

Amendment No. 237

Senate Amendment to Senate Bill No. 129

(BDR 40-155)

Proposed by: Senate Committee on Health and Human Services**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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 underlining* is newly added transitory language.

LJM/RBL



Date: 4/20/2011

S.B. No. 129—Requires training of certain persons who operate or work in certain facilities. (BDR 40-155)



SENATE BILL NO. 129—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON SENIOR
CITIZENS, VETERANS AND ADULTS WITH SPECIAL NEEDS)

PREFILED FEBRUARY 4, 2011

Referred to Committee on Health and Human Services

SUMMARY—Requires training of certain persons who operate or work in certain facilities. (BDR 40-155)

FISCAL NOTE: Effect on Local Government: No.
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 certain persons who operate or work in ~~facilities for the dependent,~~ facilities for intermediate care, facilities for skilled nursing, agencies to provide personal care services in the home, facilities for the care of adults during the day, residential facilities for groups and homes for individual residential care to complete certain training; ~~requiring the State Board of Health to adopt regulations concerning such training;~~ providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires an applicant for a license to operate ~~a facility for the dependent,~~ a facility for intermediate care, a facility for skilled nursing, an agency to provide personal care services in the home, a facility for the care of adults during the day, a residential facility for groups or a home for individual residential care to obtain training ~~concerning the care~~ to recognize and prevent the abuse of older persons before a license is issued to the applicant and annually thereafter. **Section 1** also requires the holders of licenses to operate, and the administrators and employees of, those facilities, agencies and homes to obtain such training. ~~Section 1 further requires the State Board of Health to adopt regulations governing the training requirements, including the number of hours of training, topics of instruction and methods of instruction.~~

Sections 6 and 7 of this bill amend the grounds for which disciplinary action may be taken against a facility, agency or home to include violations of the provisions of **section 1**.

Section 11 of this bill provides that an administrator who is licensed as an administrator of a residential facility for groups or as a nursing facility administrator may be disciplined for failure to comply with the provisions of **section 1**.

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An applicant for a license to operate a ~~facility for the dependent,~~ facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home, facility for the care of adults during the day, residential facility for groups or home for individual residential care must receive training ~~concerning the care~~ to recognize and prevent the abuse of older persons before a license to operate such a facility, agency or home is issued to the applicant. If an applicant has completed such training within the year preceding the date of the application for a license and the application includes evidence of the training, the applicant shall be deemed to have complied with the requirements of this subsection.

2. A licensee who holds a license to operate a ~~facility for the dependent,~~ facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home, facility for the care of adults during the day, residential facility for groups or home for individual residential care must annually receive training ~~concerning the care~~ to recognize and prevent the abuse of older persons before the license to operate such a facility, agency or home may be renewed.

3. If an applicant or licensee who is required by this section to obtain training is ~~for~~

~~(a) Firm, association, organization, partnership, business trust, corporation or company, the board of directors, officers or members thereof and the person in charge of the facility or home must receive the training required by this section; or~~

~~(b) Political subdivision of the State or other governmental agency,~~ not a natural person, the person in charge of the facility, agency or home must receive the training required by this section.

4. An administrator ~~or other person in charge of a~~ ~~facility for the dependent,~~ facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home, facility for the care of adults during the day, residential facility for groups or home for individual residential care must receive training ~~concerning the care~~ to recognize and prevent the abuse of older persons before the facility, agency or home provides care to a person and annually thereafter.

5. An employee who will provide care to a ~~resident~~ person in a ~~facility for the dependent,~~ facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home, facility for the care of adults during the day, residential facility for groups or home for individual residential care must receive training ~~concerning the care~~ to recognize and prevent the abuse of older persons before the employee provides care to a person in the facility, agency or home and annually thereafter.

