

SENATE BILL NO. 51—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE AGING AND
DISABILITY SERVICES DIVISION)

PREFILED DECEMBER 20, 2012

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes relating to the regulation of certain nonmedical and medical services provided to persons with disabilities. (BDR 40-309)

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 welfare; transferring the powers and duties concerning the certification and regulation of intermediary service organizations from the Aging and Disability Services Division of the Department of Health and Human Services to the Health Division of the Department; transferring the regulatory authority relating to intermediary service organizations from the Aging and Disability Services Division to the State Board of Health; authorizing the provision of certain medical services to persons with disabilities by an agency to provide personal care services in the home under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires the Aging and Disability Services Division of the
2 Department of Health and Human Services to carry out and administer the
3 certification of intermediary service organizations. (NRS 427A.0291,
4 427A.701-427A.745) Existing law further requires the Division to adopt
5 regulations governing the: (1) certification of intermediary service organizations;
6 (2) imposition of administrative sanctions for violations related to such
7 certification; and (3) procedures for appealing the imposition of disciplinary action
8 or administrative sanctions. (NRS 427A.727, 427A.731, 427A.733) **Section 36** of
9 this bill repeals the provisions governing the certification and regulation of



intermediary service organizations by the Division. **Sections 2-25** of this bill transfer the powers and duties concerning carrying out and administering the certification of intermediary service organizations from the Aging and Disability Services Division of the Department of Health and Human Services to the Health Division of the Department. **Sections 16, 18 and 19** also transfer the duty to adopt regulations governing intermediary service organizations from the Aging and Disability Services Division to the State Board of Health. **Section 4** excludes a person who is licensed to operate an agency to provide personal care services in the home from the requirement of obtaining a certificate to operate an intermediary service organization.

Existing law provides that certain providers of health care may, under certain circumstances, authorize a person to act as a personal assistant to perform specific medical, nursing or home health services for a person with a disability without obtaining a license to perform the service. (NRS 629.091) **Section 26** of this bill authorizes an agency to provide personal care services in the home to provide those medical services authorized pursuant to existing law to persons with disabilities through its employees or by contractual arrangement with other persons.

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 the provisions set forth as sections 2 to 26, inclusive, of this act.

Sec. 2. *As used in sections 2 to 25, inclusive, of this act, unless the context otherwise requires, "intermediary service organization" means a nongovernmental entity that provides services authorized pursuant to section 3 of this act for a person with a disability or other responsible person.*

Sec. 3. 1. *An intermediary service organization that is certified pursuant to sections 2 to 25, inclusive, of this act may provide services for a person with a disability or other responsible person relating to personal assistance received by the person with a disability. The services that may be provided by an intermediary service organization include, without limitation:*

(a) Obtaining a criminal background check of a personal assistant selected by the person with a disability or other responsible person to provide nonmedical services and any medical services authorized pursuant to NRS 629.091;

(b) Providing payroll services to pay the personal assistant and determine any tax liability;

(c) Providing services relating to financial management; and

(d) Providing any other services relating to the employment of a personal assistant and any other financial assistance relating to the personal assistance for the person with a disability.

2. *As used in this section:*

(a) "Other responsible person" means:



1 (1) *A parent or guardian of, or any other person legally*
2 *responsible for, a person with a disability who is under the age of*
3 *18 years; or*

4 (2) *A parent, spouse, guardian or adult child of a person*
5 *with a disability who suffers from a cognitive impairment.*

6 (b) *"Personal assistance" means the provision of any goods or*
7 *services to help a person with a disability maintain his or her*
8 *independence, personal hygiene and safety, including, without*
9 *limitation, the provision of services by a personal assistant.*

10 (c) *"Personal assistant" means a person who, for*
11 *compensation and under the direction of a person with a disability*
12 *or other responsible person, performs services for a person with a*
13 *disability to help the person maintain his or her independence,*
14 *personal hygiene and safety.*

15 **Sec. 4.** 1. *Except as otherwise provided in subsection 2, a*
16 *person shall not operate or maintain in this State an intermediary*
17 *service organization without first obtaining a certificate to operate*
18 *an intermediary service organization as provided in sections 2 to*
19 *25, inclusive, of this act.*

20 2. *A person who is licensed to operate an agency to provide*
21 *personal care services in the home pursuant to this chapter is not*
22 *required to obtain a certificate to operate an intermediary service*
23 *organization as described in this section.*

24 3. *A person who violates the provisions of this section is*
25 *guilty of a misdemeanor.*

26 **Sec. 5.** *Any person wishing to obtain a certificate to operate*
27 *an intermediary service organization pursuant to the provisions of*
28 *sections 2 to 25, inclusive, of this act must file with the Health*
29 *Division an application on a form prescribed, prepared and*
30 *furnished by the Health Division, containing:*

31 1. *The name of the applicant and, if a natural person,*
32 *whether the applicant has attained the age of 21 years.*

33 2. *The location of the intermediary service organization.*

34 3. *The name of the person in charge of the intermediary*
35 *service organization.*

36 4. *Such other information as may be required by the Health*
37 *Division for the proper administration and enforcement of*
38 *sections 2 to 25, inclusive, of this act.*

39 5. *Evidence satisfactory to the Health Division that the*
40 *applicant is of reputable and responsible character. If the*
41 *applicant is a firm, association, organization, partnership,*
42 *business trust, corporation or company, similar evidence must be*
43 *submitted as to the members thereof, and the person in charge of*
44 *the intermediary service organization for which application is*
45 *made.*



6. *Evidence satisfactory to the Health Division of the ability of the applicant to comply with the provisions of sections 2 to 25, inclusive, of this act and the standards and regulations adopted by the Board.*

Sec. 6. *An application for the issuance of a certificate to operate an intermediary service organization pursuant to section 5 of this act must include the social security number of the applicant.*

Sec. 7. *1. An applicant for the issuance or renewal of a certificate to operate an intermediary service organization must submit to the Health Division the statement prescribed by the Division of Welfare and Supportive Services of the Department pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

2. The Health Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate; or

(b) A separate form prescribed by the Health Division.

