

ASSEMBLY BILL NO. 507—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE SUBCOMMITTEE TO OVERSEE THE
CONSULTANT TO STUDY THE HEALTH, SAFETY, WELFARE
AND CIVIL AND OTHER RIGHTS OF CHILDREN IN THE CARE OF
CERTAIN GOVERNMENTAL ENTITIES OR PRIVATE FACILITIES)

MARCH 22, 2007

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes to provisions concerning
facilities that have custody of children pursuant to
the order of a court. (BDR 38-1269)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 children; requiring certain facilities which have physical custody of children pursuant to the order of a court to ensure that employees who come into direct contact with children in the facilities receive certain training; requiring an annual inspection of certain facilities located outside of this State which have physical custody of children from this State; requiring certain child care facilities to be licensed by the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services rather than by a city or county licensing agency; making various changes concerning the annual inspections of certain facilities which have physical custody of children pursuant to the order of a court; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Sections 1, 6, 12, 13, 14 and 17** of this bill require certain facilities that have
- 2 custody of children pursuant to the order of a court to ensure that each employee of
- 3 the facility that comes into direct contact with children in the facility receives



training within 30 days after employment and annually thereafter concerning various issues affecting the health, welfare, safety and civil and other rights of those children.

Section 2 of this bill requires the Administrator of the Division of Child and Family Services of the Department of Health and Human Services or his designee to inspect any out of state facility to which a child from this State who is in the custody of the Division may be transferred to ensure the appropriateness of the placement. **Section 2** further requires the Administrator or his designee to inspect the facility and interview the child placed in the out-of-state facility at least one time each year.

Existing law authorizes the licensing agency of a county or incorporated city, if established, to license child care facilities in the county or city. (NRS 432A.131) **Sections 5, 8 and 9** of this bill provide that certain types of child care facilities must be licensed by the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services regardless of whether there is a county or city licensing agency. (NRS 432A.024, 432A.131)

Sections 10, 15, 16 and 24 of this bill require that annual inspections of facilities which have custody of children pursuant to the order of a court include the inspection of certain areas and require that the reports of such inspections be made public. (NRS 432A.180, 444.330, 444.335, 449.235)

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A licensee that operates a group foster home shall ensure that each employee who comes into direct contact with children in the home receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

- (a) Controlling the behavior of children;*
- (b) Policies and procedures concerning the use of force and restraint on children;*
- (c) The rights of children in the home;*
- (d) Suicide awareness and prevention;*
- (e) The administration of medication to children;*
- (f) Applicable state and federal constitutional and statutory rights of children in the home;*
- (g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the home; and*
- (h) Such other matters as required by the licensing authority or pursuant to regulations of the Division.*

2. The Division shall adopt regulations necessary to carry out the provisions of this section.



1 **Sec. 2.** Chapter 432 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Before the Division may transfer a child who has been*
4 *committed to the custody of the Division to a placement located*
5 *outside this State, the Administrator or his designee shall inspect*
6 *the facility to which the child may be transferred to determine*
7 *whether the facility:*

8 (a) *Provides the services or treatment necessary for the child;*

9 (b) *Is either accredited or licensed and in good standing with*
10 *the entity which accredits or licenses the facility; and*

11 (c) *Is subject to health inspections and the results of any such*
12 *health inspections conducted within the immediately preceding 3*
13 *years.*

14 2. *If a child is placed in a facility that is located outside this*
15 *State, the Administrator of the Division or his designee shall, at*
16 *least one time each year, to ensure the continued appropriateness*
17 *of the placement:*

18 (a) *Inspect the facility;*

19 (b) *Review the services being provided to the child at the*
20 *facility and any treatment plan established for the child; and*

21 (c) *Interview the child.*

22 3. *The provisions of this section apply to any child committed*
23 *to the custody of the Division pursuant to title 5 of NRS, chapter*
24 *432B or 433B of NRS or pursuant to any other authority.*

25 **Sec. 3.** NRS 432.080 is hereby amended to read as follows:

26 432.080 All administrative expenses incurred by the Division
27 in carrying out the provisions of NRS 432.010 to 432.085, inclusive,
28 *and section 2 of this act* must be paid out of money which may be
29 appropriated by the Legislature from the State General Fund and out
30 of such other money as may be made available to the Division for
31 the payment of administrative expenses. Disbursements must be
32 made upon claims filed and allowed in the same manner as other
33 money in the State Treasury is disbursed. All claims must be
34 approved by the Administrator before they are paid.

