

SENATE BILL NO. 420—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

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

MARCH 28, 2011

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes relating to the operation of  
certain facilities for long-term care. (BDR 40-158)

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 facilities for long-term care; requiring certain facilities that provide long-term care to establish certain policies concerning the readmission to the facility after a patient is transferred out of the facility; requiring certain facilities that provide long-term care to post certain information about persons or entities that have ownership or control over the facility; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 3** of this bill requires a facility for intermediate care, facility for skilled nursing and residential facility for groups to adopt a written policy which establishes the length of time it will hold a bed for a patient or resident who must be temporarily transferred to another facility for medical reasons and which provides that such a patient or resident will be allowed to return to the first available bed if he or she does not return within the established time, if the facility is suitable for properly caring for the patient. **Section 3** further requires the facility to inform a patient or resident of these policies regarding readmission after a temporary transfer for medical reasons when the patient or resident is admitted to the facility.

Existing law requires certain information to be included on each license issued by the Health Division of the Department of Health and Human Services and requires the operator of a residential facility for groups to post his or her license in a conspicuous location in the facility. (NRS 449.085, 449.095) **Section 9** of this bill requires a facility for intermediate care and a facility for skilled nursing to post the license, information concerning the organizational structure of the management of the facility and contact information for the administrator and the representative of



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17 the owner or operator of the facility in a conspicuous location in the facility, and  
18 requires a residential facility for groups to post the same contact information with  
19 respect to the facility.

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

1     **Section 1.** Chapter 449 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3     **Sec. 2.** (Deleted by amendment.)

4     **Sec. 3. 1.** *A facility for intermediate care, facility for skilled*  
5 *nursing and residential facility for groups shall adopt a written*  
6 *policy that establishes:*

7     *(a) The number of days the facility will hold the bed of a*  
8 *patient or resident for his or her return if the patient or resident is*  
9 *transferred temporarily to a hospital or other facility for medical*  
10 *reasons; and*

11     *(b) That a patient or resident who is so transferred for a period*  
12 *that exceeds the period of the hold established pursuant to*  
13 *paragraph (a) will be allowed to resume his or her residency as*  
14 *soon as a bed becomes available, if the facility is suitable for*  
15 *properly caring for the patient upon his or her return.*

16     **2.** *Upon admission of a patient or resident to a facility for*  
17 *intermediate care, facility for skilled nursing or residential facility*  
18 *for groups, the facility shall provide to the patient or resident and,*  
19 *if applicable, to the legal representative of the patient or resident,*  
20 *a copy of the policy established pursuant to subsection 1.*

21     **Sec. 4.** (Deleted by amendment.)

22     **Sec. 5.** NRS 449.070 is hereby amended to read as follows:

23     449.070 The provisions of NRS 449.001 to 449.240, inclusive,  
24 *and section 3 of this act* do not apply to:

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

32     2. Foster homes as defined in NRS 424.014.

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

36     **Sec. 6.** NRS 449.080 is hereby amended to read as follows:

37     449.080 1. If, after investigation, the Health Division finds  
38 that the:



(a) Applicant is in full compliance with the provisions of NRS 449.001 to 449.240, inclusive ~~[1]~~, *and section 3 of this act;*

(b) Applicant is in substantial compliance with the standards and regulations adopted by the Board;

(c) Applicant, if he or she has undertaken a project for which approval is required pursuant to NRS 439A.100, has obtained the approval of the Director of the Department of Health and Human Services; and

(d) Facility conforms to the applicable zoning regulations, ➔ the Health Division shall issue the license to the applicant.

2. A license applies only to the person to whom it is issued, is valid only for the premises described in the license and is not transferable.

**Sec. 7.** (Deleted by amendment.)

**Sec. 8.** NRS 449.091 is hereby amended to read as follows:

449.091 1. The Health Division may cancel the license of a medical facility or facility for the dependent and issue a provisional license, effective for a period determined by the Health Division, to such a facility if it:

(a) Is in operation at the time of the adoption of standards and regulations pursuant to the provisions of NRS 449.001 to 449.240, inclusive, *and section 3 of this act* and the Health Division determines that the facility requires a reasonable time under the particular circumstances within which to comply with the standards and regulations; or

(b) Has failed to comply with the standards or regulations and the Health Division determines that the facility is in the process of making the necessary changes or has agreed to make the changes within a reasonable time.

2. The provisions of subsection 1 do not require the issuance of a license or prevent the Health Division from refusing to renew or from revoking or suspending any license where the Health Division deems such action necessary for the health and safety of the occupants of any facility.

