

SENATE BILL NO. 326—SENATOR TIFFANY

MARCH 17, 2003

Referred to Committee on Human Resources and Facilities

SUMMARY—Requires certain medical facilities and facilities for the dependent to grant licensed psychologists certain admitting and discharging privileges. (BDR 40-404)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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 health care; requiring certain medical facilities and facilities for the dependent to grant licensed psychologists certain admitting and discharging privileges; 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.** Chapter 449 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *Upon the request of a psychologist licensed pursuant to chapter*
4 *641 of NRS, a psychiatric hospital, any other medical facility that*
5 *provides inpatient mental health services, or a facility for the*
6 *dependent that provides inpatient mental health services shall*
7 *grant the psychologist admitting and discharging privileges for*
8 *such services at the psychiatric hospital, other medical facility or*
9 *facility for the dependent.*

10 **Sec. 2.** NRS 449.070 is hereby amended to read as follows:

11 449.070 The provisions of NRS 449.001 to 449.240, inclusive,
12 *and section 1 of this act* do not apply to:

13 1. Any facility conducted by and for the adherents of any
14 church or religious denomination for the purpose of providing
15 facilities for the care and treatment of the sick who depend solely
16 upon spiritual means through prayer for healing in the practice of



1 the religion of the church or denomination, except that such a
2 facility must comply with all regulations relative to sanitation and
3 safety applicable to other facilities of a similar category.

4 2. Foster homes as defined in NRS 424.014.

5 3. Any medical facility or facility for the dependent operated
6 and maintained by the United States Government or an agency
7 thereof.

8 **Sec. 3.** NRS 449.160 is hereby amended to read as follows:

9 449.160 1. The Health Division may deny an application for
10 a license or may suspend or revoke any license issued under the
11 provisions of NRS 449.001 to 449.240, inclusive, *and section 1 of*
12 *this act* upon any of the following grounds:

13 (a) Violation by the applicant or the licensee of any of the
14 provisions of NRS 439B.410 or 449.001 to 449.245, inclusive, *and*
15 *section 1 of this act* or of any other law of this state or of the
16 standards, rules and regulations adopted thereunder.

17 (b) Aiding, abetting or permitting the commission of any illegal
18 act.

19 (c) Conduct inimical to the public health, morals, welfare and
20 safety of the people of the State of Nevada in the maintenance and
21 operation of the premises for which a license is issued.

22 (d) Conduct or practice detrimental to the health or safety of the
23 occupants or employees of the facility.

24 (e) Failure of the applicant to obtain written approval from the
25 Director of the Department of Human Resources as required by
26 NRS 439A.100 or as provided in any regulation adopted pursuant to
27 this chapter, if such approval is required.

28 2. In addition to the provisions of subsection 1, the Health
29 Division may revoke a license to operate a facility for the dependent
30 if, with respect to that facility, the licensee that operates the facility,
31 or an agent or employee of the licensee:

32 (a) Is convicted of violating any of the provisions of
33 NRS 202.470;

34 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
35 244.360, 244.3603 or 268.4124; or

36 (c) Is ordered by the appropriate governmental agency to correct
37 a violation of a building, safety or health code or regulation but fails
38 to correct the violation.

39 3. The Health Division shall maintain a log of any complaints
40 that it receives relating to activities for which the Health Division
41 may revoke the license to operate a facility for the dependent
42 pursuant to subsection 2.



1 4. On or before February 1 of each odd-numbered year, the
2 Health Division shall submit to the Director of the Legislative
3 Counsel Bureau a written report setting forth, for the previous
4 biennium:

5 (a) Any complaints included in the log maintained by the Health
6 Division pursuant to subsection 3; and

7 (b) Any disciplinary actions taken by the Health Division
8 pursuant to subsection 2.

9 **Sec. 4.** NRS 449.163 is hereby amended to read as follows:

10 449.163 1. If a medical facility or facility for the dependent
11 violates any provision related to its licensure, including any
12 provision of NRS 439B.410, 449.001 to 449.240, inclusive, *and*
13 *section 1 of this act* or any condition, standard or regulation adopted
14 by the Board, the Health Division in accordance with the regulations
15 adopted pursuant to NRS 449.165 may:

16 (a) Prohibit the facility from admitting any patient until it
17 determines that the facility has corrected the violation;

18 (b) Limit the occupancy of the facility to the number of beds
19 occupied when the violation occurred, until it determines that the
20 facility has corrected the violation;

21 (c) Impose an administrative penalty of not more than \$1,000
22 per day for each violation, together with interest thereon at a rate not
23 to exceed 10 percent per annum; and

24 (d) Appoint temporary management to oversee the operation of
25 the facility and to ensure the health and safety of the patients of the
26 facility, until:

27 (1) It determines that the facility has corrected the violation
28 and has management which is capable of ensuring continued
29 compliance with the applicable statutes, conditions, standards and
30 regulations; or

31 (2) Improvements are made to correct the violation.

32 2. If the facility fails to pay any administrative penalty imposed
33 pursuant to paragraph (c) of subsection 1, the Health Division may:

34 (a) Suspend the license of the facility until the administrative
35 penalty is paid; and

36 (b) Collect court costs, reasonable attorney's fees and other
37 costs incurred to collect the administrative penalty.

38 3. The Health Division may require any facility that violates
39 any provision of NRS 439B.410, 449.001 to 449.240, inclusive, *and*
40 *section 1 of this act* or any condition, standard or regulation adopted
41 by the Board, to make any improvements necessary to correct the
42 violation.

43 4. Any money collected as administrative penalties pursuant to
44 this section must be accounted for separately and used to protect the



- 1 health or property of the residents of the facility in accordance with
- 2 applicable federal standards.

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