35 **Sec. 4.** Chapter 432A of NRS is hereby amended by adding
36 thereto the provisions set forth as sections 5 and 6 of this act.

37 **Sec. 5.** *“Child care institution” means a facility which*
38 *provides care and shelter during the day and night and provides*
39 *developmental guidance to 16 or more children who do not*
40 *routinely return to the homes of their parents or guardians. Such*
41 *an institution may also provide, without limitation:*

42 1. *Education to the children according to a curriculum*
43 *approved by the Department of Education;*

44 2. *Services to children who have been diagnosed as severely*
45 *emotionally disturbed as defined in NRS 433B.080, including,*



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1 *without limitation, services relating to mental health and*
2 *education; or*

3 *3. Emergency shelter to children who have been placed in*
4 *protective custody pursuant to chapter 432B of NRS.*

5 **Sec. 6.** *1. A licensee that operates a child care facility*
6 *which occasionally or regularly has physical custody of children*
7 *pursuant to the order of a court, including, without limitation, an*
8 *emergency shelter, shall ensure that each employee who comes*
9 *into direct contact with children in the facility receives training*
10 *within 30 days after employment and annually thereafter. Such*
11 *training must include, without limitation, instruction concerning:*

12 *(a) Controlling the behavior of children;*

13 *(b) Policies and procedures concerning the use of force and*
14 *restraint on children;*

15 *(c) The rights of children in the emergency shelter;*

16 *(d) Suicide awareness and prevention;*

17 *(e) The administration of medication to children;*

18 *(f) Applicable state and federal constitutional and statutory*
19 *rights of children in the emergency shelter;*

20 *(g) Policies and procedures concerning other matters affecting*
21 *the health, welfare, safety and civil and other rights of children in*
22 *the emergency shelter; and*

23 *(h) Such other matters as required by the Board.*

24 *2. The Board shall adopt regulations necessary to carry out*
25 *the provisions of this section.*

26 **Sec. 7.** NRS 432A.020 is hereby amended to read as follows:

27 432A.020 As used in this chapter, unless the context otherwise
28 requires, the words and terms defined in NRS 432A.0205 to
29 432A.028, inclusive, *and section 5 of this act*, have the meanings
30 ascribed to them in those sections.

31 **Sec. 8.** NRS 432A.024 is hereby amended to read as follows:

32 432A.024 1. "Child care facility" means:

33 (a) An establishment operated and maintained for the purpose of
34 furnishing care on a temporary or permanent basis, during the day or
35 overnight, to five or more children under 18 years of age, if
36 compensation is received for the care of any of those children;

37 (b) An on-site child care facility; ~~for~~

38 (c) *A child care institution; or*

39 (d) An outdoor youth program.

40 2. "Child care facility" does not include:

41 (a) The home of a natural parent or guardian, foster home as
42 defined in ~~chapter 424 of~~ NRS *424.014* or maternity home;

43 (b) A home in which the only children received, cared for and
44 maintained are related within the third degree of consanguinity or



1 affinity by blood, adoption or marriage to the person operating the
2 facility; or

3 (c) A home in which a person provides care for the children of a
4 friend or neighbor for not more than 4 weeks if the person who
5 provides the care does not regularly engage in that activity.

6 **Sec. 9.** NRS 432A.131 is hereby amended to read as follows:

7 432A.131 1. Child care facilities , *other than child care*
8 *institutions*, in any county or incorporated city where the governing
9 body has established an agency for the licensing of child care
10 facilities and enacted an ordinance requiring that child care facilities
11 be licensed by the county or city need not be licensed by the Bureau.
12 The licensing agency shall adopt such standards and other
13 regulations as may be necessary for the licensing of child care
14 facilities, and the standards and regulations:

15 (a) Must be not less restrictive than those adopted by the Board;
16 and

17 (b) Take effect only upon their approval by the Bureau.

18 2. An agency for the licensing of child care facilities
19 established by a city or county may waive compliance with a
20 particular standard or other regulation by a child care facility if:

21 (a) The agency finds that the practices and policies of that
22 facility are substantially equivalent to those required by the agency
23 in its standards and other regulations; and

24 (b) The waiver does not allow a practice which violates a
25 regulation adopted by the Board.

