

Amendment No. 811

Senate Amendment to Senate Bill No. 502 First Reprint	(BDR 40-1137)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 502 R1 (§ 7).

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.

SRT/RBL



Date: 5/27/2013

S.B. No. 502—Makes various changes relating to certain required investigations of the background and personal history of certain persons as a condition of employment, licensure, certification and other privileges. (BDR 40-1137)



SENATE BILL NO. 502—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes relating to certain required investigations of the background and personal history of certain persons as a condition of employment, licensure, certification and other privileges. (BDR 40-1137)

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; authorizing the Health Division of the Department of Health and Human Services to establish an Internet website for certain entities to conduct required background investigations; revising provisions relating to the licensing of certain medical and other related health facilities; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain entities to conduct a background investigation of the criminal and personal history of certain persons. (NRS 62B.270, 424.031, 424.039, 427A.701, 427A.735, 432.100, 432A.170, 432A.175, 432B.391, 432B.625, 433B.183, 435B.235, 435.335, 449.122, 449.123) **Section 2** of this bill authorizes the Health Division of the Department of Health and Human Services to establish an Internet website for use by these entities in conducting the required investigations. **Section 3** of this bill describes the information that may be obtained from a search of the Internet website. **Section 3.5** of this bill authorizes a person who has access to the Internet website to enter and manage information on the Internet website. **Section 4** of this bill allows the Health Division to enter into cooperative agreements to obtain and accept information for inclusion on the Internet website. **Section 5** of this bill describes information that may be collected, maintained and stored on the Internet website. **Section 6** of this bill requires the Health Division to limit access to information on the Internet website to information that is necessary for the particular client using the website to conduct an investigation. **Section 7** of this bill authorizes the Health Division to adopt regulations to establish a fee for use of the Internet website and to carry out the provisions relating to the Internet website.

Existing law requires investigations of applicants for a license to operate certain facilities, agencies or homes and investigations of employees or independent contractors of certain agencies, facilities or homes. (NRS 449.122, 449.123) **Section 10** of this bill provides certain

requirements relating to employees of a temporary employment service. **Sections 9 and 13-16** of this bill add certain facilities, agencies, homes and programs which are required to be investigated and to conduct investigations of their employees, employees from a temporary employment service and independent contractors. **Sections 14-16** require employees of a temporary employment service which provide services to such entities to be subject to such investigations.

Section 14 also requires such entities to use the Internet website of the Health Division, if established pursuant to **section 2**, as part of the investigation of employees, employees of a temporary employment service and independent contractors. **Section 14** also revises the procedure for conducting background investigations and exempts certain persons from the criminal background investigation if an investigation has been conducted within the immediately preceding 5 years.

Section 15 requires the entities which are required to conduct background investigations to maintain a current list of its employees, employees from a temporary employment service and independent contractors on the Internet website established pursuant to **section 2**. **Section 15** also authorizes the Central Repository for Nevada Records of Criminal History to maintain electronic images of fingerprints for the purpose of notifying those entities and the Health Division if an employee, employee of a temporary employment service or independent contractor has been convicted of certain crimes.

Under existing law a license to operate certain facilities, homes or agencies may be denied, suspended or revoked if an applicant or a licensee has been convicted of certain crimes. (NRS 449.174) **Section 17** of this bill adds certain other facilities, hospitals, agencies, homes and programs to this provision. **Section 17** also adds battery with the intent to kill or commit sexual assault or mayhem to the list of crimes, a conviction of which may result in the denial, suspension or revocation of a license to operate such an entity.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. 1. *The Health Division may establish a secure Internet website which makes certain information available for a website client to conduct an investigation into the background and personal history of a person that is required pursuant to the provisions of this chapter or chapter 62B, 63, 424, 427A, 432, 432A, 432B, 433, 433B, 435 or 449 of NRS.*