6. ~~The Board shall adopt regulations establishing the requirements for training concerning the care of older persons required by this section. The regulations must prescribe, without limitation:~~

~~(a) The number of hours of initial training required for each applicant, administrator and employee and the number of hours for the training required annually thereafter;~~

~~(b) The procedure and requirements for the approval of a program to provide training;~~

~~(c) The topics of instruction that must be included in the training, which~~
required by this section must include, without limitation:

~~(1) (a)~~ Recognizing the abuse of older persons, including sexual abuse and violations of NRS 200.5091 to 200.50995, inclusive;

~~(2) (b)~~ Responding to reports of the alleged abuse of older persons, including sexual abuse and violations of NRS 200.5091 to 200.50995, inclusive; and

~~(3) (c)~~ Instruction concerning the federal, state and local laws, and any changes to those laws, relating to:

~~(1) (1)~~ The abuse of older persons; and

~~(2) (2)~~ Facilities ~~for the dependent, facilities~~ for intermediate care, facilities for skilled nursing, agencies to provide personal care services in the home, facilities for the care of adults during the day, residential facilities for groups or homes for individual residential care, as applicable for the person receiving the training. ~~and~~

~~(d) The approved methods of instruction, which must include the use of the Internet.~~

7. ~~The ~~facility for the dependent,~~ facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home, facility for the care of adults during the day, residential facility for groups or home for individual residential care ~~shall pay~~ is responsible for the costs related to the training required by this section.~~

8. The administrator of a facility for intermediate care, facility for skilled nursing or residential facility for groups who is licensed pursuant to chapter 654 of NRS shall ensure that each employee of the facility who provides care to residents has obtained the training required by this section. If an administrator or employee of a facility or home does not obtain the training required by this section, the Health Division shall notify the Board of Examiners for Long-Term Care Administrators that the administrator is in violation of this section.

9. The holder of a license to operate a ~~facility for the dependent,~~ facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home, facility for the care of adults during the day, residential facility for groups or home for individual residential care shall ensure that each person who is required to comply with the requirements for training ~~and any regulations adopted by the Board~~ pursuant to this section complies with such requirements. The Health Division may, for any violation of this section, take disciplinary action against a facility, agency or home pursuant to NRS 449.160 and 449.163.

Sec. 2. NRS 449.037 is hereby amended to read as follows:

449.037 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.001 to 449.240, inclusive, and section 1 of this act and for programs of hospice care.

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

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

(d) Regulations establishing a procedure for the indemnification by the Health Division, from the amount of any surety bond or other obligation filed or deposited

1 by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient
2 of the facility who has sustained any damages as a result of the bankruptcy of or
3 any breach of contract by the facility.

4 (e) Any other regulations as it deems necessary or convenient to carry out the
5 provisions of NRS 449.001 to 449.240, inclusive ~~H~~, *and section 1 of this act.*

6 2. The Board shall adopt separate regulations governing the licensing and
7 operation of:

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

9 (b) Residential facilities for groups,

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

11 3. The Board shall adopt separate regulations for:

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

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

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

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

22 5. ~~The~~ *In addition to the training requirements prescribed pursuant to*
23 *section 1 of this act, the* Board shall establish minimum qualifications for
24 administrators and employees of residential facilities for groups. In establishing the
25 qualifications, the Board shall consider the related standards set by nationally
26 recognized organizations which accredit such facilities.

27 6. The Board shall adopt separate regulations regarding the assistance which
28 may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of
29 controlled substances or dangerous drugs by employees of residential facilities for
30 groups. The regulations must require at least the following conditions before such
31 assistance may be given:

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

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

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

38 (1) Addresses possession and assistance in the administration of the
39 medication; and

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

43 (d) The prescribed medication is not administered by injection or
44 intravenously.

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

47 7. The Board shall adopt separate regulations governing the licensing and
48 operation of residential facilities for groups which provide assisted living services.
49 The Board shall not allow the licensing of a facility as a residential facility for
50 groups which provides assisted living services and a residential facility for groups
51 shall not claim that it provides "assisted living services" unless:

52 (a) Before authorizing a person to move into the facility, the facility makes a
53 full written disclosure to the person regarding what services of personalized care

1 will be available to the person and the amount that will be charged for those
2 services throughout the resident's stay at the facility.

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

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

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

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

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

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

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

14 (3) The facility provides a variety of creative and innovative services that
15 emphasize the particular needs of each individual resident and the resident's
16 personal choice of lifestyle;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 (d) Posting the plans or a summary of the plans adopted pursuant to paragraphs
52 (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. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 3. NRS 449.060 is hereby amended to read as follows:

449.060 1. Each license issued pursuant to NRS 449.001 to 449.240, inclusive, *and section 1 of this act* expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Health Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.001 to 449.240, inclusive, *and section 1 of this act* or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the facility, agency or home is in compliance with the provisions of NRS 449.173 to 449.188, inclusive.