3. A certificate as an intermediary service organization may not be issued or renewed by the Health Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Health Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 8. *Each application for a certificate to operate an intermediary service organization must be accompanied by such fee as may be determined by regulation of the Board. The Board may, by regulation, allow or require payment of a fee for a certificate in installments and may fix the amount of each payment and the date on which the payment is due.*



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1 **Sec. 9. 1. The Health Division shall issue the certificate to**
2 *operate an intermediary service organization to the applicant if,*
3 *after investigation, the Health Division finds that the:*

4 *(a) Applicant is in full compliance with the provisions of*
5 *sections 2 to 25, inclusive, of this act; and*

6 *(b) Applicant is in substantial compliance with the standards*
7 *and regulations adopted by the Board.*

8 **2. A certificate applies only to the person to whom it is issued**
9 *and is not transferable.*

10 **Sec. 10. Each certificate to operate an intermediary service**
11 *organization issued by the Health Division pursuant to sections 2*
12 *to 25, inclusive, of this act must be in the form prescribed by the*
13 *Health Division and must contain:*

14 **1. The name of the person or persons authorized to operate**
15 *the intermediary service organization;*

16 **2. The location of the intermediary service organization; and**

17 **3. The services offered by the intermediary service**
18 *organization.*

19 **Sec. 11. 1. Each certificate to operate an intermediary**
20 *service organization issued pursuant to sections 2 to 25, inclusive,*
21 *of this act expires on December 31 following its issuance and is*
22 *renewable for 1 year upon reapplication and payment of all fees*
23 *required pursuant to section 8 of this act unless the Health*
24 *Division finds, after an investigation, that the intermediary service*
25 *organization has not satisfactorily complied with the provisions of*
26 *sections 2 to 25, inclusive, of this act or the standards and*
27 *regulations adopted by the Board.*

28 **2. Each reapplication for an intermediary service**
29 *organization must include, without limitation, a statement that the*
30 *organization is in compliance with the provisions of sections 20 to*
31 *23, inclusive, of this act.*

32 **Sec. 12. The Health Division may deny an application for a**
33 *certificate to operate an intermediary service organization or may*
34 *suspend or revoke any certificate issued under the provisions of*
35 *sections 2 to 25, inclusive, of this act upon any of the following*
36 *grounds:*

37 **1. Violation by the applicant or the holder of a certificate of**
38 *any of the provisions of sections 2 to 25, inclusive, of this act or of*
39 *any other law of this State or of the standards, rules and*
40 *regulations adopted thereunder.*

41 **2. Aiding, abetting or permitting the commission of any**
42 *illegal act.*

43 **3. Conduct inimical to the public health, morals, welfare and**
44 *safety of the people of the State of Nevada in the operation of an*
45 *intermediary service organization.*



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1 4. *Conduct or practice detrimental to the health or safety of a*
2 *person under contract with or employees of the intermediary*
3 *service organization.*

4 **Sec. 13.** 1. *If the Health Division receives a copy of a court*
5 *order issued pursuant to NRS 425.540 that provides for the*
6 *suspension of all professional, occupational and recreational*
7 *licenses, certificates and permits issued to a person who is the*
8 *holder of a certificate to operate an intermediary service*
9 *organization, the Health Division shall deem the certificate issued*
10 *to that person to be suspended at the end of the 30th day after the*
11 *date on which the court order was issued unless the Health*
12 *Division receives a letter issued to the holder of the certificate by*
13 *the district attorney or other public agency pursuant to NRS*
14 *425.550 stating that the holder of the certificate has complied with*
15 *the subpoena or warrant or has satisfied the arrearage pursuant to*
16 *NRS 425.560.*

17 2. *The Health Division shall reinstate a certificate to operate*
18 *an intermediary service organization that has been suspended by a*
19 *district court pursuant to NRS 425.540 if the Health Division*
20 *receives a letter issued by the district attorney or other public*
21 *agency pursuant to NRS 425.550 to the person whose certificate*
22 *was suspended stating that the person whose certificate was*
23 *suspended has complied with the subpoena or warrant or has*
24 *satisfied the arrearage pursuant to NRS 425.560.*

25 **Sec. 14.** 1. *The Health Division may cancel a certificate to*
26 *operate an intermediary service organization and issue a*
27 *provisional certificate, effective for a period determined by the*
28 *Health Division, to the intermediary service organization if the*
29 *intermediary service organization:*

30 (a) *Is in operation at the time of the adoption of standards and*
31 *regulations pursuant to the provisions of sections 2 to 25,*
32 *inclusive, of this act and the Health Division determines that the*
33 *intermediary service organization requires a reasonable time*
34 *under the particular circumstances within which to comply with*
35 *the standards and regulations; or*