2. *To become a website client, a person or governmental entity must:*

(a) *Create an account on the Internet website;*

(b) *Comply with sections 2 to 7, inclusive, of this act and any regulations adopted pursuant thereto governing use of the Internet website; and*

(c) *Designate a website client administrator who is responsible for:*

(1) *Determining the persons who are authorized to use the Internet website;*

(2) *Providing the Health Division with the names of the persons who are authorized to use the Internet website;*

(3) *Ensuring that only those authorized persons have access to the Internet website; and*

(4) *Notifying the Health Division of any change in the persons who are authorized to use the Internet website.*

3. *Authorized employees of the Health Division and of the Department of Public Safety may be designated to serve as administrators of the Internet website with access to all the data and information on the Internet website.*

4. *Except as otherwise provided in this section and NRS 239.0115, information collected, maintained, stored, backed up or on file on the Internet*

1 *website is confidential, not subject to subpoena or discovery and is not subject to*
2 *inspection by the general public.*

3 *5. The Health Division shall ensure that any information collected,*
4 *maintained and stored on the Internet website is protected adequately from fire,*
5 *theft, loss, destruction, other hazards and unauthorized access, and is backed-up*
6 *in a manner that ensures proper confidentiality and security.*

7 *6. The Internet website must be maintained in accordance with any*
8 *requirements of the Division of Enterprise Information Technology Services of*
9 *the Department of Administration established for use of the equipment or*
10 *services of the Division pursuant to NRS 242.181.*

11 *Sec. 3. 1. A person authorized to use the Internet website established*
12 *pursuant to section 2 of this act may access the website to search for information*
13 *necessary to conduct an investigation of the background and personal history of*
14 *a person when required. Such a search may include, without limitation, to the*
15 *extent that the information is available:*

16 *(a) Determining whether the person being investigated has been convicted of*
17 *a crime that disqualifies the person for employment, licensure or other privilege*
18 *sought;*

19 *(b) Verifying the social security number, date of birth and driver's license or*
20 *identification card number of the person being investigated;*

21 *(c) Determining whether any disciplinary action has been taken by a*
22 *professional licensing board against the person being investigated; and*

23 *(d) Determining whether the person being investigated is included on the list*
24 *of individuals who are excluded from participation in Medicare, Medicaid and*
25 *other federal health care programs pursuant to 42 U.S.C. §§ 1320a-7 et seq.*

26 *2. The Internet website established pursuant to section 2 of this act may*
27 *include, without limitation, any relevant information that is available to the*
28 *public, including, without limitation, hyperlinks to relevant publicly available*
29 *Internet websites and registries, forms and educational materials.*

30 *Sec. 3.5. A person authorized to use the Internet website established*
31 *pursuant to section 2 of this act may access the website to:*

32 *1. Enter any required information;*

33 *2. Manage the information to which the person has access; and*

34 *3. Manage the account of the person.*

35 *Sec. 4. The Health Division may enter into cooperative agreements to*
36 *obtain and accept information for inclusion on the Internet website established*
37 *pursuant to section 2 of this act from:*

38 *1. The Statewide Central Registry for the Collection of Information*
39 *Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100*
40 *and any similar registry maintained by a governmental entity of any state or*
41 *territory within the United States;*

42 *2. The Central Repository for Nevada Records of Criminal History or any*
43 *similar repository maintained by a government agency of any state or territory*
44 *within the United States; and*

45 *3. Any other state or federal agency which maintains a database, repository*
46 *or registry which contains information the Health Division determines is*
47 *necessary or appropriate for inclusion on the Internet website.*

48 *Sec. 5. 1. In addition to any other information included on the Internet*
49 *website established pursuant to section 2 of this act, the Health Division may*
50 *collect, maintain and store on the Internet website the following information*
51 *relating to the background and personal history of a person:*

52 *(a) The first, middle and last name of the person, any aliases used by the*
53 *person and, if available, a photograph of the person;*

1 (b) The social security number, date of birth and, if available, the driver's
2 license or identification card number of the person;

3 (c) Information regarding the criminal convictions of the person, if any;

4 (d) Any other information submitted pursuant to section 4 of this act; and

5 (e) Any other information determined by the Health Division to be necessary
6 or appropriate.