26 3. A governing body may adopt such standards and other
27 regulations as may be necessary for the regulation of facilities which
28 provide care for fewer than five children. If the standards so adopted
29 are less restrictive than the standards for the licensure of child care
30 facilities which have been adopted by the Board, the governing body
31 shall not issue a license to the smaller facilities, but may register
32 them in accordance with the standards which are less restrictive.

33 4. If a governing body intends to amend or repeal an ordinance
34 providing for the licensing of child care facilities and the effect of
35 that action will be the discontinuance of the governing body's
36 licensure of child care facilities, the governing body shall notify the
37 Bureau of its intention to do so at least 12 months before the
38 amendment or repeal becomes effective.

39 **5. *A child care institution must be licensed by the Bureau.***

40 **Sec. 10.** NRS 432A.180 is hereby amended to read as follows:

41 432A.180 1. Any authorized member or employee of the
42 Bureau may enter and inspect any building or premises of a child
43 care facility or the area of operation of an outdoor youth program at
44 any time to secure compliance with or prevent a violation of any
45 provision of this chapter.



2. The State Fire Marshal or his designate shall, at least annually:

(a) Enter and inspect every building or premises of a child care facility, on behalf of the Bureau; and

(b) Observe and make recommendations regarding the drills conducted pursuant to NRS 432A.077,

↳ to secure compliance with standards for safety from fire and other emergencies.

3. The State Health Officer or his designate shall enter and inspect at least annually, every building or premises of a child care facility and area of operation of an outdoor youth program, on behalf of the Bureau, to secure compliance with standards for health and sanitation.

4. The annual inspection of any child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court must include, without limitation, an inspection of all areas where food is prepared and served, bathrooms, areas used for sleeping, common areas and areas located outdoors that are used by children at the child care facility. The State Health Officer shall publish reports of the inspections and make them available for public inspection upon request.

Sec. 11. NRS 432A.220 is hereby amended to read as follows:

432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, *and section 6 of this act* is guilty of a misdemeanor.

Sec. 12. Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall ensure that each employee who comes into direct contact with children who are in custody receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the institution or agency;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the institution or agency;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the institution or agency; and



1 (h) *Such other matters as required by the Division of Child*
2 *and Family Services.*

3 2. *The Division of Child and Family Services shall adopt*
4 *regulations necessary to carry out the provisions of this section.*

5 **Sec. 13.** Chapter 63 of NRS is hereby amended by adding
6 thereto a new section to read as follows:

7 1. *The superintendent of a facility shall ensure that each*
8 *employee who comes into direct contact with children in the*
9 *facility receives training within 30 days after employment and*
10 *annually thereafter. Such training must include, without*
11 *limitation, instruction concerning:*

12 (a) *Controlling the behavior of children;*

13 (b) *Policies and procedures concerning the use of force and*
14 *restraint on children;*

15 (c) *The rights of children in the facility;*

16 (d) *Suicide awareness and prevention;*

17 (e) *The administration of medication to children;*

18 (f) *Applicable state and federal constitutional and statutory*
19 *rights of children in the home;*

20 (g) *Policies and procedures concerning other matters affecting*
21 *the health, welfare, safety and civil and other rights of children in*
22 *the facility; and*

23 (h) *Such other matters as required by the Administrator of the*
24 *Division of Child and Family Services.*

25 2. *The Administrator of the Division of Child and Family*
26 *Services shall provide direction to the superintendent of each*
27 *facility concerning the manner in which to carry out the*
28 *provisions of this section.*

29 **Sec. 14.** Chapter 433B of NRS is hereby amended by adding
30 thereto a new section to read as follows:

31 1. *The Administrator shall ensure that each employee who*
32 *comes into direct contact with children at any treatment facility*
33 *and any other division facility into which a child may be*
34 *committed by a court order receives training within 30 days after*
35 *employment and annually thereafter. Such training must include,*
36 *without limitation, instruction concerning:*

37 (a) *Controlling the behavior of children;*

38 (b) *Policies and procedures concerning the use of force and*
39 *restraint on children;*

40 (c) *The rights of children in the emergency shelter;*

41 (d) *Suicide awareness and prevention;*

42 (e) *The administration of medication to children;*

43 (f) *Applicable state and federal constitutional and statutory*
44 *rights of children in the emergency shelter;*



(g) *Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the emergency shelter; and*

(h) *Such other matters as required by the Board.*

2. *The Division shall adopt regulations necessary to carry out the provisions of this section.*

Sec. 15. NRS 444.330 is hereby amended to read as follows:

444.330 1. The Health Division has supervision over the sanitation, healthfulness, cleanliness and safety, as it pertains to the foregoing matters, of the following state institutions:

(a) Institutions and facilities of the Department of Corrections.