36 (b) *Has failed to comply with the standards or regulations and*
37 *the Health Division determines that the intermediary service*
38 *organization is in the process of making the necessary changes or*
39 *has agreed to make the changes within a reasonable time.*

40 2. *The provisions of subsection 1 do not require the issuance*
41 *of a certificate or prevent the Health Division from refusing to*
42 *renew or from revoking or suspending any certificate if the Health*
43 *Division deems such action necessary for the health and safety of*
44 *a person for whom the intermediary service organization provides*
45 *services.*



1 **Sec. 15. 1. Money received from the certification of**
2 **intermediary service organizations:**

3 **(a) Must be forwarded to the State Treasurer for deposit in the**
4 **State Treasury;**

5 **(b) Must be accounted for separately in the State General**
6 **Fund; and**

7 **(c) May only be used to carry out the provisions of sections 2**
8 **to 25, inclusive, of this act.**

9 **2. The Health Division shall enforce the provisions of**
10 **sections 2 to 25, inclusive, of this act and may incur any necessary**
11 **expenses not in excess of money appropriated for that purpose by**
12 **the State or received from the Federal Government.**

13 **Sec. 16. 1. The Board shall adopt regulations governing**
14 **the certification of intermediary service organizations and such**
15 **other regulations as it deems necessary to carry out the provisions**
16 **of sections 2 to 25, inclusive, of this act.**

17 **2. The Health Division may:**

18 **(a) Upon receipt of an application for a certificate to operate**
19 **an intermediary service organization, conduct an investigation**
20 **into the qualifications of personnel, methods of operation and**
21 **policies and purposes of any person proposing to engage in the**
22 **operation of an intermediary service organization.**

23 **(b) Upon receipt of a complaint against an intermediary**
24 **service organization, except for a complaint concerning the cost of**
25 **services, conduct an investigation into the qualifications of**
26 **personnel, methods of operation and policies, procedures and**
27 **records of that intermediary service organization or any other**
28 **intermediary service organization which may have information**
29 **pertinent to the complaint.**

30 **(c) Employ such professional, technical and clerical assistance**
31 **as it deems necessary to carry out the provisions of sections 2 to**
32 **25, inclusive, of this act.**

33 **Sec. 17. 1. If an intermediary service organization violates**
34 **any provision related to its certification, including, without**
35 **limitation, any provision of sections 2 to 25, inclusive, of this act**
36 **or any condition, standard or regulation adopted by the Board, the**
37 **Health Division, in accordance with the regulations adopted**
38 **pursuant to section 18 of this act, may, as it deems appropriate:**

39 **(a) Prohibit the intermediary service organization from**
40 **providing services pursuant to section 3 of this act until it**
41 **determines that the intermediary service organization has**
42 **corrected the violation;**

43 **(b) Impose an administrative penalty of not more than \$1,000**
44 **per day for each violation, together with interest thereon at a rate**
45 **not to exceed 10 percent per annum; and**



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(c) *Appoint temporary management to oversee the operation of the intermediary service organization and to ensure the health and safety of the persons for whom the intermediary service organization performs services, until:*

(1) *It determines that the intermediary service organization has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or*

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

2. *If the intermediary service organization fails to pay any administrative penalty imposed pursuant to paragraph (b) of subsection 1, the Health Division may:*

(a) *Suspend the certificate to operate an intermediary service organization which is held by the intermediary service organization until the administrative penalty is paid; and*

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

3. *The Health Division may require any intermediary service organization that violates any provision of sections 2 to 25, inclusive, of this act or any condition, standard or regulation adopted by the Board, to make any improvements necessary to correct the violation.*

4. *Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of the persons for whom the intermediary service organization performs services in accordance with applicable federal standards.*

Sec. 18. *The Board shall adopt regulations establishing the criteria for the imposition of each sanction prescribed by section 17 of this act. These regulations must:*

1. *Prescribe the circumstances and manner in which each sanction applies;*

2. *Minimize the time between identification of a violation and the imposition of a sanction;*

3. *Provide for the imposition of incrementally more severe sanctions for repeated or uncorrected violations; and*

4. *Provide for less severe sanctions for lesser violations of applicable state statutes, conditions, standards or regulations.*

Sec. 19. 1. *When the Health Division intends to deny, suspend or revoke a certificate to operate an intermediary service organization, or to impose any sanction prescribed by section 17 of this act, the Health Division shall give reasonable notice to the holder of the certificate by certified mail. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. Notice is not required if the Health Division finds that the*



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1 *public health requires immediate action. In that case, the Health*
2 *Division may order a summary suspension of a certificate or*
3 *impose any sanction prescribed by section 17 of this act, pending*
4 *proceedings for revocation or other action.*

5 *2. If a person wants to contest the action of the Health*
6 *Division, the person must file an appeal pursuant to regulations*
7 *adopted by the Board.*

8 *3. Upon receiving notice of an appeal, the Health Division*
9 *shall hold a hearing pursuant to regulations adopted by the Board.*

10 *4. The Board shall adopt such regulations as are necessary to*
11 *carry out the provisions of this section.*

12 **Sec. 20.** *1. Except as otherwise provided in subsection 2,*
13 *within 10 days after hiring an employee or entering into a contract*
14 *with an independent contractor, the holder of a certificate to*
15 *operate an intermediary service organization shall:*

16 *(a) Obtain a written statement from the employee or*
17 *independent contractor stating whether he or she has been*
18 *convicted of any crime listed in subsection 1 of section 23 of this*
19 *act;*