7 2. The information described in subsection 1 may be collected, stored and
8 maintained electronically, in hard copy, in a database, through a secure interface
9 from a state or federal governmental entity directly to the Internet website, or by
10 any other means as the Health Division determines necessary or appropriate.

11 Sec. 6. 1. When establishing permissions for a website client to access
12 information on the Internet website established pursuant to section 2 of this act,
13 the Health Division shall determine the information necessary for the website
14 client to conduct an investigation into the background and personal history of a
15 person and limit access to the website client to only the information necessary for
16 that website client.

17 2. Information regarding a person whose background and personal history
18 is investigated must not be shared with any other website client.

19 3. A person who is authorized to use the Internet website by the website
20 client administrator pursuant to section 2 of this act may be given permission to
21 access any information deemed necessary pursuant to subsection 1.

22 Sec. 7. The Health Division may adopt regulations to:

23 1. Prescribe a fee to be imposed on website clients for use of the Internet
24 website established pursuant to section 2 of this act; and

25 2. Carry out the provisions of sections 2 to 7, inclusive, of this act.

26 Sec. 8. Chapter 449 of NRS is hereby amended by adding thereto the
27 provisions set forth as sections 9 and 10 of this act.

28 Sec. 9. As used in NRS 449.121 to 449.125, inclusive, and sections 9 and 10
29 of this act, "facility, hospital, agency, program or home" means an agency to
30 provide personal care services in the home, an agency to provide nursing in the
31 home, a facility for intermediate care, a facility for skilled nursing, a hospital
32 described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through
33 Medicare, a residential facility for groups, a program of hospice care, a home for
34 individual residential care, a facility for the care of adults during the day, a
35 facility for hospice care, a nursing pool, ~~la facility for long term care where the~~
36 ~~average inpatient length of stay is more than 25 days,~~ the distinct part of a
37 hospital which meets the requirements of a skilled nursing facility or nursing
38 facility pursuant to 42 C.F.R. § 483.5(b)(2), a hospital that provides swing-bed
39 services as described in 42 C.F.R. § 482.66 or, if residential services are provided
40 to children, a medical facility or facility for the treatment of abuse of alcohol or
41 drugs.

42 Sec. 10. 1. A temporary employment service shall not send an employee to
43 provide services to a facility, hospital, agency, program or home if the temporary
44 employment service has received notice from a facility, hospital, agency, program
45 or home that the employee of the temporary employment service is ineligible to
46 provide such services.

47 2. A facility, hospital, agency, program or home that enters into an
48 agreement with a temporary employment service to provide services for the
49 facility, hospital, agency, program or home on a temporary basis must require the
50 temporary employment service to:

51 (a) Provide proof that each employee of the temporary employment service
52 whom it may send to provide services to the facility, hospital, agency, program or
53 home has been continuously employed by the temporary employment service

1 *since the last investigation conducted of the employee pursuant to NRS 449.123;*
2 *and*

3 *(b) Notify the facility, hospital, agency, program or home if the investigation*
4 *conducted of an employee of the temporary employment service pursuant to NRS*
5 *449.123 has not been conducted within the immediately preceding 5 years.*

6 **Sec. 11.** NRS 449.089 is hereby amended to read as follows:

7 449.089 1. Each license issued pursuant to NRS 449.030 to 449.240,
8 inclusive, *and sections 9 and 10 of this act* expires on December 31 following its
9 issuance and is renewable for 1 year upon reapplication and payment of all fees
10 required pursuant to NRS 449.050 unless the Health Division finds, after an
11 investigation, that the facility has not:

12 (a) Satisfactorily complied with the provisions of NRS 449.030 to 449.240,
13 inclusive, *and sections 9 and 10 of this act* or the standards and regulations
14 adopted by the Board;

15 (b) Obtained the approval of the Director of the Department of Health and
16 Human Services before undertaking a project, if such approval is required by NRS
17 439A.100; or

18 (c) Conformed to all applicable local zoning regulations.

