

ASSEMBLY BILL NO. 68—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED FEBRUARY 2, 2007

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the operation of certain medical and care facilities and agencies. (BDR 40-505)

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 public health; expanding the grounds for which the Health Division of the Department of Health and Human Services is authorized to deny, suspend or revoke a license to operate certain medical and care facilities and agencies; expanding the grounds for which termination of an employee or independent contractor of such a facility or agency is required; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, grounds for which the Health Division of the Department
2 of Health and Human Services may deny, suspend or revoke a license to operate a
3 facility for intermediate care, facility for skilled nursing or residential facility for
4 groups include conviction of certain crimes by the applicant or licensee or
5 continued employment by the licensee of persons convicted of those crimes. In
6 addition, grounds for which the Health Division may deny, suspend or revoke a
7 license to operate an agency to provide personal care services in the home or an
8 agency to provide nursing in the home include continued employment by the
9 licensee of a person convicted of certain crimes. (NRS 449.160, 449.188) If the
10 administrator of, or the person licensed to operate, such a facility or agency
11 receives information or evidence that an employee or independent contractor has
12 been convicted of certain crimes, the administrator or licensee is required to
13 terminate the employment or contract of that person. (NRS 449.185) This bill



14 expands the list of crimes for which such action is authorized or required to include
15 the abuse, neglect, exploitation or isolation of elderly or vulnerable persons,
16 violations of provisions relating to the State Plan for Medicaid, and any act
17 concerning Medicaid or Medicare that is unauthorized or fraudulent.

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

1 **Section 1.** NRS 449.188 is hereby amended to read as follows:
2 449.188 1. In addition to the grounds listed in NRS 449.160,
3 the Health Division may deny a license to operate a facility for
4 intermediate care, facility for skilled nursing or residential facility
5 for groups to an applicant or may suspend or revoke the license of a
6 licensee to operate such a facility if:

7 (a) The applicant or licensee has been convicted of:
8 (1) Murder, voluntary manslaughter or mayhem;
9 (2) Assault with intent to kill or to commit sexual assault or
10 mayhem;

11 (3) Sexual assault, statutory sexual seduction, incest,
12 lewdness, indecent exposure or any other sexually related crime;

13 (4) Abuse or neglect of a child or contributory delinquency;

14 (5) A violation of any federal or state law regulating the
15 possession, distribution or use of any controlled substance or any
16 dangerous drug as defined in chapter 454 of NRS, within the past 7
17 years;

18 (6) ~~[(A)] Abuse, neglect, exploitation or isolation of older~~
19 ~~persons or vulnerable persons, including, without limitation, a~~
20 violation of any provision of NRS ~~[(200.50955 or 200.5099;]~~
21 ~~200.5091 to 200.50995, inclusive, or a law of any other jurisdiction~~
22 ~~that prohibits the same or similar conduct;~~

23 (7) ~~A violation of any provision of law relating to the State~~
24 ~~Plan for Medicaid, including, without limitation, a violation of any~~
25 ~~provision of NRS 422.450 to 422.590, inclusive, or a law of any~~
26 ~~other jurisdiction that prohibits the same or similar conduct;~~

27 (8) ~~An act that is unauthorized or fraudulent under the~~
28 ~~laws governing Medicaid or Medicare;~~

29 (9) Any offense involving fraud, theft, embezzlement,
30 burglary, robbery, fraudulent conversion or misappropriation of
31 property, within the immediately preceding 7 years; or

32 ~~[(8)]~~ (10) Any other felony involving the use of a firearm or
33 other deadly weapon, within the immediately preceding 7 years; or

34 (b) The licensee has continued to employ a person who has been
35 convicted of a crime listed in paragraph (a).

36 2. In addition to the grounds listed in NRS 449.160, the Health
37 Division may deny a license to operate an agency to provide



1 personal care services in the home or an agency to provide nursing
2 in the home to an applicant or may suspend or revoke the license of
3 a licensee to operate such an agency if the licensee has continued to
4 employ a person who has been convicted of a crime listed in
5 paragraph (a) of subsection 1.

6 **3. As used in this section:**

7 (a) *“Medicaid” means the program established pursuant to*
8 *Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to*
9 *provide assistance for part or all of the cost of medical care*
10 *rendered on behalf of indigent persons.*

11 (b) *“Medicare” means the program of health insurance for*
12 *aged and disabled persons established pursuant to Title XVIII of*
13 *the Social Security Act, 42 U.S.C. §§ 1395 et seq.*

14 **Sec. 2.** This act becomes effective on July 1, 2007.