(b) Northern Nevada Adult Mental Health Services.

(c) Nevada Youth Training Center, Caliente Youth Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

(d) Nevada System of Higher Education.

2. The State Board of Health may adopt regulations pertaining thereto as are necessary to promote properly the sanitation, healthfulness, cleanliness and, as it pertains to the foregoing matters, the safety of those institutions.

3. The State Health Officer or his authorized agent shall inspect those institutions at least once each calendar year and whenever he deems an inspection necessary to carry out the provisions of this section. *The inspection of any state facility for the detention of children that is operated pursuant to title 5 of NRS must include, without limitation, an inspection of all areas where food is prepared and served, bathrooms, areas used for sleeping, common areas and areas located outdoors that are used by children at the facility.*

4. The State Health Officer *shall publish reports of the inspections of any state facility for the detention of children that is operated pursuant to title 5 of NRS and* may publish reports of the inspections ~~of~~ *other state institutions.*

5. All persons charged with the duty of maintenance and operation of the institutions named in this section shall operate the institutions in conformity with the regulations adopted by the State Board of Health pursuant to subsection 2.

6. The State Health Officer or his authorized agent may, in carrying out the provisions of this section, enter upon any part of the premises of any of the institutions named in this section over which he has jurisdiction, to determine the sanitary conditions of the institutions and to determine whether the provisions of this section and the regulations of the State Board of Health pertaining thereto are being violated.



1 **Sec. 16.** NRS 444.335 is hereby amended to read as follows:

2 444.335 1. The health authority shall have supervision over
3 the sanitation, healthfulness, cleanliness and safety, as it pertains to
4 the foregoing matters, of the following city, county and private
5 institutions:

6 (a) Jails, correctional institutions and other institutions
7 performing similar functions ~~[]~~, *including, without limitation, any*
8 *facility for the detention of children;*

9 (b) Schools; and

10 (c) School gymnasiums.

11 2. The State Board of Health shall, with respect to jails,
12 correctional institutions and other institutions performing similar
13 functions, *including, without limitation, any facility for the*
14 *detention of children*, and may, with respect to the other institutions
15 named in subsection 1, adopt and enforce such regulations as are
16 necessary to promote properly the sanitation, healthfulness,
17 cleanliness and safety, as it pertains to the foregoing matters, of
18 those institutions.

19 3. The health authority shall inspect those institutions at least
20 once each calendar year and at such other times as, in its discretion,
21 it deems an inspection necessary to carry out the provisions of this
22 section, except that inspections of schools and gymnasiums shall be
23 made at least twice each year, once during each semester. *The*
24 *inspection of any institution which has physical custody of*
25 *children pursuant to the order of a court must include, without*
26 *limitation, an inspection of all areas where food is prepared and*
27 *served, bathrooms, areas used for sleeping, common areas and*
28 *areas located outdoors that are used by children at the facility.*

29 4. A report of the findings of an inspection must be made to the
30 State Health Officer within 20 days following the inspection. The
31 State Health Officer *shall publish the report of the inspection of*
32 *any facility which has physical custody of children pursuant to the*
33 *order of a court and* may from time to time, in his discretion,
34 publish the reports of ~~[those]~~ *the* inspections ~~[]~~ *of other*
35 *institutions.*

36 5. All persons charged with the duty of maintenance and
37 operation of the institutions named in this section shall operate those
38 institutions in conformity with regulations relating to sanitation,
39 healthfulness, cleanliness and safety, as it pertains to the foregoing
40 matters, adopted by the State Board of Health.

41 6. The health authority may, in carrying out the provisions of
42 this section, enter upon any part of the premises of any of the
43 institutions named in this section over which it has jurisdiction, to
44 determine the sanitary conditions of those places and to determine



whether the provisions of this section and the regulations of the State Board of Health pertaining thereto are being violated.