19 2. Each reapplication for an agency to provide personal care services in the
20 home, an agency to provide nursing in the home, a facility for intermediate care, a
21 facility for skilled nursing, *a hospital described in 42 U.S.C. §*
22 *1395ww(d)(1)(B)(iv) which accepts payment through Medicare,* a residential
23 facility for groups, *a program of hospice care,* ~~for~~ a home for individual
24 residential care, *a facility for the care of adults during the day, a facility for*
25 *hospice care, a nursing pool, ~~for a facility for long-term care where the average~~*
26 *inpatient length of stay is more than 25 days,* *the distinct part of a hospital which*
27 *meets the requirements of a skilled nursing facility or nursing facility pursuant to*
28 *42 C.F.R. § 483.5(b)(2), a hospital that provides swing-bed services as described*
29 *in 42 C.F.R. § 482.66 or, if residential services are provided to children, a*
30 *medical facility or facility for the treatment of abuse of alcohol or drugs* must
31 include, without limitation, a statement that the facility, *hospital, agency, program*
32 *or home is in compliance with the provisions of NRS 449.121 to 449.125,*
33 *inclusive, and sections 9 and 10 of this act,* and 449.174.

34 3. Each reapplication for an agency to provide personal care services in the
35 home, a facility for intermediate care, a facility for skilled nursing, a facility for the
36 care of adults during the day, a residential facility for groups or a home for
37 individual residential care must include, without limitation, a statement that the
38 holder of the license to operate, and the administrator or other person in charge and
39 employees of, the facility, agency or home are in compliance with the provisions of
40 NRS 449.093.

41 **Sec. 12.** NRS 449.121 is hereby amended to read as follows:

42 449.121 1. Except as otherwise provided in subsection 2, the provisions of
43 NRS 449.122 to 449.125, inclusive, *and sections 9 and 10 of this act* and 449.174
44 do not apply to any facility for the treatment of abuse of alcohol or drugs.

45 2. A facility for the treatment of abuse of alcohol or drugs must comply with
46 the requirements of NRS 449.122 to 449.125, inclusive, *and sections 9 and 10 of*
47 *this act* and 449.174 if the facility for the treatment of abuse of alcohol or drugs
48 provides residential services to children.

49 **Sec. 13.** NRS 449.122 is hereby amended to read as follows:

50 449.122 1. Each applicant for a license to operate a facility ~~for intermediate~~
51 ~~care, facility for skilled nursing, residential facility for groups, agency to provide~~
52 ~~personal care services in the home or home for individual residential care or, if~~
53 ~~residential services are provided to children, a medical facility or facility for the~~

1 ~~treatment of abuse of alcohol or drugs~~, *hospital, agency, program or home* shall
2 submit to the Central Repository for Nevada Records of Criminal History ~~two~~ *one*
3 complete ~~sets~~ *set* of fingerprints for submission to the Federal Bureau of
4 Investigation for its report.

5 2. The Central Repository for Nevada Records of Criminal History shall
6 determine whether the applicant has been convicted of a crime listed in paragraph
7 (a) of subsection 1 of NRS 449.174 and immediately inform the administrator of
8 the facility, *hospital, agency, program* or home, if any, and the Health Division of
9 whether the applicant has been convicted of such a crime.

10 3. A person who holds a license to operate ~~an agency, a facility or at a~~
11 *facility, hospital, agency, program or* home which provides residential services to
12 children shall submit to the Central Repository for Nevada Records of Criminal
13 History ~~two~~ *one* complete ~~sets~~ *set* of fingerprints for a report required by this
14 section at least once every 5 years after the initial investigation.

