
SENATE BILL NO. 163—COMMITTEE ON HUMAN RESOURCES AND FACILITIES

(ON BEHALF OF LEGISLATIVE COMMITTEE ON HEALTH CARE)

FEBRUARY 10, 1999

Referred to Committee on Human Resources and Facilities

SUMMARY—Provides for licensure of homes for individual residential care in same manner as residential facilities for groups. (BDR 40-485)

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

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

AN ACT relating to personal care facilities; repealing the provisions providing for the registration of homes for individual residential care; providing that such homes must become licensed residential facilities for groups to continue to operate; 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 449.017 is hereby amended to read as follows:
2 449.017 1. Except as otherwise provided in subsection 2, “residential
3 facility for groups” means an establishment that furnishes food, shelter,
4 assistance and limited supervision to:
5 (a) Any aged, infirm, mentally retarded or handicapped person; or
6 (b) Four or more females during pregnancy or after delivery.
7 2. The term does not include:
8 (a) An establishment which provides care only during the day;
9 (b) ~~{A natural person who provides care for no more than two persons in~~
10 ~~his own home;~~
11 ~~—(c)}~~ A natural person who provides care for one or more persons related
12 to him within the third degree of consanguinity or affinity; or
13 ~~{(d)}~~ (c) A facility funded by the welfare division or the mental hygiene
14 and mental retardation division of the department of human resources.
15 **Sec. 2.** NRS 449.0105, 449.249, 449.2493 and 449.2496 are hereby
16 repealed.

1 **Sec. 3.** 1. Notwithstanding the provisions of NRS 449.017, as
2 amended by this act, and NRS 449.030, a person who is operating a Home
3 for Individual Residential Care on July 1, 1999, which is registered with the
4 Health Division of the Department of Human Resources pursuant to NRS
5 449.249, may continue to operate the Home for Individual Residential Care
6 pursuant to the provisions of NRS 449.0105 to 449.2496, inclusive, and the
7 regulations adopted pursuant thereto, as those provisions existed on July 1,
8 1999, until January 1, 2000, without becoming licensed as a Residential
9 Facility for Groups, but must either become licensed as a Residential
10 Facility for Groups on or before January 1, 2000, or cease operation on that
11 date.

12 2. On or before August 1, 1999, the Health Division of the Department
13 of Human Resources shall provide a copy of the provisions of subsection 1
14 to each Home for Individual Residential Care that is registered pursuant to
15 NRS 449.249 on July 1, 1999.

16 3. The Health and Aging Services Divisions of the Department of
17 Human Resources shall continue to perform the duties prescribed by the
18 provisions of NRS 449.0105 to 449.2496, inclusive, and the regulations
19 adopted pursuant thereto, as those provisions existed on July 1, 1999, as to
20 each Home for Individual Residential Care which continues to operate after
21 July 1, 1999, pursuant to subsection 1 until January 1, 2000, or the date on
22 which there are no such remaining homes, whichever is earlier.

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

24 **Sec. 5.** 1. All administrative regulations adopted by the State Board
25 of Health pursuant to the authority in subsection 1 of NRS 449.249 are
26 hereby declared to be void on January 1, 2000.

27 2. In preparing supplements to the Nevada Administrative Code, on or
28 after January 1, 2000, the Legislative Counsel shall remove all provisions
29 declared void by subsection 1.

TEXT OF REPEALED SECTIONS

449.0105 “Home for individual residential care” defined. “Home for individual residential care” means a home in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than two persons who are aged, infirm, mentally retarded or handicapped, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services.

449.249 Establishment of procedure for registration; registration by health division.

1. The board shall adopt regulations establishing a procedure for the registration by the health division of homes for individual residential care.

2. The health division shall register any home for individual residential care that complies with the regulations adopted pursuant to subsection 1.

449.2493 Authority of health division and aging services division of department of human resources. The health division and the aging services division of the department of human resources may:

1. Investigate any complaints against a home for individual residential care and, when conducting such an investigation, may inspect the home during normal business hours, with or without notice.

2. Report to an appropriate state or local agency any violations of state or local laws or regulations discovered during an investigation conducted pursuant to this section.

449.2496 Registration required for operation; penalty.

1. A person shall not operate or maintain in this state a home for individual residential care unless the home is registered with the health division pursuant to NRS 449.249.

2. A person who commits a second or subsequent violation of subsection 1 is guilty of a misdemeanor.