3. Each reapplication for an agency to provide personal care services in the home, a ~~facility for the dependent,~~ facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency or home are in compliance with the provisions of section 1 of this act.

Sec. 4. NRS 449.070 is hereby amended to read as follows:

449.070 The provisions of NRS 449.001 to 449.240, inclusive, *and section 1 of this act* do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility or facility for the dependent operated and maintained by the United States Government or an agency thereof.

1 **Sec. 5.** NRS 449.140 is hereby amended to read as follows:

2 449.140 1. Money received from licensing medical facilities and facilities
3 for the dependent must be forwarded to the State Treasurer for deposit in the State
4 General Fund.

5 2. The Health Division shall enforce the provisions of NRS 449.001 to
6 449.245, inclusive, *and section 1 of this act* and may incur any necessary expenses
7 not in excess of money appropriated for that purpose by the State or received from
8 the Federal Government.

9 **Sec. 6.** NRS 449.160 is hereby amended to read as follows:

10 449.160 1. The Health Division may deny an application for a license or
11 may suspend or revoke any license issued under the provisions of NRS 449.001 to
12 449.240, inclusive, *and section 1 of this act* upon any of the following grounds:

13 (a) Violation by the applicant or the licensee of any of the provisions of NRS
14 439B.410 or 449.001 to 449.245, inclusive, *and section 1 of this act*, or of any
15 other law of this State or of the standards, rules and regulations adopted thereunder.

16 (b) Aiding, abetting or permitting the commission of any illegal act.

17 (c) Conduct inimical to the public health, morals, welfare and safety of the
18 people of the State of Nevada in the maintenance and operation of the premises for
19 which a license is issued.

20 (d) Conduct or practice detrimental to the health or safety of the occupants or
21 employees of the facility.

22 (e) Failure of the applicant to obtain written approval from the Director of the
23 Department of Health and Human Services as required by NRS 439A.100 or as
24 provided in any regulation adopted pursuant to this chapter, if such approval is
25 required.

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

27 2. In addition to the provisions of subsection 1, the Health Division may
28 revoke a license to operate a facility for the dependent if, with respect to that
29 facility, the licensee that operates the facility, or an agent or employee of the
30 licensee:

31 (a) Is convicted of violating any of the provisions of NRS 202.470;

32 (b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360,
33 244.3603 or 268.4124; or

34 (c) Is ordered by the appropriate governmental agency to correct a violation of
35 a building, safety or health code or regulation but fails to correct the violation.

36 3. The Health Division shall maintain a log of any complaints that it receives
37 relating to activities for which the Health Division may revoke the license to
38 operate a facility for the dependent pursuant to subsection 2. The Health Division
39 shall provide to a facility for the care of adults during the day:

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

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

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

45 ➤ The facility shall make the information available to the public pursuant to NRS
46 449.2486.

47 4. On or before February 1 of each odd-numbered year, the Health Division
48 shall submit to the Director of the Legislative Counsel Bureau a written report
49 setting forth, for the previous biennium:

50 (a) Any complaints included in the log maintained by the Health Division
51 pursuant to subsection 3; and

52 (b) Any disciplinary actions taken by the Health Division pursuant to
53 subsection 2.

1 **Sec. 7.** NRS 449.163 is hereby amended to read as follows:

2 449.163 1. If a medical facility or facility for the dependent violates any
3 provision related to its licensure, including any provision of NRS 439B.410 or
4 449.001 to 449.240, inclusive, *and section 1 of this act*, or any condition, standard
5 or regulation adopted by the Board, the Health Division, in accordance with the
6 regulations adopted pursuant to NRS 449.165, may:

7 (a) Prohibit the facility from admitting any patient until it determines that the
8 facility has corrected the violation;

9 (b) Limit the occupancy of the facility to the number of beds occupied when
10 the violation occurred, until it determines that the facility has corrected the
11 violation;

12 (c) Impose an administrative penalty of not more than \$1,000 per day for each
13 violation, together with interest thereon at a rate not to exceed 10 percent per
14 annum; and

15 (d) Appoint temporary management to oversee the operation of the facility and
16 to ensure the health and safety of the patients of the facility, until:

17 (1) It determines that the facility has corrected the violation and has
18 management which is capable of ensuring continued compliance with the
19 applicable statutes, conditions, standards and regulations; or

20 (2) Improvements are made to correct the violation.

