

## Amendment No. 687

Assembly Amendment to Assembly Bill No. 111 First Reprint (BDR 40-99)

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

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from A.B. 111.

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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 dashed underlining is newly added transitory language.

SLP/KCR



Date: 5/15/2009

A.B. No. 111—Revises provisions governing certain facilities for the dependent, medical facilities and homes for individual residential care.  
(BDR 40-99)



ASSEMBLY BILL NO. 111—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO  
STUDY ISSUES RELATING TO SENIOR CITIZENS AND VETERANS)

PREFILED JANUARY 23, 2009

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing certain **residential** facilities for ~~the dependent, medical facilities~~ **groups** and homes for individual residential care. (BDR 40-99)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
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 public health; ~~requiring a licensed facility for the dependent, medical facility or home for individual residential care to obtain an endorsement on the license if the facility or home offers housing for independent living;~~ prohibiting certain residential facilities for groups and homes for individual residential care from providing accommodations to certain persons; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires certain **residential** facilities for ~~the dependent, medical facilities~~ **groups** and homes for individual residential care to obtain a license to operate such facilities and homes. (NRS 449.030) ~~Existing law requires such a licensed facility or home that offers housing for independent living to post a notice indicating that the portion of the facility or home designated for independent living does not include the provision of personal care, supportive services or health related services. (NRS 449.2487) Sections 4 and 20 of this bill require such a facility or home to obtain an endorsement on its license on or before October 1, 2010, if the facility or home offers housing for independent living. Section 7 of this bill requires the State Board of Health to adopt regulations governing the issuance and renewal of an endorsement, including fees. The regulations are subject to review by the Legislative Committee on Health Care. (NRS 429B.225) Existing law prescribes grounds for the denial, suspension or revocation of a license to operate a facility or home under chapter 449 of NRS and the disciplinary action and penalties that apply to a licensee for certain violations. (NRS 449.160, 449.162, 449.170, 449.210) Sections 9-13 of this bill include the endorsement to offer housing for independent living within these provisions setting forth the grounds for issuance and denial of an endorsement and the disciplinary action and penalties which apply.]~~

**Section 5** of this bill prohibits a residential facility for groups which is authorized to have 10 or fewer beds or a home for individual residential care from providing accommodations to a person who does not meet the requirements for admission unless that person is related to a resident of the facility or home within the third degree of consanguinity.

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

**Section 1.** ~~[NRS 439B.225 is hereby amended to read as follows:~~

~~439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for [licensing or registration or for the renewal of licenses or certificates] the issuance or renewal of a license, an endorsement on a license or a certificate of registration pursuant to NRS 425.220S to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 625, 636, 637, 637A, 637B, 639, 640, 640A, 641, 641A, 641B, 641C, 652 or 654 of NRS.~~

~~2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for [licensing or registration or to] the issuance or renewal of a license, an endorsement on a license or a certificate of registration issued to a person or facility regulated by the board, giving consideration to:~~

~~(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;~~

~~(b) The effect of the regulation on the cost of health care in this State;~~

~~(c) The effect of the regulation on the number of licensed or registered persons and facilities available to provide services in this State; and~~

~~(d) Any other related factor the Committee deems appropriate.~~

~~3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.~~

~~4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.] (Deleted by amendment.)~~

~~Sec. 2. [Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.] (Deleted by amendment.)~~

~~Sec. 3. ["Housing for independent living" means single dwelling units, including, without limitation, single dwelling units located in a multidwelling or a multipurpose building, which provide residential housing intended for independent living and which do not directly provide or coordinate the oversight of services to meet the scheduled and unscheduled needs of its residents, including, without limitation, the provision of personal care, supportive services and health related services.] (Deleted by amendment.)~~

~~Sec. 4. [A facility for the dependent, a medical facility or a home for individual residential care that offers housing for independent living shall obtain an endorsement on its license authorizing the facility or home to offer housing for independent living.] (Deleted by amendment.)~~

~~Sec. 5. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Except as otherwise provided in subsection 2, a residential facility for groups which is authorized to have 10 or fewer beds or a home for individual~~

1 *residential care shall not provide accommodations for a person who does not*  
2 *meet the requirements for admission to the facility or home.*

3 2. *A residential facility for groups which is authorized to have 10 or fewer*  
4 *beds or a home for individual residential care may provide accommodations for a*  
5 *person who is related within the third degree of consanguinity to a resident of the*  
6 *facility or home regardless of whether the person meets the requirements for*  
7 *admission to the facility or home.*

8 **Sec. 6.** ~~NRS 449.001 is hereby amended to read as follows:~~

9 ~~449.001 As used in this chapter, unless the context otherwise requires, the~~  
10 ~~words and terms defined in NRS 449.0015 to 449.0195, inclusive, and section 3 of~~  
11 ~~this act have the meanings ascribed to them in those sections.] (Deleted by~~  
12 ~~amendment.)~~

13 **Sec. 7.** NRS 449.037 is hereby amended to read as follows:

14 449.037 1. The Board shall adopt:

15 (a) Licensing standards for each class of medical facility or facility for the  
16 dependent covered by NRS 449.001 to 449.240, inclusive, ~~and sections 3, 4 and~~  
17 ~~section 5 of this act~~ and for programs of hospice care.

