

ASSEMBLY BILL NO. 53—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE NEVADA STATE BOARD OF EXAMINERS FOR
ADMINISTRATORS OF FACILITIES FOR LONG-TERM CARE)

PREFILED FEBRUARY 1, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes regarding administrators of
facilities for long-term care. (BDR 54-570)

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 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



* A B 5 3 R 2 *

18 additionally authorizes reinstatement of the license if the person who held the
19 license reapplies for the license and the Board determines that the person meets the
20 requirements for the issuance of a license.

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

1 **Section 1.** NRS 654.028 is hereby amended to read as follows:
2 654.028 "Nursing facility administrator" means a person who
3 manages, supervises and is in general administrative charge of a
4 facility for skilled nursing or facility for intermediate care ~~H~~ *of*
5 *patients.*

6 **Sec. 2.** (Deleted by amendment.)

7 **Sec. 3.** NRS 654.190 is hereby amended to read as follows:

8 654.190 1. The Board may, after notice and a hearing as
9 required by law, impose an administrative fine of not more than
10 ~~[\$2,500 on and suspend or]~~ *\$5,000 on, recover reasonable*
11 *investigative fees and costs incurred from, suspend, revoke or*
12 *place conditions on* the license of , *and place on probation* any
13 nursing facility administrator or administrator of a residential
14 facility for groups who:

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

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

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

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

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

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

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

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



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

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

8 654.195 1. Except as otherwise provided in subsection 2, the
9 Board may reinstate the license of an administrator of a residential
10 facility for groups that has been suspended by the Board if ~~it~~:

11 **(a) A majority of the members of the Board vote in favor of the**
12 **reinstatement ~~it~~; or**

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

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

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

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

26 654.195 1. The Board may reinstate the license of an
27 administrator of a residential facility for groups that has been
28 suspended by the Board if ~~it~~:

29 **(a) A majority of the members of the Board vote in favor of the**
30 **reinstatement ~~it~~; or**

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

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

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

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



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

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

6 ➤ are repealed by the Congress of the United States.

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

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

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

17 ➤ are repealed by the Congress of the United States.