**Sec. 9.** NRS 449.095 is hereby amended to read as follows:

449.095 1. A person who operates a residential facility for groups shall:

~~[1-1]~~ (a) Post his or her license to operate the residential facility for groups; ~~[and]~~

~~[2-1]~~ (b) Post the rates for services provided by the residential facility for groups ~~[1]~~; *and*

(c) *Post contact information for the administrator and the designated representative of the owner or operator of the facility,*

➔ in a conspicuous place in the residential facility for groups.



1     **2. A person who operates a facility for intermediate care or**  
2 **facility for skilled nursing shall:**

3     **(a) Post his or her license to operate the facility;**

4     **(b) Post the organizational structure of the management of the**  
5 **facility; and**

6     **(c) Post contact information for the administrator and the**  
7 **designated representative of the owner or operator of the facility,**  
8 **↪ in a conspicuous place in the facility for intermediate care or**  
9 **facility for skilled nursing.**

10    **Sec. 10.** NRS 449.160 is hereby amended to read as follows:

11    449.160 1. The Health Division may deny an application for  
12 a license or may suspend or revoke any license issued under the  
13 provisions of NRS 449.001 to 449.240, inclusive, **and section 3 of**  
14 **this act** upon any of the following grounds:

15    (a) Violation by the applicant or the licensee of any of the  
16 provisions of NRS 439B.410 or 449.001 to 449.245, inclusive, **and**  
17 **section 3 of this act** or of any other law of this State or of the  
18 standards, rules and regulations adopted thereunder.

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

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

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

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

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

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

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

37    (b) Is ordered to but fails to abate a nuisance pursuant to NRS  
38 244.360, 244.3603 or 268.4124; or

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

42    3. The Health Division shall maintain a log of any complaints  
43 that it receives relating to activities for which the Health Division  
44 may revoke the license to operate a facility for the dependent



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1 pursuant to subsection 2. The Health Division shall provide to a  
2 facility for the care of adults during the day:

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

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

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

9 ➔ The facility shall make the information available to the public  
10 pursuant to NRS 449.2486.

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

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

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

19 **Sec. 11.** NRS 449.163 is hereby amended to read as follows:

20 449.163 1. If a medical facility or facility for the dependent  
21 violates any provision related to its licensure, including any  
22 provision of NRS 439B.410 or 449.001 to 449.240, inclusive, *and*  
23 *section 3 of this act* or any condition, standard or regulation adopted  
24 by the Board, the Health Division, in accordance with the  
25 regulations adopted pursuant to NRS 449.165, may:

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

28 (b) Limit the occupancy of the facility to the number of beds  
29 occupied when the violation occurred, until it determines that the  
30 facility has corrected the violation;

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

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

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

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

42 2. If a violation by a medical facility or facility for the  
43 dependent relates to the health or safety of a patient, an  
44 administrative penalty imposed pursuant to paragraph (c) of  
45 subsection 1 must be in a total amount of not less than \$1,000 and



1 not more than \$10,000 for each patient who was harmed or at risk of  
2 harm as a result of the violation.

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

5 (a) Suspend the license of the facility until the administrative  
6 penalty is paid; and

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

9 4. The Health Division may require any facility that violates  
10 any provision of NRS 439B.410 or 449.001 to 449.240, inclusive,  
11 *and section 3 of this act* or any condition, standard or regulation  
12 adopted by the Board to make any improvements necessary to  
13 correct the violation.

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

18 **Sec. 12.** NRS 449.220 is hereby amended to read as follows:

19 449.220 1. The Health Division may bring an action in the  
20 name of the State to enjoin any person, state or local government  
21 unit or agency thereof from operating or maintaining any facility  
22 within the meaning of NRS 449.001 to 449.240, inclusive ~~H~~, *and*  
23 *section 3 of this act*:

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

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

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

30 **Sec. 13.** NRS 449.230 is hereby amended to read as follows:

31 449.230 1. Any authorized member or employee of the  
32 Health Division may enter and inspect any building or premises at  
33 any time to secure compliance with or prevent a violation of any  
34 provision of NRS 449.001 to 449.245, inclusive ~~H~~, *and section 3*  
35 *of this act*.

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

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

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

44 ➡ to ensure the safety of the residents of the facility in an  
45 emergency.



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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. 14.** 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 3 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



1 request the Board to modify the terms of the subpoena or grant  
2 additional time for compliance.

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

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

10 **Sec. 15.** (Deleted by amendment.)

11 **Sec. 16.** This act becomes effective on July 1, 2011.