15 **Sec. 14.** NRS 449.123 is hereby amended to read as follows:

16 449.123 1. Except as otherwise provided in ~~subsection~~ *subsections 2, 3*
17 *and 3,* within 10 days after hiring an employee, *accepting an employee of a*
18 *temporary employment service* or entering into a contract with an independent
19 contractor, the administrator of, or the person licensed to operate ~~an agency to~~
20 ~~provide personal care services in the home, an agency to provide nursing in the~~
21 ~~home, a facility for intermediate care, a facility for skilled nursing, a residential~~
22 ~~facility for groups or a home for individual residential care or, if residential services~~
23 ~~are provided to children, a medical facility or a facility for the treatment of abuse of~~
24 ~~alcohol or drugs~~ *a facility, hospital, agency, program or home* shall:

25 (a) Obtain a written statement from the employee, *employee of the temporary*
26 *employment service* or independent contractor stating whether he or she has been
27 convicted of any crime listed in NRS 449.174;

28 (b) Obtain an oral and written confirmation of the information contained in the
29 written statement obtained pursuant to paragraph (a);

30 (c) *Obtain proof that the employee, employee of the temporary employment*
31 *service or independent contractor holds any required license, permit or*
32 *certificate;*

33 (d) Obtain from the employee, *employee of the temporary employment*
34 *service* or independent contractor ~~two sets~~ *one set* of fingerprints and a written
35 authorization to forward the fingerprints to the Central Repository for Nevada
36 Records of Criminal History for submission to the Federal Bureau of Investigation
37 for its report; ~~and~~

38 ~~(d)~~ (e) Submit to the Central Repository for Nevada Records of Criminal
39 History the fingerprints obtained pursuant to paragraph ~~(e)~~ (d) to obtain
40 information on the background and personal history of each employee, *employee*
41 *of a temporary employment service* or independent contractor to determine whether
42 the person has been convicted of any crime listed in NRS 449.174 ~~;~~

43 ~~2~~ *;* *and*

44 (f) *If an Internet website has been established pursuant to section 2 of this*
45 *act:*

46 (1) *Screen the employee, employee of the temporary employment service*
47 *or independent contractor using the Internet website. Upon request of the Health*
48 *Division, proof that the employee, temporary employee or independent contractor*
49 *was screened pursuant to this* ~~paragraph~~ *subparagraph must be provided to the*
50 *Health Division.*

51 (2) *Enter on the Internet website information to be maintained on the*
52 *website concerning the employee, employee of a temporary employment service or*
53 *independent contractor.*

2. ~~The~~ Upon agreement by the employee, employee of a temporary employment service or independent contractor to allow the administrator of, or the person licensed to operate, ~~[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 or, if residential services are provided to children, a medical facility or a facility for the treatment of abuse of alcohol or drugs]~~ a facility, hospital, agency, program or home ~~to receive notice from the Central Repository for Nevada Records of Criminal History regarding any conviction and subsequent conviction of the employee, employee of a temporary employment service or independent contractor of a crime listed in NRS 449.174, the administrator of, or the person licensed to operate, a facility, hospital, agency, program or home~~ is not required to obtain the information described in subsection 1 from an employee, employee of a temporary employment service or independent contractor ~~who provides proof that [an investigation of his or her background and personal history has been conducted by] he~~

~~(a) His~~ if his or her fingerprints have been submitted to the Central Repository for Nevada Records of Criminal History ~~[within]~~ for submission to the Federal Bureau of Investigation for its report ~~he~~

~~(1) Within the immediately preceding 5 years by an agency, board or commission that regulates an occupation or profession pursuant to title 54 of NRS or by the temporary employment services or~~

~~(2) Within~~ within the immediately preceding 6 months and the ~~[investigation did not indicate] by any other person~~

~~(b) The Central Repository for Nevada Records of Criminal History maintains electronic images of fingerprints to provide notice of subsequent convictions of persons required to submit to an investigation as authorized pursuant to NRS 449.124 and maintains an electronic copy of the fingerprints of the employee, employee of a temporary employment service or independent contractor and~~

~~(c) The~~ report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor ~~had~~ has not been convicted of any crime set forth in NRS 449.174.