Sec. 17. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A medical facility or facility for the dependent which occasionally or regularly has physical custody of children pursuant to the order of a court shall ensure that each employee who comes into direct contact with children in the shelter receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the facility;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the home;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; and

(h) Such other matters as required by the Board.

2. The Board shall adopt regulations necessary to carry out the provisions of this section.

Sec. 18. NRS 449.037 is hereby amended to read as follows:

449.037 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.001 to 449.240, inclusive, *and section 17 of this act* and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Health Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.



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(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.001 to 449.240, inclusive ~~§~~, *and section 17 of this act.*

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

↳ which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. The Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) The prescribed medication is not administered by injection or intravenously.



(e) The employee has successfully completed training and examination approved by the Health Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and his personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of



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1 the facility as their respective physical and mental conditions change
2 over time; and

3 (7) The facility is operated in such a manner as to foster a
4 culture that provides a high-quality environment for the residents,
5 their families, the staff, any volunteers and the community at large.

6 8. The Health Division may grant an exception from the
7 requirement of subparagraph (1) of paragraph (b) of subsection 7 to
8 a facility licensed as a residential facility for groups on or before
9 July 1, 2005, and which is authorized to have 10 or fewer beds and
10 was originally constructed as a single-family dwelling, if the Health
11 Division finds that:

12 (a) Strict application of that requirement would result in
13 economic hardship to the facility requesting the exception; and

14 (b) The exception, if granted, would not:

15 (1) Cause substantial detriment to the health or welfare of
16 any resident of the facility;

17 (2) Result in more than two residents sharing a toilet facility;
18 or

19 (3) Otherwise impair substantially the purpose of that
20 requirement.

21 9. The Board shall, if it determines necessary, adopt
22 regulations and requirements to ensure that each residential facility
23 for groups and its staff are prepared to respond to an emergency,
24 including, without limitation:

25 (a) The adoption of plans to respond to a natural disaster and
26 other types of emergency situations, including, without limitation,
27 an emergency involving fire;

28 (b) The adoption of plans to provide for the evacuation of a
29 residential facility for groups in an emergency, including, without
30 limitation, plans to ensure that nonambulatory patients may be
31 evacuated;

32 (c) Educating the residents of residential facilities for groups
33 concerning the plans adopted pursuant to paragraphs (a) and (b); and

34 (d) Posting the plans or a summary of the plans adopted
35 pursuant to paragraphs (a) and (b) in a conspicuous place in each
36 residential facility for groups.

37 10. The regulations governing the licensing and operation of
38 facilities for transitional living for released offenders must provide
39 for the licensure of at least three different types of facilities,
40 including, without limitation:

41 (a) Facilities that only provide a housing and living
42 environment;

43 (b) Facilities that provide or arrange for the provision of
44 supportive services for residents of the facility to assist the residents



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1 with reintegration into the community, in addition to providing a
2 housing and living environment; and

3 (c) Facilities that provide or arrange for the provision of alcohol
4 and drug abuse programs, in addition to providing a housing and
5 living environment and providing or arranging for the provision of
6 other supportive services.

7 11. As used in this section, "living unit" means an individual
8 private accommodation designated for a resident within the facility.

9 **Sec. 19.** NRS 449.060 is hereby amended to read as follows:

10 449.060 1. Each license issued pursuant to NRS 449.001 to
11 449.240, inclusive, *and section 17 of this act* expires on
12 December 31 following its issuance and is renewable for 1 year
13 upon reapplication and payment of all fees required pursuant to
14 NRS 449.050 unless the Health Division finds, after an
15 investigation, that the facility has not:

16 (a) Satisfactorily complied with the provisions of NRS 449.001
17 to 449.240, inclusive, *and section 17 of this act* or the standards and
18 regulations adopted by the Board;

19 (b) Obtained the approval of the Director of the Department of
20 Health and Human Services before undertaking a project, if such
21 approval is required by NRS 439A.100; or

22 (c) Conformed to all applicable local zoning regulations.

23 2. Each reapplication for an agency to provide personal care
24 services in the home, an agency to provide nursing in the home, a
25 residential facility for intermediate care, a facility for skilled nursing
26 or a residential facility for groups must include, without limitation, a
27 statement that the facility or agency is in compliance with the
28 provisions of NRS 449.173 to 449.188, inclusive.

