

Amendment No. 246

Assembly Amendment to Assembly Bill No. 176

(BDR 54-173)

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

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 dashed underlining** is newly added transitory language.

DY/EGO



Date: 4/20/2009

A.B. No. 176—Revises provisions relating to administrators of facilities for long-term care. (BDR 54-173)



ASSEMBLY BILL NO. 176--ASSEMBLYWOMAN MCCLAIN

FEBRUARY 16, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to administrators of facilities for long-term care. (BDR 54-173)

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; renaming the Nevada State Board of Examiners for Administrators of Facilities for Long-Term Care as the Board of Examiners for Long-Term Care Administrators; revising provisions relating to disciplinary actions; granting subpoena powers to the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 2 of this bill change the name of the Nevada State Board of Examiners for Administrators of Facilities for Long-Term Care to the Board of Examiners for Long-Term Care Administrators.

Existing law establishes various penalties the Board may impose as disciplinary action against nursing facility administrators and administrators of a residential facility for groups who commit certain violations. (NRS 654.190) **Section 3** of this bill increases the **maximum** administrative fine the Board may impose upon such persons from \$5,000 to \$10,000 for each violation. **Section 3** also provides that the Board may deny the issuance or renewal of a license and impose any combination of authorized disciplinary actions against such persons for a violation. Additionally, **section 3** revises the ~~time within which written notice of a hearing must be provided to a licensee against whom a complaint is brought, from 10 days to 5 days before the date of the hearing,~~ **manner in which notice of a hearing relating to disciplinary action must be given to a licensee.** Furthermore, **section 3** establishes the Board's authority to subpoena witnesses and documents.

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

Section 1. NRS 654.020 is hereby amended to read as follows:

654.020 "Board" means the ~~{Nevada-State}~~ Board of Examiners for ~~{Administrators of Facilities for}~~ Long-Term Care **{Administrators}.**

Sec. 2. NRS 654.050 is hereby amended to read as follows:

654.050 The ~~{Nevada-State}~~ Board of Examiners for ~~{Administrators of Facilities for}~~ Long-Term Care **{Administrators},** consisting of the Director of the

1 Department of Health and Human Services or his designee and six members
2 appointed by the Governor, is hereby created within the Department of Health and
3 Human Services.

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

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

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

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

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

15 (d) Aids or abets any person in the violation of any of the provisions of NRS
16 449.001 to 449.240, inclusive, as those provisions pertain to a facility for skilled
17 nursing, facility for intermediate care or residential facility for groups.

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

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

25 2. The Board shall give a licensee against whom proceedings are brought
26 pursuant to this section written notice of a hearing ~~{not less than} {10} {5 days~~
27 ~~before the date of the hearing.}~~ **pursuant to NRS 233B.121 and 241.034. A**
28 **licensee may waive, in writing, his right to attend the hearing.**

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

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

36 5. ***The Board may compel the attendance of witnesses or the production of***
37 ***documents or objects by subpoena. The Board may adopt regulations that set***
38 ***forth a procedure pursuant to which the Chairman of the Board may issue***
39 ***subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to***
40 ***this subsection may request the Board to modify the terms of the subpoena or***
41 ***grant additional time for compliance.***