3. The administrator of, or the person licensed to operate, a facility, hospital, agency, program or home is not required to obtain the information described in subsection 1, other than the information described in paragraph (c) of subsection 1, from an employee, employee of a temporary employment service or independent contractor if:

(a) The employee, employee of a temporary employment service or independent contractor agrees to allow the administrator of, or the person licensed to operate, a facility, hospital, agency, program or home to receive notice from the Central Repository for Nevada Records of Criminal History regarding any conviction and subsequent conviction of the employee, employee of a temporary employment service or independent contractor of a crime listed in NRS 449.174;

(b) An agency, board or commission that regulates an occupation or profession pursuant to title 54 of NRS or temporary employment service has, within the immediately preceding 5 years, submitted the fingerprints of the employee, employee of a temporary employment service or independent contractor to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) The report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in NRS 449.174.

4. The administrator of, or the person licensed to operate, ~~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 or, if residential services are provided to children, a medical facility or a facility for the treatment of abuse of alcohol or drugs~~ a facility, hospital, agency, program or home shall ensure that the information concerning the background and personal history of each employee, employee of a temporary employment service or independent contractor who works at the ~~agency or facility~~ facility, hospital, agency, program or home:

(a) ~~It~~ Except as otherwise provided in subsection 2, is completed as soon as practicable, and if residential services are provided to children, before the employee, employee of the temporary employment service or independent contractor provides any care or services to a child in the ~~agency~~ facility, hospital, agency, program or home without supervision; and

(b) At least once every 5 years ~~thereafter~~ after the date of the initial investigation.

~~It~~ 5. The administrator or person shall ~~it~~, when required:

(a) ~~If the agency, facility or home does not have the fingerprints of the employee or independent contractor on file, obtain~~ Obtain ~~two sets~~ one set of fingerprints from the employee, employee of the temporary employment service or independent contractor;

(b) Obtain written authorization from the employee, employee of the temporary employment service or independent contractor to forward the fingerprints ~~on file or~~ obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) Submit the fingerprints to the Central Repository for Nevada Records of Criminal History ~~it~~ or, if the fingerprints were submitted electronically, obtain proof of electronic submission of the fingerprints to the Central Repository for Nevada Records of Criminal History.

~~It~~ 6. Upon receiving fingerprints submitted pursuant to this section, the Central Repository for Nevada Records of Criminal History shall determine whether the employee, employee of the temporary employment service or independent contractor has been convicted of a crime listed in NRS 449.174 and immediately inform the Health Division and the administrator of, or the person licensed to operate, the ~~agency~~ facility, hospital, agency, program or home at which the person works whether the employee, employee of the temporary employment service or independent contractor has been convicted of such a crime.

~~It~~ 7. The Central Repository for Nevada Records of Criminal History may impose a fee upon ~~an agency, a facility or a~~ a facility, hospital, agency, program or home that submits fingerprints pursuant to this section for the reasonable cost of the investigation. The ~~agency~~ facility, hospital, agency, program or home may recover from the employee or independent contractor whose fingerprints are submitted not more than one-half of the fee imposed by the Central Repository. If the ~~agency~~ facility, hospital, agency, program or home requires the employee or independent contractor to pay for any part of the fee imposed by the Central Repository, it shall allow the employee or independent contractor to pay the amount through periodic payments. The facility, hospital, agency, program or home may require a temporary employment service which employs a temporary employee whose fingerprints are submitted to pay the fee imposed by the Central

1 *Repository. A facility, hospital, agency, program or home shall notify a temporary*
2 *employment service if a person employed by the temporary employment service is*
3 *determined to be ineligible to provide services at the facility, hospital, agency,*
4 *program or home based upon the results of investigation conducted pursuant to this*
5 *section.*

