

Senate Bill No. 163—Committee on Human Resources and Facilities

CHAPTER.....

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 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:

Section 1. NRS 449.249 is hereby amended to read as follows:

449.249 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.}~~ *A person, state or local government or agency thereof shall not operate a home for individual residential care without first obtaining a license for the home from the health division. An application for the license must be made in the manner provided in NRS 449.040.*

2. The state board of health shall adopt minimal standards for licensing that provide for care and sanitation to prevent the abuse, neglect or exploitation of residents of homes for individual residential care.

Sec. 2. NRS 449.2496 is hereby amended to read as follows:

449.2496 1. A person ~~{shall not operate or maintain in this state}~~ *who operates or maintains* a home for individual residential care ~~{unless the home is registered with}~~ *without a license issued by* 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.}~~ *is liable for a civil penalty, to be recovered by the attorney general in the name of the health division, for the first offense of \$10,000 and for a second or subsequent offense of not less than \$10,000 nor more than \$20,000.*

2. Unless otherwise required by federal law, the health division shall deposit civil penalties collected pursuant to this section into a separate account in the state general fund in the state treasury to be used for the protection of the health, safety, well-being and property of patients, including residents of facilities found deficient by the health division.

3. A person against whom a civil penalty is assessed by the court pursuant to subsection 1:

(a) Shall move, at his own expense, all persons receiving services in the home for individual residential care to a licensed home for individual residential care.

(b) May not apply for a license to operate a home for individual residential care until 6 months have elapsed since the penalty was assessed.

Sec. 3. NRS 449.700 is hereby amended to read as follows:

449.700 1. Every medical facility , ~~and~~ facility for the dependent *and home for individual residential care* must provide the services necessary to treat properly a patient in a particular case or must be able to arrange the transfer of the patient to another facility *or home* which can provide that care.

2. A patient may be transferred to another facility *or home* only if the patient has received an explanation of the need to transfer him and the alternatives available, unless his condition necessitates an immediate transfer to a facility for a higher level of care and he is unable to understand the explanation.

Sec. 4. NRS 449.705 is hereby amended to read as follows:

449.705 1. If a patient in a medical facility or facility for the dependent is transferred to another medical facility or facility for the dependent, a division facility or a physician licensed to practice medicine, the facility shall forward a copy of the medical records of the patient, on or before the date the patient is transferred, to the other medical facility or facility for the dependent, the division facility or the physician. The facility is not required to obtain the oral or written consent of the patient to forward a copy of the medical records.

2. *If a person receiving services in a home for individual residential care is transferred to another home, the home shall forward a copy of his medical records to the other home in the manner provided in subsection 1.*

3. As used in this section:

(a) "Division facility" means any unit or subunit operated by a division of the department of human resources pursuant to Title 39 of NRS.

(b) "Medical records" includes a medical history of the patient, a summary of the current physical condition of the patient and a discharge summary which contains the information necessary for the proper treatment of the patient.

Sec. 5. NRS 449.710 is hereby amended to read as follows:

449.710 Every patient of a medical facility , ~~for~~ facility for the dependent *or home for individual residential care* has the right to:

1. Receive information concerning any other medical or educational facility or facility for the dependent associated with the facility at which he is a patient which relates to his care.

2. Obtain information concerning the professional qualifications or associations of the persons who are treating him.
 3. Receive the name of the person responsible for coordinating his care in the facility ~~or~~ *or home*.
 4. Be advised if the facility in which he is a patient proposes to perform experiments on patients which affect his own care or treatment.
 5. Receive from his physician a complete and current description of his diagnosis, plan for treatment and prognosis in terms which he is able to understand. If it is not medically advisable to give this information to the patient, the physician shall:
 - (a) Provide the information to an appropriate person responsible for the patient; and
 - (b) Inform that person that he shall not disclose the information to the patient.
 6. Receive from his physician the information necessary for him to give his informed consent to a procedure or treatment. Except in an emergency, this information must not be limited to a specific procedure or treatment and must include:
 - (a) A description of the significant medical risks involved;
 - (b) Any information on alternatives to the treatment or procedure if he requests that information;
 - (c) The name of the person responsible for the procedure or treatment; and
 - (d) The costs likely to be incurred for the treatment or procedure and any alternative treatment or procedure.
 7. Examine the bill for his care and receive an explanation of the bill, whether or not he is personally responsible for payment of the bill.
 8. Know the ~~facility's~~ regulations *of the facility or home* concerning his conduct at the facility ~~or~~ *or home*.
- Sec. 6.** NRS 449.720 is hereby amended to read as follows:
449.720 Every patient of a medical facility, ~~or~~ facility for the dependent *or home for individual residential care* has the right to:
1. Receive considerate and respectful care.
 2. Refuse treatment to the extent permitted by law and to be informed of the consequences of that refusal.
 3. Refuse to participate in any medical experiments conducted at the facility.
 4. Retain his privacy concerning his program of medical care.
- Discussions of a patient's care, consultation with other persons concerning the patient, examinations or treatments, and all communications and records concerning the patient, except as otherwise provided in NRS 108.640 and 449.705 and chapter 629 of NRS, are confidential. The patient

must consent to the presence of any person who is not directly involved with his care during any examination, consultation or treatment.

5. Have any reasonable request for services reasonably satisfied by the facility *or home* considering its ability to do so.

6. Receive continuous care from the facility ~~or~~ *or home*. The patient must be informed:

(a) Of his appointments for treatment and the names of the persons available at the facility *or home* for those treatments; and

(b) By his physician or an authorized representative of the physician, of his need for continuing care.

Sec. 7. NRS 449.730 is hereby amended to read as follows:

449.730 Every medical facility, ~~and~~ facility for the dependent *and home for individual residential care* shall inform each patient or his legal representative, upon his admission to the facility ~~or~~ *or home*, of the patient's rights as listed in NRS 449.700, 449.710 and 449.720.

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

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

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

Sec. 9. This act becomes effective on July 1, 1999.