20 *(b) Obtain an oral and written confirmation of the information*
21 *contained in the written statement obtained pursuant to*
22 *paragraph (a);*

23 *(c) Obtain from the employee or independent contractor two*
24 *sets of fingerprints and a written authorization to forward the*
25 *fingerprints to the Central Repository for Nevada Records of*
26 *Criminal History for submission to the Federal Bureau of*
27 *Investigation for its report; and*

28 *(d) Submit to the Central Repository for Nevada Records of*
29 *Criminal History the fingerprints obtained pursuant to*
30 *paragraph (c).*

31 *2. The holder of a certificate to operate an intermediary*
32 *service organization is not required to obtain the information*
33 *described in subsection 1 from an employee or independent*
34 *contractor who provides proof that an investigation of his or her*
35 *criminal history has been conducted by the Central Repository for*
36 *Nevada Records of Criminal History within the immediately*
37 *preceding 6 months and the investigation did not indicate that the*
38 *employee or independent contractor had been convicted of any*
39 *crime set forth in subsection 1 of section 23 of this act.*

40 *3. The holder of a certificate to operate an intermediary*
41 *service organization shall ensure that the criminal history of each*
42 *employee or independent contractor who works at or for the*
43 *intermediary service organization is investigated at least once*
44 *every 5 years. The holder of the certificate shall:*



1 (a) If the intermediary service organization does not have the
2 fingerprints of the employee or independent contractor on file,
3 obtain two sets of fingerprints from the employee or independent
4 contractor;

5 (b) Obtain written authorization from the employee or
6 independent contractor to forward the fingerprints on file or
7 obtained pursuant to paragraph (a) to the Central Repository for
8 Nevada Records of Criminal History for submission to the Federal
9 Bureau of Investigation for its report; and

10 (c) Submit the fingerprints to the Central Repository for
11 Nevada Records of Criminal History.

12 4. Upon receiving fingerprints submitted pursuant to this
13 section, the Central Repository for Nevada Records of Criminal
14 History shall determine whether the employee or independent
15 contractor has been convicted of a crime listed in subsection 1 of
16 section 23 of this act and immediately inform the Health Division
17 and the holder of the certificate to operate an intermediary service
18 organization for which the person works whether the employee or
19 independent contractor has been convicted of such a crime.

20 5. The Central Repository for Nevada Records of Criminal
21 History may impose a fee upon an intermediary service
22 organization that submits fingerprints pursuant to this section for
23 the reasonable cost of the investigation. The intermediary service
24 organization may recover from the employee or independent
25 contractor not more than one-half of the fee imposed by the
26 Central Repository. If the intermediary service organization
27 requires the employee or independent contractor to pay for any
28 part of the fee imposed by the Central Repository, it shall allow the
29 employee or independent contractor to pay the amount through
30 periodic payments.

31 **Sec. 21.** Each intermediary service organization shall
32 maintain accurate records of the information concerning its
33 employees and independent contractors collected pursuant to
34 section 20 of this act and shall maintain a copy of the fingerprints
35 submitted to the Central Repository for Nevada Records of
36 Criminal History and proof that it submitted two sets of
37 fingerprints to the Central Repository for its report. These records
38 must be made available for inspection by the Health Division at
39 any reasonable time, and copies thereof must be furnished to the
40 Health Division upon request.

41 **Sec. 22.** 1. Upon receiving information from the Central
42 Repository for Nevada Records of Criminal History pursuant to
43 section 20 of this act, or evidence from any other source, that an
44 employee or independent contractor of an intermediary service
45 organization has been convicted of a crime listed in subsection 1



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1 of section 23 of this act, the holder of the certificate to operate an
2 intermediary service organization shall terminate the employment
3 or contract of that person after allowing the employee or
4 independent contractor time to correct the information pursuant to
5 subsection 2.

6 2. If an employee or independent contractor believes that the
7 information provided by the Central Repository is incorrect,
8 the employee or independent contractor may immediately inform
9 the intermediary service organization. An intermediary service
10 organization that is so informed shall give the employee or
11 independent contractor a reasonable amount of time of not less
12 than 30 days to correct the information received from the Central
13 Repository before terminating the employment or contract of the
14 person pursuant to subsection 1.

15 3. An intermediary service organization that has complied
16 with section 20 of this act may not be held civilly or criminally
17 liable based solely upon the ground that the intermediary service
18 organization allowed an employee or independent contractor to
19 work;

20 (a) Before it received the information concerning the employee
21 or independent contractor from the Central Repository;

22 (b) During any period required pursuant to subsection 2 to
23 allow the employee or independent contractor to correct that
24 information;

25 (c) Based on the information received from the Central
26 Repository, if the information received from the Central
27 Repository was inaccurate; or

28 (d) Any combination thereof.

29 ➔ An intermediary service organization may be held liable for any
30 other conduct determined to be negligent or unlawful.

