

CHAPTER.....

AN ACT relating to administrators of facilities for long-term care; revising provisions governing the authority of the Nevada State Board of Examiners for Administrators of Facilities for Long-Term Care to take disciplinary action against a person who holds a license; authorizing the Board to proceed with certain investigations, actions or disciplinary proceedings against persons with expired licenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensing of administrators of facilities for long-term care. (NRS 654.140-654.180)

Under existing law, the Nevada State Board of Examiners for Administrators of Facilities for Long-Term Care may impose an administrative fine of not more than \$2,500 on a person who holds a license and may suspend or revoke a license for various violations. (NRS 654.190) **Section 3** of this bill increases the maximum amount of the administrative fine that the Board may impose to not more than \$5,000 and authorizes the Board to recover reasonable investigative fees and costs, to place conditions on a license and to place a person who holds a license on probation. **Section 3** also adds violations which would subject a person who holds a license to disciplinary action by the Board and provides that the expiration of a license or the voluntary surrender of a license does not deprive the Board of jurisdiction to continue disciplinary proceedings against the person who held the license.

Existing law authorizes the reinstatement of a suspended license of an administrator of a residential facility for groups if a majority of the members of the Board vote in favor of the reinstatement. (NRS 654.195) **Section 4** of this bill additionally authorizes reinstatement of the license if the person who held the license reapplies for the license and the Board determines that the person meets the requirements for the issuance of a license.

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

Section 1. NRS 654.028 is hereby amended to read as follows:
654.028 “Nursing facility administrator” means a person who manages, supervises and is in general administrative charge of a facility for skilled nursing or facility for intermediate care ~~of~~ **of patients.**

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 654.190 is hereby amended to read as follows:
654.190 1. The Board may, after notice and a hearing as required by law, impose an administrative fine of not more than ~~{ \$2,500 on and suspend or }~~ **\$5,000 on, recover reasonable**



investigative fees and costs incurred from, suspend, revoke or place conditions on the license of , and place on probation any nursing facility administrator or administrator of a residential facility for groups who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.001 to 449.240, inclusive, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for nursing facility administrators or administrators of residential facilities for groups ~~H~~ , *including, without limitation, a code of ethics.*

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the nursing facility administrator or administrator of a residential facility for groups and the patient or resident for the financial or other gain of the licensee.

2. The Board shall give a licensee against whom proceedings are brought pursuant to this section written notice of a hearing not less than 10 days before the date of the hearing.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 4. NRS 654.195 is hereby amended to read as follows:

654.195 1. Except as otherwise provided in subsection 2, the Board may reinstate the license of an administrator of a residential facility for groups that has been suspended by the Board if ~~he~~ :

(a) A majority of the members of the Board vote in favor of the reinstatement ~~H~~ ; or

(b) The person who held the license reapplies for a license as an administrator of a residential facility for groups pursuant to NRS 654.140 and the Board determines that the person meets the requirements of NRS 654.155.



2. The Board may reinstate a license of an administrator of a residential facility for groups that has been suspended pursuant to NRS 425.540 only if the holder of the license complies with the requirements for reinstatement set forth in NRS 654.193.

3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may reinstate the license of an administrator of a residential facility for groups that has been revoked by the Board if all of the members of the Board vote in favor of reinstatement.

Sec. 5. NRS 654.195 is hereby amended to read as follows:

654.195 1. The Board may reinstate the license of an administrator of a residential facility for groups that has been suspended by the Board if ~~the~~ :

(a) A majority of the members of the Board vote in favor of the reinstatement ~~if~~ ; or

(b) *The person who held the license reapplies for a license as an administrator of a residential facility for groups pursuant to NRS 654.140 and the Board determines that the person meets the requirements of NRS 654.155.*

2. In a manner consistent with the provisions of chapter 622A of NRS, the Board may reinstate the license of an administrator of a residential facility for groups that has been revoked by the Board if all of the members of the Board vote in favor of reinstatement.

Sec. 6. 1. This section and sections 1 to 4, inclusive, of this act become effective upon passage and approval.

2. Section 4 of this act expires by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

→ are repealed by the Congress of the United States.

3. Section 5 of this act becomes effective 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or



(b) Are in arrears in the payment for the support of one or more children,
→ are repealed by the Congress of the United States.

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