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

19 (c) Regulations governing the procedure and standards for granting an  
20 extension of the time for which a natural person may provide certain care in his  
21 home without being considered a residential facility for groups pursuant to NRS  
22 449.017. The regulations must require that such grants are effective only if made in  
23 writing.

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

29 (e) Any other regulations as it deems necessary or convenient to carry out the  
30 provisions of NRS 449.001 to 449.240, inclusive ~~§ 3, and sections 3, 4 and~~  
31 ~~section 5 of this act.~~

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

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

35 (b) Residential facilities for groups,

36 ➤ which provide care to persons with Alzheimer's disease.

37 3. The Board shall adopt separate regulations for:

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

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

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

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

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

52 6. The Board shall adopt separate regulations regarding the assistance which  
53 may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of

1 controlled substances or dangerous drugs by employees of residential facilities for  
2 groups. The regulations must require at least the following conditions before such  
3 assistance may be given:

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

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

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

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

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

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

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

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

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

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

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

30 (2) Contain a sleeping area or bedroom; and

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

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

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

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

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

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

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

48 (6) The facility is designed to minimize and is operated in a manner which  
49 minimizes the need for its residents to move out of the facility as their respective  
50 physical and mental conditions change over time; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

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

The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

~~11. The Board shall adopt regulations for the issuance and renewal of an endorsement to offer housing for independent living pursuant to section 4 of this act. The regulations must:~~

~~(a) Prescribe the grounds for the approval, denial, suspension or revocation of an endorsement;~~

~~(b) Prescribe the fees for the issuance and renewal of an endorsement; and~~

~~(c) Require compliance with all applicable laws and regulations, including, without limitation:~~

~~(1) The provisions of NRS 449.2487;~~

~~(2) Any law, ordinance or governmental regulation concerning health, safety, sanitation or fitness for habitation of the facility or home;~~

~~(3) Any law, ordinance or governmental regulation concerning the construction, maintenance, operation, occupancy, use or appearance of the facility or home; and~~

~~(4) The provisions of chapter 446 of NRS and any other laws or regulations governing the preparation of meals.~~

~~12.~~ As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

**Sec. 8.** NRS 449.140 is hereby amended to read as follows:

449.140 1. Money received from licensing medical facilities and facilities for the dependent ~~[including, without limitation, an endorsement on a license,]~~ must be forwarded to the State Treasurer for deposit in the State General Fund.

2. The Health Division shall enforce the provisions of NRS 449.001 to 449.245, inclusive, ~~and [sections 3, 4 and]~~ **section 5 of this act** and may incur any necessary expenses not in excess of money appropriated for that purpose by the State or received from the Federal Government.

**Sec. 9.** NRS 449.160 is hereby amended to read as follows:

449.160 1. The Health Division may deny an application for a license ~~for an endorsement on a license]~~ or may suspend or revoke any license ~~for endorsement]~~ issued under the provisions of NRS 449.001 to 449.240, inclusive, ~~and [sections 3, 4 and]~~ **section 5 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 [sections 3, 4 and]~~ **section 5 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 ~~for endorsement]~~ 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.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Health Division may revoke a license to operate a facility for the dependent ~~and an endorsement on such a license]~~ 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. The Health Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Health Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➤ The facility shall make the information available to the public pursuant to NRS 449.2486.

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.

**Sec. 10.** 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, ~~for endorsement,~~ including any provision of NRS 439B.410 ~~or~~ 449.001 to 449.240, inclusive, ~~and sections 3, 4 and~~ section 5 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 ~~for endorsement, or both,~~ 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 ~~or~~ 449.001 to 449.240, inclusive, ~~and sections 3, 4 and~~ section 5 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. 11.** ~~NRS 449.170 is hereby amended to read as follows:~~

~~449.170 1. When the Health Division intends to deny, suspend or revoke a license [.] or an endorsement on a license, or impose any sanction prescribed by NRS 449.163, it shall give reasonable notice to all parties by certified mail. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. Notice is not required if the Health Division finds that the public health requires immediate action. In that case, it may order a summary suspension of a license or endorsement or impose any sanction prescribed by NRS 449.163, pending proceedings for revocation or other action.~~