31 **Sec. 23.** In addition to the grounds listed in section 12 of this
32 act, the Health Division may deny a certificate to operate an
33 intermediary service organization to an applicant or may suspend
34 or revoke a certificate of a holder of a certificate to operate an
35 intermediary service organization if:

36 1. The applicant for or holder of the certificate has been
37 convicted of:

38 (a) Murder, voluntary manslaughter or mayhem;

39 (b) Assault with intent to kill or to commit sexual assault or
40 mayhem;

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

44 (d) Prostitution, solicitation, lewdness or indecent exposure, or
45 any other sexually related crime that is punished as a



1 *misdemeanor, if the conviction occurred within the immediately*
2 *preceding 7 years;*

3 *(e) Abuse or neglect of a child or contributory delinquency;*

4 *(f) A violation of any federal or state law regulating the*
5 *possession, distribution or use of any controlled substance or any*
6 *dangerous drug as defined in chapter 454 of NRS, within the past*
7 *7 years;*

8 *(g) A violation of any provision of NRS 200.5099 or*
9 *200.50995;*

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

13 *(i) Any other felony involving the use of a firearm or other*
14 *deadly weapon, within the immediately preceding 7 years; or*

15 *2. The holder of a certificate has continued to employ a*
16 *person who has been convicted of a crime listed in subsection 1.*

17 **Sec. 24. 1.** *Except as otherwise provided in subsection 2 of*
18 *section 4 of this act, the Health Division may bring an action in*
19 *the name of the State to enjoin any person from operating or*
20 *maintaining an intermediary service organization within the*
21 *meaning of sections 2 to 25, inclusive, of this act:*

22 *(a) Without first obtaining a certificate to operate an*
23 *intermediary service organization; or*

24 *(b) After the person's certificate has been revoked or*
25 *suspended by the Health Division.*

26 *2. It is sufficient in such action to allege that the defendant*
27 *did, on a certain date and in a certain place, operate and maintain*
28 *the intermediary service organization without a certificate.*

29 **Sec. 25.** *The district attorney of the county in which an*
30 *intermediary service organization operates shall, upon application*
31 *by the Health Division, institute and conduct the prosecution of*
32 *any action for violation of any provision of sections 2 to 25,*
33 *inclusive, of this act.*

34 **Sec. 26.** *An agency to provide personal care services in the*
35 *home that is licensed pursuant to this section and NRS 449.030 to*
36 *449.240, inclusive, may, through its employees or by contractual*
37 *arrangement with other persons, provide:*

38 *1. To persons with disabilities, any medical services*
39 *authorized pursuant to NRS 629.091; and*

40 *2. Nonmedical services related to personal care to elderly*
41 *persons or persons with disabilities to assist those persons with*
42 *activities of daily living, including, without limitation:*

43 *(a) The elimination of wastes from the body;*

44 *(b) Dressing and undressing;*

45 *(c) Bathing;*



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- (d) *Grooming;*
- (e) *The preparation and eating of meals;*
- (f) *Laundry;*
- (g) *Shopping;*
- (h) *Cleaning;*
- (i) *Transportation; and*
- (j) *Any other minor needs related to the maintenance of personal hygiene.*

Sec. 27. NRS 449.0021 is hereby amended to read as follows:

449.0021 1. "Agency to provide personal care services in the home" means any person, other than a natural person, which provides in the home ~~through its employees or by contractual arrangement with other persons, nonmedical services related to personal care to elderly persons or persons with disabilities to assist those persons with activities of daily living, including, without limitation:~~

- ~~—(a) The elimination of wastes from the body;~~
- ~~—(b) Dressing and undressing;~~
- ~~—(c) Bathing;~~
- ~~—(d) Grooming;~~
- ~~—(e) The preparation and eating of meals;~~
- ~~—(f) Laundry;~~
- ~~—(g) Shopping;~~
- ~~—(h) Cleaning;~~
- ~~—(i) Transportation; and~~
- ~~—(j) Any other minor needs related to the maintenance of personal hygiene.~~ *the services authorized pursuant to section 26 of this act to elderly persons or persons with disabilities.*

2. The term does not include:

(a) An independent contractor who provides nonmedical services specified ~~by subsection 1~~ *in section 26 of this act* without the assistance of employees;

(b) An organized group of persons composed of the family or friends of a person needing personal care services that employs or contracts with persons to provide *nonmedical* services specified ~~by subsection 1~~ *in section 26 of this act* for the person if:

(1) The organization of the group of persons is set forth in a written document that is made available for review by the Health Division upon request; and

(2) The personal care services are provided to only one person or one family who resides in the same residence; or

(c) An intermediary service organization.

3. As used in this section, "intermediary service organization" has the meaning ascribed to it in ~~NRS 427A.0291~~ *section 2 of this act.*



Sec. 28. NRS 449.0305 is hereby amended to read as follows:

449.0305 1. Except as otherwise provided in subsection 5, a person must obtain a license from the Board to operate a business that provides referrals to residential facilities for groups.

2. The Board shall adopt:

(a) Standards for the licensing of businesses that provide referrals to residential facilities for groups;

(b) Standards relating to the fees charged by such businesses;

(c) Regulations governing the licensing of such businesses; and

(d) Regulations establishing requirements for training the employees of such businesses.

3. A licensed nurse, social worker, physician or hospital, or a provider of geriatric care who is licensed as a nurse or social worker, may provide referrals to residential facilities for groups through a business that is licensed pursuant to this section. The Board may, by regulation, authorize a public guardian or any other person it determines appropriate to provide referrals to residential facilities for groups through a business that is licensed pursuant to this section.

4. A business that is licensed pursuant to this section or an employee of such a business shall not:

(a) Refer a person to a residential facility for groups that is not licensed.

(b) Refer a person to a residential facility for groups if the business or its employee knows or reasonably should know that the facility, or the services provided by the facility, are not appropriate for the condition of the person being referred.

(c) Refer a person to a residential facility for groups that is owned by the same person who owns the business.

