (c).

5 2. The central repository for Nevada records of criminal history shall
6 determine whether the employee ~~has~~ :

7 (a) *Has* been convicted of a crime listed in *subparagraphs (1) to (4),*
8 *inclusive, of paragraph (a) of subsection 1 of NRS 449.188 ; or*

9 (b) *Has been convicted of a crime listed in subparagraphs (5), (6) and*
10 *(7) of paragraph (a) of subsection 1 of NRS 449.188 within the*
11 *immediately preceding 3 years,*

12 and immediately inform the health division, the administrator of, and the
13 person licensed to operate, the agency or facility at which the person is
14 employed of whether or not the employee has been convicted of such a
15 crime.

16 3. The central repository for Nevada records of criminal history may
17 impose a fee upon an agency or a facility that submits fingerprints pursuant
18 to this section for the reasonable cost of the investigation. The agency or
19 facility may recover from the employee not more than one-half of the fee
20 imposed by the central repository. If the agency or facility requires the
21 employee to pay for any part of the fee imposed by the central repository,
22 it shall allow the employee to pay the amount through periodic payments.

23 4. The provisions of this section do not apply to an employee who has
24 undergone an investigation of his criminal background as a condition to
25 receiving a professional license in this state.

26 **Sec. 2.** NRS 449.185 is hereby amended to read as follows:

27 449.185 1. Upon receiving information from the central repository
28 for Nevada records of criminal history pursuant to NRS 449.179, or
29 evidence from any other source, that a person who is employed at an
30 agency to provide nursing in the home, a facility for intermediate care, a
31 facility for skilled nursing or a residential facility for groups has been
32 convicted of a crime listed in *subparagraphs (1) to (4), inclusive, of*
33 *paragraph (a) of subsection 1 of NRS 449.188, or has been convicted of a*
34 *crime listed in subparagraphs (5), (6) and (7) of paragraph (a) of*
35 *subsection 1 of NRS 449.188 within the immediately preceding 3 years,*
36 the administrator of, or the person licensed to operate, the agency or
37 facility shall terminate the employment of that person after allowing him
38 time to correct the information as required pursuant to subsection 2.

39 2. If an employee believes that the information provided by the central
40 repository is incorrect, he may immediately inform the agency or facility.

41 An agency or facility that is so informed shall give an employee a
42 reasonable amount of time of not less than 30 days to correct the

1 information received from the central repository before terminating the
2 employment of the person pursuant to subsection 1.

3 3. An agency or facility that has complied with NRS 449.179 may not
4 be held civilly or criminally liable based solely upon the ground that the
5 agency or facility allowed an employee to work:

6 (a) Before it received the information concerning the employee from
7 the central repository;

8 (b) During any period required pursuant to subsection 2 to allow the
9 employee to correct such information;

10 (c) Based on the information received from the central repository, if the
11 information received from the central repository was inaccurate; or

12 (d) Any combination thereof.

13 An agency or facility may be held liable for any other conduct determined
14 to be negligent or unlawful.

15 **Sec. 3.** NRS 449.188 is hereby amended to read as follows:

16 449.188 1. In addition to the grounds listed in NRS 449.160, the
17 health division may deny a license to operate a facility for intermediate
18 care, facility for skilled nursing or residential facility for groups to an
19 applicant or may suspend or revoke the license of a licensee to operate
20 such a facility if:

21 (a) The applicant or licensee has been convicted of:

22 (1) Murder, voluntary manslaughter or mayhem;

23 (2) Assault with intent to kill or to commit sexual assault or mayhem;

24 (3) Sexual assault, statutory sexual seduction, incest, lewdness,
25 indecent exposure or any other sexually related crime;

26 (4) Abuse or neglect of a child or contributory delinquency;

27 (5) A violation of any federal or state law regulating the possession,
28 distribution or use of any controlled substance or any dangerous drug as
29 defined in chapter 454 of NRS, within the past 7 years;

30 (6) Any offense involving fraud, theft, embezzlement, burglary,
31 robbery, fraudulent conversion or misappropriation of property, within the
32 immediately preceding 7 years; or

33 (7) Any other felony involving the use of a firearm or other deadly
34 weapon, within the immediately preceding 7 years; or

35 (b) The licensee has continued to employ a person ~~{who}~~ :

36 (1) *Who* has been convicted of a crime listed in *subparagraphs (1) to*
37 *(4), inclusive, of* paragraph (a) ~~{1}~~ ; *or*

38 (2) *Who has been convicted of a crime listed in subparagraphs (5),*
39 *(6) and (7) of paragraph (a) within the immediately preceding 3 years.*

40 2. In addition to the grounds listed in NRS 449.160, the health division
41 may deny a license to operate an agency to provide nursing in the home to
42 an applicant or may suspend or revoke the license of a licensee to operate

43 such an agency if the licensee has continued to employ a person ~~{who}~~ :

- 1 *(a) Who* has been convicted of a crime listed in *subparagraphs (1) to*
2 *(4), inclusive, of* paragraph (a) of subsection 1 ~~H~~ ; *or*
3 *(b) Who has been convicted of a crime listed in subparagraphs (5), (6)*
4 *and (7) of paragraph (a) of subsection 1 within the immediately*
5 *preceding 3 years.*

6 **Sec. 4.** This act becomes effective on July 1, 1999.

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