29 **Sec. 20.** NRS 449.080 is hereby amended to read as follows:

30 449.080 1. If, after investigation, the Health Division finds
31 that the:

32 (a) Applicant is in full compliance with the provisions of NRS
33 449.001 to 449.240, inclusive ~~H~~, *and section 17 of this act*;

34 (b) Applicant is in substantial compliance with the standards and
35 regulations adopted by the Board;

36 (c) Applicant, if he has undertaken a project for which approval
37 is required pursuant to NRS 439A.100, has obtained the approval of
38 the Director of the Department of Health and Human Services; and

39 (d) Facility conforms to the applicable zoning regulations,
40 ➔ the Health Division shall issue the license to the applicant.

41 2. A license applies only to the person to whom it is issued, is
42 valid only for the premises described in the license and is not
43 transferable.



Sec. 21. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Health Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.001 to 449.240, inclusive, *and section 17 of this act*, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.001 to 449.245, inclusive, *and section 17 of this act* or of any other law of this State or of the standards, rules and regulations adopted thereunder.

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

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

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

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

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

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

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

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

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

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

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

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



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Sec. 22. NRS 449.163 is hereby amended to read as follows:

449.163 1. If a medical facility or facility for the dependent violates any provision related to its licensure, including any provision of NRS 439B.410, 449.001 to 449.240, inclusive, *and section 17 of this act*, or any condition, standard or regulation adopted by the Board, the Health Division in accordance with the regulations adopted pursuant to NRS 449.165 may:

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

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

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

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

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

(2) Improvements are made to correct the violation.

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

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

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

3. The Health Division may require any facility that violates any provision of NRS 439B.410, 449.001 to 449.240, inclusive, *and section 17 of this act* or any condition, standard or regulation adopted by the Board, to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of the residents of the facility in accordance with applicable federal standards.

Sec. 23. NRS 449.230 is hereby amended to read as follows:

449.230 1. Any authorized member or employee of the Health Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of NRS 449.001 to 449.245, inclusive ~~§~~, *and section 17 of this act*.



2. The State Fire Marshal or his designee shall, upon receiving a request from the Health Division or a written complaint concerning compliance with the plans and requirements to respond to an emergency adopted pursuant to subsection 9 of NRS 449.037:

(a) Enter and inspect a residential facility for groups; and

(b) Make recommendations regarding the adoption of plans and requirements pursuant to subsection 9 of NRS 449.037, to ensure the safety of the residents of the facility in an emergency.

3. The State Health Officer or his designee shall enter and inspect at least annually each building or the premises of a residential facility for groups to ensure compliance with standards for health and sanitation.

4. An authorized member or employee of the Health Division shall enter and inspect any building or premises operated by a residential facility for groups within 72 hours after the Health Division is notified that a residential facility for groups is operating without a license.

Sec. 24. NRS 449.235 is hereby amended to read as follows:

449.235 **1.** Every medical facility or facility for the dependent may be inspected at any time, with or without notice, as often as is necessary by:

~~(1)~~ (a) The Health Division to ensure compliance with all applicable regulations and standards; and

~~(2)~~ (b) Any person designated by the Aging Services Division of the Department of Health and Human Services to investigate complaints made against the facility.

2. The Health Division shall inspect, at least annually, any medical facility or facility for the dependent which occasionally or regularly has physical custody of children pursuant to the order of a court. Such an inspection must include, without limitation, an inspection of all areas where food is prepared and served to children, bathrooms, areas used for children to sleep, common areas used by children and areas located outdoors that are used by children at the facility. The Health Division shall publish reports of the inspections and make them available for public inspection upon request.

Sec. 25. 1. The training required for employees pursuant to sections 1, 6, 12, 13, 14 and 17 must be provided to all employees holding positions on October 1, 2007, by not later than November 1, 2007.

2. A child care institution which must be licensed by the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services



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1 pursuant to section 9 of this act must obtain such a license by not
2 later than January 1, 2008.

3 3. The amendatory provisions of sections 10, 15, 16 and 24 of
4 this act apply to the next inspection conducted pursuant to those
5 sections.

6 **Sec. 26.** This act becomes effective upon passage and approval
7 for the purpose of adopting regulations and on October 1, 2007, for
8 all other purposes.