➤ A person who violates the provisions of this subsection is liable for a civil penalty to be recovered by the Attorney General in the name of the Board for the first offense of not more than \$10,000 and for a second or subsequent offense of not less than \$10,000 nor more than \$20,000. Unless otherwise required by federal law, the Board shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used to administer and carry out the provisions of ~~this chapter~~ **NRS 449.001 to 449.965, inclusive, and section 26 of this act** and to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards.

5. This section does not apply to a medical facility that is licensed pursuant to NRS 449.030 to 449.240, inclusive, **and section 26 of this act** on October 1, 1999.



Sec. 29. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Health Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.030 to 449.240, inclusive, *and section 26 of this act* upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, *and section 26 of this act* or of any other law of this State or of the standards, rules and regulations adopted thereunder.

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

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

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

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to ~~this chapter,~~ *NRS 449.001 to 449.965, inclusive, and section 26 of this act* if such approval is required.

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

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

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

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

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

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

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

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

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



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1 ➤ The facility shall make the information available to the public
2 pursuant to NRS 449.2486.

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

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

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

11 **Sec. 30.** NRS 449.163 is hereby amended to read as follows:

12 449.163 1. In addition to the payment of the amount required
13 by NRS 449.0308, if a medical facility or facility for the dependent
14 violates any provision related to its licensure, including any
15 provision of NRS 439B.410 or 449.030 to 449.240, inclusive, *and*
16 *section 26 of this act* or any condition, standard or regulation
17 adopted by the Board, the Health Division, in accordance with the
18 regulations adopted pursuant to NRS 449.165, may:

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

21 (b) Limit the occupancy of the facility to the number of beds
22 occupied when the violation occurred, until it determines that the
23 facility has corrected the violation;

24 (c) If the license of the facility limits the occupancy of the
25 facility and the facility has exceeded the approved occupancy,
26 require the facility, at its own expense, to move patients to another
27 facility that is licensed;

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

31 (e) Appoint temporary management to oversee the operation of
32 the facility and to ensure the health and safety of the patients of the
33 facility, until:

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

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

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



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

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

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

4. The Health Division may require any facility that violates any provision of NRS 439B.410 or 449.030 to 449.240, inclusive, *and section 26 of this act* or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of ~~this chapter~~ *NRS 449.001 to 449.965, inclusive, and section 26 of this act* and to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards.

Sec. 31. NRS 449.210 is hereby amended to read as follows:

449.210 1. In addition to the payment of the amount required by NRS 449.0308, except as otherwise provided in subsection 2 and NRS 449.24897, a person who operates a medical facility or facility for the dependent without a license issued by the Health Division is guilty of a misdemeanor.

2. In addition to the payment of the amount required by NRS 449.0308, if a person operates a residential facility for groups or a home for individual residential care without a license issued by the Health Division, the Health Division shall:

(a) Impose a civil penalty on the operator in the following amount:

(1) For a first offense, \$10,000.

(2) For a second offense, \$25,000.

(3) For a third or subsequent offense, \$50,000.

(b) Order the operator, at the operator's own expense, to move all of the persons who are receiving services in the residential facility for groups or home for individual residential care to a residential facility for groups or home for individual residential care, as applicable, that is licensed.

(c) Prohibit the operator from applying for a license to operate a residential facility for groups or home for individual residential care, as applicable. The duration of the period of prohibition must be:

(1) For 6 months if the operator is punished pursuant to subparagraph (1) of paragraph (a).

(2) For 1 year if the operator is punished pursuant to subparagraph (2) of paragraph (a).



(3) Permanent if the operator is punished pursuant to subparagraph (3) of paragraph (a).

3. Before the Health Division imposes an administrative sanction pursuant to subsection 2, the Health Division shall provide the operator of a residential facility for groups with reasonable notice. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. If the operator of a residential facility for groups wants to contest the action, the operator may file an appeal pursuant to the regulations of the State Board of Health adopted pursuant to NRS 449.165 and 449.170. Upon receiving notice of an appeal, the Health Division shall hold a hearing in accordance with those regulations. For the purpose of this subsection, it is no defense to the violation of operating a residential facility for groups without a license that the operator thereof subsequently licensed the facility in accordance with law.

4. Unless otherwise required by federal law, the Health Division shall deposit all civil penalties collected pursuant to paragraph (a) of subsection 2 into a separate account in the State General Fund to be used to administer and carry out the provisions of ~~this chapter~~ *NRS 449.001 to 449.965, inclusive, and section 26 of this act* and to protect the health, safety, well-being and property of the patients and residents of facilities and homes for individual residential care in accordance with applicable state and federal standards.

Sec. 32. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records and Technology Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

↪ within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person



1 who is later determined by the agency not to be the person who
2 committed the particular crime, the agency shall, immediately upon
3 making that determination, so notify the Division. The Division
4 shall delete all references in the Central Repository relating to that
5 particular arrest.

6 4. The Division shall, in the manner prescribed by the Director
7 of the Department:

8 (a) Collect, maintain and arrange all information submitted to it
9 relating to:

10 (1) Records of criminal history; and

11 (2) The genetic markers of a biological specimen of a person
12 who is convicted of an offense listed in subsection 4 of
13 NRS 176.0913.

14 (b) When practicable, use a record of the personal identifying
15 information of a subject as the basis for any records maintained
16 regarding him or her.

17 (c) Upon request, provide the information that is contained in
18 the Central Repository to the State Disaster Identification Team of
19 the Division of Emergency Management of the Department.