21 2. If a violation by a medical facility or facility for the dependent relates to
22 the health or safety of a patient, an administrative penalty imposed pursuant to
23 paragraph (c) of subsection 1 must be in a total amount of not less than \$1,000 and
24 not more than \$10,000 for each patient who was harmed or at risk of harm as a
25 result of the violation.

26 3. If the facility fails to pay any administrative penalty imposed pursuant to
27 paragraph (c) of subsection 1, the Health Division may:

28 (a) Suspend the license of the facility until the administrative penalty is paid;
29 and

30 (b) Collect court costs, reasonable attorney's fees and other costs incurred to
31 collect the administrative penalty.

32 4. The Health Division may require any facility that violates any provision of
33 NRS 439B.410 or 449.001 to 449.240, inclusive, *and section 1 of this act*, or any
34 condition, standard or regulation adopted by the Board to make any improvements
35 necessary to correct the violation.

36 5. Any money collected as administrative penalties pursuant to this section
37 must be accounted for separately and used to protect the health or property of the
38 residents of the facility in accordance with applicable federal standards.

39 **Sec. 8.** NRS 449.220 is hereby amended to read as follows:

40 449.220 1. The Health Division may bring an action in the name of the
41 State to enjoin any person, state or local government unit or agency thereof from
42 operating or maintaining any facility within the meaning of NRS 449.001 to
43 449.240, inclusive ~~§~~, *and section 1 of this act*:

44 (a) Without first obtaining a license therefor; or

45 (b) After his or her license has been revoked or suspended by the Health
46 Division.

47 2. It is sufficient in such action to allege that the defendant did, on a certain
48 date and in a certain place, operate and maintain such a facility without a license.

49 **Sec. 9.** NRS 449.230 is hereby amended to read as follows:

50 449.230 1. Any authorized member or employee of the Health Division may
51 enter and inspect any building or premises at any time to secure compliance with or
52 prevent a violation of any provision of NRS 449.001 to 449.245, inclusive ~~§~~, *and*
53 *section 1 of this act*.

2. The State Fire Marshal or a designee of the State Fire Marshal shall, upon receiving a request from the Health Division or a written complaint concerning compliance with the plans and requirements to respond to an emergency adopted pursuant to subsection 9 of NRS 449.037:

(a) Enter and inspect a residential facility for groups; and

(b) Make recommendations regarding the adoption of plans and requirements pursuant to subsection 9 of NRS 449.037,

↳ to ensure the safety of the residents of the facility in an emergency.

3. The State Health Officer or a designee of the State Health Officer shall enter and inspect at least annually each building or the premises of a residential facility for groups to ensure compliance with standards for health and sanitation.

4. An authorized member or employee of the Health Division shall enter and 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. 10. 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 section 1 of this act.*

Sec. 11. 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 \$10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on 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 or her 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 section 1 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 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 pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

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

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

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

6 **Sec. 12.** 1. Each person who holds a license to operate and each person
7 who is an administrator or employee of a ~~facility for the dependent,~~ facility for
8 intermediate care, facility for skilled nursing, agency to provide personal care
9 services in the home, facility for the care of adults during the day, residential
10 facility for groups or home for individual residential care on October 1, 2011, and
11 who is required to complete the training required by section 1 of this act shall
12 complete the training on or before October 1, 2012.

13 2. A statement that:

14 (a) The applicant has completed the training required by section 1 of this act
15 must be included with an application for a license to operate a ~~facility for the~~
16 ~~dependent,~~ facility for intermediate care, facility for skilled nursing, agency to
17 provide personal care services in the home, facility for the care of adults
18 during the day, residential facility for groups or home for individual residential
19 care submitted on or after October 1, 2011; and

20 (b) The holder of a license to operate, and the administrator and employees of,
21 a ~~facility for the dependent,~~ facility for intermediate care, facility for skilled
22 nursing, agency to provide personal care services in the home, facility for the
23 care of adults during the day, residential facility for groups or home for
24 individual residential care have completed the training required by section 1 of this
25 act must be included with a reapplication submitted for the facility or home on or
26 after October 1, 2012.

27 **Sec. 13.** This act becomes effective ~~upon passage and approval for the~~
28 ~~purpose of adopting regulations and~~ on October 1, 2011. ~~[, for all other purposes.]~~