6 ~~174~~ 8. *Unless a greater penalty is provided by law, a person who willfully*
7 *provides a false statement or information in connection with an investigation of*
8 *the background and personal history of the person pursuant to this section that*
9 *would disqualify the person from employment, including, without limitation, a*
10 *conviction of a crime listed in NRS 449.174, is guilty of a misdemeanor.*

11 **Sec. 15.** NRS 449.124 is hereby amended to read as follows:

12 449.124 1. Each ~~agency to provide personal care services in the home,~~
13 ~~agency to provide nursing in the home, facility for intermediate care, facility for~~
14 ~~skilled nursing, residential facility for groups and home for individual residential~~
15 ~~care and, if residential services are provided to children, a medical facility and~~
16 ~~facility for the treatment of abuse of alcohol or drugs~~ *facility, hospital, agency,*
17 *program or home* shall maintain records of the information concerning its
18 employees, *employees of a temporary employment service* and independent
19 contractors collected pursuant to NRS 449.123, including, without limitation:

20 (a) A copy of the fingerprints that were submitted to the Central Repository for
21 Nevada Records of Criminal History *or proof of electronic fingerprint submission*
22 and a copy of the written authorization that was provided by the employee ~~to~~ *,*
23 *employee of the temporary employment service or independent contractor;*

24 (b) Proof that the fingerprints of the employee, *employee of the temporary*
25 *employment service or independent contractor* were submitted to the Central
26 Repository; and

27 (c) Any other documentation of the information collected pursuant to NRS
28 449.123.

29 2. The records maintained pursuant to subsection 1 must be:

30 (a) Maintained for the period of the ~~employee's~~ *employment of the person*
31 with the ~~agency~~ *facility, hospital, agency, program or home*; and

32 (b) Made available for inspection by the Health Division at any reasonable
33 time, and copies thereof must be furnished to the Health Division upon request.

34 3. *If an Internet website has been established pursuant to section 2 of this*
35 *act, a facility, hospital, agency, program or home shall maintain a current list of*
36 *its employees, employees of a temporary employment service and independent*
37 *contractors on the Internet website.*

38 4. *The Central Repository for Nevada Records of Criminal History may*
39 *maintain an electronic image of fingerprints submitted pursuant to NRS 449.122*
40 *and 449.123 to notify a facility, hospital, agency, program or home and the*
41 *Health Division of any subsequent conviction of a person who is required to*
42 *submit to an investigation pursuant to NRS 449.122 or 449.123.*

43 **Sec. 16.** NRS 449.125 is hereby amended to read as follows:

44 449.125 1. Upon receiving information from the Central Repository for
45 Nevada Records of Criminal History pursuant to NRS 449.123, or evidence from
46 any other source, that an employee, *employee of a temporary employment service*
47 or independent contractor of ~~an agency to provide personal care services in the~~
48 ~~home, an agency to provide nursing in the home, a facility for intermediate care, a~~
49 ~~facility for skilled nursing, a residential facility for groups or home for individual~~
50 ~~residential care or, if residential services are provided to children, a medical facility~~
51 ~~or facility for the treatment of abuse of alcohol or drugs has~~ *a facility, hospital,*
52 *agency, program or home:*

1 (a) *Has* been convicted of a crime listed in paragraph (a) of subsection 1 of
2 NRS 449.174 ~~††~~; or

3 (b) Has had a substantiated report of abuse or neglect made against him or her ,
4 *if he or she is employed at a facility, hospital, agency, program or home that*
5 *provides residential services to children,*

6 *↳ the administrator of, or the person licensed to operate, the ~~†agency†~~ facility ,*
7 *hospital, agency, program* or home shall terminate the employment or contract of
8 that person *or notify the temporary employment service that its employee is*
9 *prohibited from providing services for the facility, hospital, agency, program or*
10 *home* after allowing ~~†him or her†~~ *the person* time to correct the information as
11 required pursuant to subsection 2.

