

ASSEMBLY BILL NO. 296—ASSEMBLYMEN DALY,
KIRKPATRICK; AND SMITH

MARCH 17, 2011

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to long-term care administrators. (BDR 54-1087)

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 long-term care administrators; revising provisions governing the imposition of certain administrative sanctions by the Board of Examiners for Long-Term Care Administrators; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the Board of Examiners for Long-Term Care
2 Administrators to provide notice and a hearing before imposing certain
3 administrative sanctions on a nursing facility administrator or an administrator of a
4 residential facility for groups. (NRS 654.190) This bill removes the requirement for
5 a hearing, instead requiring that a nursing facility administrator or an administrator
6 of a residential facility for groups be afforded an opportunity for a hearing after
7 reasonable notice.

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

1 **Section 1.** NRS 654.190 is hereby amended to read as follows:
2 654.190 1. The Board may, after notice and ~~to~~ **an**
3 **opportunity for a** hearing as required by law, impose an
4 administrative fine of not more than \$10,000 for each violation on,
5 recover reasonable investigative fees and costs incurred from,
6 suspend, revoke, deny the issuance or renewal of or place conditions
7 on the license of, and place on probation or impose any combination



1 of the foregoing on any nursing facility administrator or
2 administrator of a residential facility for groups who:

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

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

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

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

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

16 (f) Engages in conduct that violates the trust of a patient or
17 resident or exploits the relationship between the nursing facility
18 administrator or administrator of a residential facility for groups and
19 the patient or resident for the financial or other gain of the licensee.

20 2. ~~{The}~~ *If a licensee requests a hearing pursuant to*
21 *subsection 1, the* Board shall give ~~{a}~~ *the* licensee ~~{against whom~~
22 ~~proceedings are brought pursuant to this section}~~ written notice of a
23 hearing pursuant to NRS 233B.121 and 241.034. A licensee may
24 waive, in writing, his or her right to attend the hearing.

25 3. The Board may compel the attendance of witnesses or the
26 production of documents or objects by subpoena. The Board may
27 adopt regulations that set forth a procedure pursuant to which the
28 Chair of the Board may issue subpoenas on behalf of the Board.
29 Any person who is subpoenaed pursuant to this subsection may
30 request the Board to modify the terms of the subpoena or grant
31 additional time for compliance.

32 4. An order that imposes discipline and the findings of fact and
33 conclusions of law supporting that order are public records.

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

39 **Sec. 2.** This act becomes effective upon passage and approval.