20 5. The Division may:

21 (a) Disseminate any information which is contained in the
22 Central Repository to any other agency of criminal justice;

23 (b) Enter into cooperative agreements with repositories of the
24 United States and other states to facilitate exchanges of information
25 that may be disseminated pursuant to paragraph (a); and

26 (c) Request of and receive from the Federal Bureau of
27 Investigation information on the background and personal history of
28 any person whose record of fingerprints the Central Repository
29 submits to the Federal Bureau of Investigation and:

30 (1) Who has applied to any agency of the State of Nevada or
31 any political subdivision thereof for a license which it has the power
32 to grant or deny;

33 (2) With whom any agency of the State of Nevada or any
34 political subdivision thereof intends to enter into a relationship of
35 employment or a contract for personal services;

36 (3) Who has applied to any agency of the State of Nevada or
37 any political subdivision thereof to attend an academy for training
38 peace officers approved by the Peace Officers' Standards and
39 Training Commission;

40 (4) For whom such information is required to be obtained
41 pursuant to NRS 62B.270, 424.031, ~~427A.735;~~ 432A.170,
42 433B.183 and 449.123 ~~+~~ *and section 20 of this act*; or

43 (5) About whom any agency of the State of Nevada or any
44 political subdivision thereof is authorized by law to have accurate



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1 personal information for the protection of the agency or the persons
2 within its jurisdiction.

3 ➡ To request and receive information from the Federal Bureau of
4 Investigation concerning a person pursuant to this subsection, the
5 Central Repository must receive the person's complete set of
6 fingerprints from the agency or political subdivision and submit the
7 fingerprints to the Federal Bureau of Investigation for its report.

8 6. The Central Repository shall:

9 (a) Collect and maintain records, reports and compilations of
10 statistical data submitted by any agency pursuant to subsection 2.

11 (b) Tabulate and analyze all records, reports and compilations of
12 statistical data received pursuant to this section.

13 (c) Disseminate to federal agencies engaged in the collection of
14 statistical data relating to crime information which is contained in
15 the Central Repository.

16 (d) Investigate the criminal history of any person who:

17 (1) Has applied to the Superintendent of Public Instruction
18 for the issuance or renewal of a license;

19 (2) Has applied to a county school district, charter school or
20 private school for employment; or

21 (3) Is employed by a county school district, charter school or
22 private school,

23 ➡ and notify the superintendent of each county school district, the
24 governing body of each charter school and the Superintendent of
25 Public Instruction, or the administrator of each private school, as
26 appropriate, if the investigation of the Central Repository indicates
27 that the person has been convicted of a violation of NRS 200.508,
28 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or
29 any offense involving moral turpitude.

30 (e) Upon discovery, notify the superintendent of each county
31 school district, the governing body of each charter school or the
32 administrator of each private school, as appropriate, by providing
33 the superintendent, governing body or administrator with a list of all
34 persons:

35 (1) Investigated pursuant to paragraph (d); or

36 (2) Employed by a county school district, charter school or
37 private school whose fingerprints were sent previously to the
38 Central Repository for investigation,

39 ➡ who the Central Repository's records indicate have been
40 convicted of a violation of NRS 200.508, 201.230, 453.3385,
41 453.339 or 453.3395, or convicted of a felony or any offense
42 involving moral turpitude since the Central Repository's initial
43 investigation. The superintendent of each county school district, the
44 governing body of a charter school or the administrator of each
45 private school, as applicable, shall determine whether further



1 investigation or action by the district, charter school or private
2 school, as applicable, is appropriate.

3 (f) Investigate the criminal history of each person who submits
4 fingerprints or has fingerprints submitted pursuant to NRS 62B.270,
5 424.031, ~~427A.735~~ 432A.170, 433B.183, 449.122 or 449.123 ~~+~~
6 *or section 20 of this act.*

7 (g) On or before July 1 of each year, prepare and present to the
8 Governor a printed annual report containing the statistical data
9 relating to crime received during the preceding calendar year.
10 Additional reports may be presented to the Governor throughout the
11 year regarding specific areas of crime if they are approved by the
12 Director of the Department.

13 (h) On or before July 1 of each year, prepare and submit to the
14 Director of the Legislative Counsel Bureau for submission to the
15 Legislature, or to the Legislative Commission when the Legislature
16 is not in regular session, a report containing statistical data about
17 domestic violence in this State.

18 (i) Identify and review the collection and processing of
19 statistical data relating to criminal justice and the delinquency of
20 children by any agency identified in subsection 2 and make
21 recommendations for any necessary changes in the manner of
22 collecting and processing statistical data by any such agency.

23 7. The Central Repository may:

24 (a) In the manner prescribed by the Director of the Department,
25 disseminate compilations of statistical data and publish statistical
26 reports relating to crime or the delinquency of children.

27 (b) Charge a reasonable fee for any publication or special report
28 it distributes relating to data collected pursuant to this section. The
29 Central Repository may not collect such a fee from an agency of
30 criminal justice, any other agency dealing with crime or the
31 delinquency of children which is required to submit information
32 pursuant to subsection 2 or the State Disaster Identification Team of
33 the Division of Emergency Management of the Department. All
34 money collected pursuant to this paragraph must be used to pay for
35 the cost of operating the Central Repository.

36 (c) In the manner prescribed by the Director of the Department,
37 use electronic means to receive and disseminate information
38 contained in the Central Repository that it is authorized to
39 disseminate pursuant to the provisions of this chapter.