12 2. If an employee , *employee of a temporary employment service* or
13 independent contractor believes that the information provided by the Central
14 Repository is incorrect, the employee , *employee of the temporary employment*
15 *service* or independent contractor may immediately inform the ~~†agency, facility or~~
16 ~~home. An agency†~~ facility , *hospital, agency, program* or home *or temporary*
17 *employment service. The facility, hospital, agency, program, home or temporary*
18 *employment service* that is so informed shall give the employee , *employee of the*
19 *temporary employment service* or independent contractor a reasonable amount of
20 time of not less than 30 days to correct the information received from the Central
21 Repository before terminating the employment or contract of the person pursuant to
22 subsection 1.

23 3. ~~†An agency†~~ *A* facility , *hospital, agency, program* or home that has
24 complied with NRS 449.123 may not be held civilly or criminally liable based
25 solely upon the ground that the ~~†agency†~~ facility , *hospital, agency, program* or
26 home allowed an employee , *employee of a temporary employment service* or
27 independent contractor to work:

28 (a) Before it received the information concerning the employee , *employee of*
29 *the temporary employment service* or independent contractor from the Central
30 Repository, except that an employee , *employee of the temporary employment*
31 *service* or independent contractor shall not have contact with a child without
32 supervision before such information is received;

33 (b) During the period required pursuant to subsection 2 to allow the employee ,
34 *employee of the temporary employment service* or independent contractor to
35 correct that information, except that an employee , *employee of the temporary*
36 *employment service* or independent contractor shall not have contact with a child
37 without supervision during such period;

38 (c) Based on the information received from the Central Repository, if the
39 information received from the Central Repository was inaccurate; or

40 (d) Any combination thereof.

41 *↳ †An agency† A* facility , *hospital, agency, program* or home may be held liable
42 for any other conduct determined to be negligent or unlawful.

43 Sec. 17. NRS 449.174 is hereby amended to read as follows:

44 449.174 1. In addition to the grounds listed in NRS 449.160, the Health
45 Division may deny a license to operate a ~~†facility for intermediate care, facility for~~
46 ~~skilled nursing, residential facility for groups or home for individual residential~~
47 ~~care†~~ facility, *hospital, agency, program or home* to an applicant or may suspend
48 or revoke the license of a licensee to operate such a facility , *hospital, agency,*
49 *program* or home if:

50 (a) The applicant or licensee has been convicted of:

51 (1) Murder, voluntary manslaughter or mayhem;
52 (2) Assault *or battery* with intent to kill or to commit sexual assault or
53 mayhem;

(3) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;

(4) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, within the immediately preceding 7 years;

(5) A crime involving domestic violence that is punished as a felony;

(6) A crime involving domestic violence that is punished as a misdemeanor, within the immediately preceding 7 years;

(7) Abuse or neglect of a child or contributory delinquency;

(8) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the immediately preceding 7 years;

(9) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(10) A violation of any provision of law relating to the State Plan for Medicaid or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years;

(11) A violation of any provision of NRS 422.450 to 422.590, inclusive;

(12) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(13) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years;

(14) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon; or

(15) An attempt or conspiracy to commit any of the offenses listed in this paragraph, within the immediately preceding 7 years; ~~for~~

(b) The licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a) ~~for~~; or

(c) The applicant or licensee has had a substantiated report of child abuse or neglect made against him or her and if the facility, hospital, agency, program or home provides residential services to children.

2. In addition to the grounds listed in NRS 449.160, the Health Division may ~~deny a license to operate an agency to provide personal care services in the home or an agency to provide nursing in the home to an applicant or may~~ suspend or revoke the license of a licensee to operate ~~such~~ an agency *to provide personal care services in the home or an agency to provide nursing in the home* if the licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.

3. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) *"Facility, hospital, agency, program or home" has the meaning ascribed to it in section 9 of this act.*

(c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

~~(e)~~ (d) "Medicare" has the meaning ascribed to it in NRS 439B.130.

Sec. 18. This act becomes effective on July 1, 2013.