~~2. If a person wants to contest the action of the Health Division, he must file an appeal pursuant to regulations adopted by the Board.~~

~~3. Upon receiving notice of an appeal, the Health Division shall hold a hearing pursuant to regulations adopted by the Board.~~

~~4. The Board shall adopt such regulations as are necessary to carry out the provisions of this section.) (Deleted by amendment.)~~



1       **Sec. 12.** ~~[NRS 449.210 is hereby amended to read as follows:~~  
2       ~~449.210 1. Except as otherwise provided in subsections 2 and 3, a person~~  
3       ~~who operates a medical facility or facility for the dependent without a license or an~~  
4       ~~endorsement on a license, if applicable, issued by the Health Division is guilty of a~~  
5       ~~misdemeanor.~~  
6       ~~2. A person who operates a residential facility for groups without a license or~~  
7       ~~an endorsement on a license, if applicable, issued by the Health Division:~~  
8       ~~(a) Is liable for a civil penalty, to be recovered by the Attorney General in the~~  
9       ~~name of the Health Division, for the first offense of not more than \$10,000 and for~~  
10       ~~a second or subsequent offense of not less than \$10,000 nor more than \$20,000;~~  
11       ~~(b) Shall be required to move all of the persons who are receiving services in~~  
12       ~~the residential facility for groups to a residential facility for groups that is licensed~~  
13       ~~at his own expense; and~~  
14       ~~(c) May not apply for a license to operate a residential facility for groups or an~~  
15       ~~endorsement to offer housing for independent living, if applicable, for a period of~~  
16       ~~6 months after he is punished pursuant to this section.~~  
17       ~~3. Unless otherwise required by federal law, the Health Division shall deposit~~  
18       ~~all civil penalties collected pursuant to this section into a separate account in the~~  
19       ~~State General Fund to be used for the protection of the health, safety and well-being~~  
20       ~~of patients, including residents of residential facilities for groups.] (Deleted by~~  
21       ~~amendment.)~~

22       **Sec. 13.** NRS 449.220 is hereby amended to read as follows:  
23       449.220 1. The Health Division may bring an action in the name of the  
24       State to enjoin any person, state or local government unit or agency thereof from  
25       operating or maintaining any facility within the meaning of NRS 449.001 to  
26       449.240, inclusive ~~[, and [sections 3, 4 and] section 5 of this act:~~  
27       (a) Without first obtaining a license therefor ~~;~~ ~~for an endorsement on a~~  
28       ~~license, if applicable;~~ or  
29       (b) After his license ~~for endorsement]~~ has been revoked or suspended by the  
30       Health Division.  
31       2. It is sufficient in such action to allege that the defendant did, on a certain  
32       date and in a certain place ~~, operate [~~  
33       ~~(a) Operate]~~ and maintain such ~~a~~ facility without a license.  
34       ~~[(b) Offer housing for independent living without an endorsement on the~~  
35       ~~license.]~~

36       **Sec. 14.** NRS 449.230 is hereby amended to read as follows:  
37       449.230 1. Any authorized member or employee of the Health Division may  
38       enter and inspect any building or premises at any time to secure compliance with or  
39       prevent a violation of any provision of NRS 449.001 to 449.245, inclusive ~~[, and~~  
40       ~~[sections 3, 4 and] section 5 of this act.~~  
41       2. The State Fire Marshal or his designee shall, upon receiving a request from  
42       the Health Division or a written complaint concerning compliance with the plans  
43       and requirements to respond to an emergency adopted pursuant to subsection 9 of  
44       NRS 449.037:  
45       (a) Enter and inspect a residential facility for groups; and  
46       (b) Make recommendations regarding the adoption of plans and requirements  
47       pursuant to subsection 9 of NRS 449.037,  
48       ↪ to ensure the safety of the residents of the facility in an emergency.  
49       3. The State Health Officer or his designee shall enter and inspect at least  
50       annually each building or the premises of a residential facility for groups to ensure  
51       compliance with standards for health and sanitation.  
52       4. An authorized member or employee of the Health Division shall enter and  
53       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. 15.** NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Health Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.001 to 449.245, inclusive ~~and sections 3, 4 and~~ **section 5 of this act.**

**Sec. 16.** ~~[NRS 233B.063 is hereby amended to read as follows:~~

~~233B.063 1. At least 30 days before the time of giving notice of its intention to adopt, amend or repeal a permanent regulation, an agency shall deliver to the Legislative Counsel a copy of the proposed regulation. The Legislative Counsel shall examine and if appropriate revise the language submitted so that it is clear, concise and suitable for incorporation in the Nevada Administrative Code, but shall not alter the meaning or effect without the consent of the agency.~~

