

Amendment No. 529

Assembly Amendment to Assembly Bill No. 53 (BDR 54-570)

Proposed by: Assembly Committee on Commerce and Labor**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 53 (§ 2).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) **blue bold italics** is new language in the original bill; (2) **green bold italic underlining** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

JLW/LJM



Date: 4/20/2007

A.B. No. 53—Makes various changes regarding licenses for and disciplinary action against administrators of facilities for long-term care.
(BDR 54-570)



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 licenses for and disciplinary action against 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; providing for the reinstatement of expired licenses for administrators of a residential facility for groups or nursing facility administrators; requiring the payment of a fee for reinstatement; requiring the Nevada State Board of Examiners for Administrators of Facilities for Long-Term Care to make reasonable efforts to notify licensees of license renewal requirements and license expirations; revising provisions governing the authority of the Board 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) The license of a nursing facility administrator or an administrator of a residential facility for groups expires 2 years after it was issued unless it is renewed. (NRS 654.170) **Section 2** of this bill requires the Nevada State Board of Examiners for Administrators of Facilities for Long-Term Care to reinstate a license that expired if the person who held the license pays a fee and fulfills certain other requirements. **Section 2** also requires the Board to make reasonable efforts to notify a person who holds a license that renewal of a license is coming due and to notify a person if the license held by the person expired.

Under existing law, the Board 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 patients.~~

~~Section 1.~~ **Sec. 2.** NRS 654.170 is hereby amended to read as follows:

654.170 1. The Board shall issue a numbered license, in such form as it may prescribe, to each applicant who meets the requirements of NRS 654.150 or 654.155 and shall affix its official seal to the license.

2. Each license issued by the Board pursuant to this chapter expires 2 years after the last day of the calendar month in which it was issued and may be renewed on or before that date biennially.

3. Any licensed nursing facility administrator or administrator of a residential facility for groups may renew his license by applying for renewal in the manner prescribed by the Board, paying the renewal fee fixed by the Board and submitting all information required to complete the renewal.

4. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with:

- (a) The requirements for continuing education adopted by the Board; and
- (b) The duties of the administrator set forth in NRS 449.0357.

5. The Board shall reinstate a license which has expired pursuant to subsection 2 if:

(a) Not later than 2 years after the date the license expired, the person who held the license:

(1) Applies to the Board for the reinstatement of the license in the manner prescribed by the Board;

(2) Pays to the Board a fee for the reinstatement of the license equal to twice the amount of the renewal fee fixed by the Board pursuant to subsection 3; and

(3) Submits all information required by the Board pursuant to subsection 3 for renewal; and

(b) The Board determines that the person meets the requirements of NRS 654.150 or 654.155.

6. The Board shall make reasonable efforts to notify each person who holds a license:

(a) Before the license expires pursuant to subsection 2, that if the person does not submit the renewal fee and all the information required to complete the renewal, the license will expire pursuant to subsection 2; and

(b) That if the person did not pay the renewal fee and submit all the information required to complete the renewal before the license expired pursuant to subsection 2, the license has expired.

~~Sec. 2.~~ **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 ~~1~~~~\$2,500 on and suspend or~~ *\$5,000 on, recover reasonable investigative fees and costs incurred from, suspend, 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 ~~1~~~~,~~ *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. 3.~~ **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 ~~1~~~~,~~ :

(a) A majority of the members of the Board vote in favor of the reinstatement 1; 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. 4.~~ **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 ~~1~~~~,~~ :

(a) A majority of the members of the Board vote in favor of the reinstatement 1; or

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

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

8 ~~Sec. 5.~~ **Sec. 6.** 1. This section and sections 1, 2 and 3 of this act become
9 effective upon passage and approval.

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

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

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

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

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

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