~~2. Unless the proposed regulation is submitted to him between July 1 of an even-numbered year and July 1 of the succeeding odd-numbered year, the Legislative Counsel shall deliver the approved or revised text of the regulation within 30 days after it is submitted to him. If the proposed or revised text of a regulation is changed before adoption, the agency shall submit the changed text to the Legislative Counsel, who shall examine and revise it if appropriate pursuant to the standards of subsection 1. Unless it is submitted between July 1 of an even-numbered year and July 1 of the succeeding odd-numbered year, the Legislative Counsel shall return it with any appropriate revisions within 30 days. If the agency is a licensing board as defined in NRS 439B.225 and the proposed regulation relates to standards for [licensing or registration or for] the ~~issuance or renewal of a license, an endorsement on a license or a certificate of registration issued to a person or facility regulated by the agency,~~ the Legislative Counsel shall also deliver one copy of the approved or revised text of the regulation to the Legislative Committee on Health Care.~~

~~3. An agency may adopt a temporary regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year without following the procedure required by this section and NRS 233B.064, but any such regulation expires by limitation on November 1 of the odd-numbered year. A substantively identical permanent regulation may be subsequently adopted.~~

~~4. An agency may amend or suspend a permanent regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year by adopting a temporary regulation in the same manner and subject to the same provisions as prescribed in subsection 3.]~~ **(Deleted by amendment.)**

**Sec. 17.** ~~[NRS 233B.070 is hereby amended to read as follows:~~

~~233B.070 1. A permanent regulation becomes effective when the Legislative Counsel files with the Secretary of State the original of the final draft or revision of a regulation, except as otherwise provided in NRS 293.247 or where a later date is specified in the regulation.~~

~~2. Except as otherwise provided in NRS 233B.063, an agency that has adopted a temporary regulation may not file the temporary regulation with the Secretary of State until 25 days after the date on which the temporary regulation was adopted by the agency. A temporary regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of the regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.~~

~~3. An emergency regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of an emergency regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the emergency regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.~~

~~4. The Secretary of State shall maintain the original of the final draft or revision of each regulation in a permanent file to be used only for the preparation of official copies.~~

~~5. The Secretary of State shall file, with the original of each agency's rules of practice, the current statement of the agency concerning the date and results of its most recent review of those rules.~~

~~6. Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the Secretary of State indicating that it has been filed, including material adopted by reference which is not already filed with the State Library and Archives Administrator, to the State Library and Archives Administrator for use by the public. If the agency is a licensing board as defined in NRS 439B.225 and it has adopted a permanent regulation relating to standards for [licensing or registration or for] the issuance or renewal of a license, an endorsement on a license or a certificate of registration issued to a person or facility regulated by the agency, the agency shall also deliver one copy of the regulation, bearing the stamp of the Secretary of State, to the Legislative Committee on Health Care within 10 days after the regulation is filed with the Secretary of State.~~

~~7. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.~~

~~8. An agency which publishes any regulations included in the Nevada Administrative Code shall use the exact text of the regulation as it appears in the Nevada Administrative Code, including the headlines and numbers of the sections. Any other material which an agency includes in a publication with its regulations must be presented in a form which clearly distinguishes that material from the regulations.~~ **(Deleted by amendment.)**

**Sec. 18.** 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 \$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, and sections 3, 4 and section 5 of this act 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, 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

1 residential facility for groups and the patient or resident for the financial or other  
2 gain of the licensee.

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

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

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

13 **Sec. 19.** ~~{On or before January 1, 2010, the State Board of Health shall adopt~~  
14 ~~regulations governing the issuance and renewal of an endorsement to offer housing~~  
15 ~~for independent living required by NRS 449.037, as amended by section 7 of this~~  
16 ~~act.}~~ **(Deleted by amendment.)**

17 **Sec. 20.** ~~{Each licensed facility for the dependent, medical facility and home~~  
18 ~~for individual residential care which offers housing for independent living shall, on~~  
19 ~~or before October 1, 2010, obtain the endorsement required by section 4 of this act.}~~  
20 **(Deleted by amendment.)**

21 **Sec. 21.** ~~{1. This section and sections 1, 2, 3, 6, 7, 16, 17 and 19 of this act~~  
22 ~~become effective upon passage and approval.~~

23 ~~2. Sections 5, 14, 15 and 18 of this act become effective on October 1, 2009.~~

24 ~~3. Sections 4, 8 to 13, inclusive, and 20 of this act become effective on~~  
25 ~~January 1, 2010.}~~ **(Deleted by amendment.)**