40 8. As used in this section:

41 (a) "Personal identifying information" means any information
42 designed, commonly used or capable of being used, alone or in
43 conjunction with any other information, to identify a person,
44 including, without limitation:



(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 33. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional



1 counselor, clinical alcohol and drug abuse counselor, alcohol and
2 drug abuse counselor, music therapist, athletic trainer, driver of an
3 ambulance, advanced emergency medical technician, licensed
4 dietitian or other person providing medical services licensed or
5 certified to practice in this State, who examines, attends or treats an
6 older person who appears to have been abused, neglected, exploited or
7 isolated.

8 (b) Any personnel of a hospital or similar institution engaged in
9 the admission, examination, care or treatment of persons or an
10 administrator, manager or other person in charge of a hospital or
11 similar institution upon notification of the suspected abuse, neglect,
12 exploitation or isolation of an older person by a member of the staff
13 of the hospital.

14 (c) A coroner.

15 (d) Every person who maintains or is employed by an agency to
16 provide personal care services in the home.

17 (e) Every person who maintains or is employed by an agency to
18 provide nursing in the home.

19 (f) Every person who operates, who is employed by or who
20 contracts to provide services for an intermediary service
21 organization as defined in ~~NRS 427A.0291~~ *section 2 of this act*.

22 (g) Any employee of the Department of Health and Human
23 Services.

24 (h) Any employee of a law enforcement agency or a county's
25 office for protective services or an adult or juvenile probation
26 officer.

27 (i) Any person who maintains or is employed by a facility or
28 establishment that provides care for older persons.

29 (j) Any person who maintains, is employed by or serves as a
30 volunteer for an agency or service which advises persons regarding
31 the abuse, neglect, exploitation or isolation of an older person and
32 refers them to persons and agencies where their requests and needs
33 can be met.

34 (k) Every social worker.

35 (l) Any person who owns or is employed by a funeral home or
36 mortuary.

37 5. A report may be made by any other person.

38 6. If a person who is required to make a report pursuant to
39 subsection 1 knows or has reasonable cause to believe that an older
40 person has died as a result of abuse, neglect or isolation, the person
41 shall, as soon as reasonably practicable, report this belief to the
42 appropriate medical examiner or coroner, who shall investigate the
43 cause of death of the older person and submit to the appropriate
44 local law enforcement agencies, the appropriate prosecuting
45 attorney, the Aging and Disability Services Division of the



1 Department of Health and Human Services and the Unit for the
2 Investigation and Prosecution of Crimes his or her written findings.
3 The written findings must include the information required pursuant
4 to the provisions of NRS 200.5094, when possible.

5 7. A division, office or department which receives a report
6 pursuant to this section shall cause the investigation of the report to
7 commence within 3 working days. A copy of the final report of the
8 investigation conducted by a division, office or department, other
9 than the Aging and Disability Services Division of the Department
10 of Health and Human Services, must be forwarded within 30 days
11 after the completion of the report to the:

12 (a) Aging and Disability Services Division;

13 (b) Repository for Information Concerning Crimes Against
14 Older Persons created by NRS 179A.450; and

15 (c) Unit for the Investigation and Prosecution of Crimes.

16 8. If the investigation of a report results in the belief that an
17 older person is abused, neglected, exploited or isolated, the Aging
18 and Disability Services Division of the Department of Health and
19 Human Services or the county's office for protective services may
20 provide protective services to the older person if the older person is
21 able and willing to accept them.

22 9. A person who knowingly and willfully violates any of the
23 provisions of this section is guilty of a misdemeanor.

24 10. As used in this section, "Unit for the Investigation and
25 Prosecution of Crimes" means the Unit for the Investigation and
26 Prosecution of Crimes Against Older Persons in the Office of the
27 Attorney General created pursuant to NRS 228.265.

28 **Sec. 34.** NRS 427A.175 is hereby amended to read as follows:

29 427A.175 1. Within 1 year after an older patient sustains
30 damage to his or her property as a result of any act or failure to act
31 by a facility for intermediate care, a facility for skilled nursing, a
32 residential facility for groups, a home for individual residential care,
33 an agency to provide personal care services in the home, an
34 intermediary service organization or an agency to provide nursing in
35 the home in protecting the property, the older patient may file a
36 verified complaint with the Division setting forth the details of the
37 damage.

38 2. Upon receiving a verified complaint pursuant to subsection
39 1, the Administrator shall investigate the complaint and attempt to
40 settle the matter through arbitration, mediation or negotiation.

41 3. If a settlement is not reached pursuant to subsection 2, the
42 facility, home, agency, organization or older patient may request a
43 hearing before the Specialist for the Rights of Elderly Persons. If
44 requested, the Specialist for the Rights of Elderly Persons shall
45 conduct a hearing to determine whether the facility, home, agency



1 or organization is liable for damages to the patient. If the Specialist
2 for the Rights of Elderly Persons determines that the facility, home,
3 agency or organization is liable for damages to the patient, the
4 Specialist for the Rights of Elderly Persons shall order the amount
5 of the surety bond pursuant to NRS 449.065 or the substitute for the
6 surety bond necessary to pay for the damages pursuant to NRS
7 449.067 to be released to the Division. The Division shall pay any
8 such amount to the older patient or the estate of the older patient.

9 4. The Division shall create a separate account for money to be
10 collected and distributed pursuant to this section.

11 5. As used in this section:

12 (a) "Agency to provide nursing in the home" has the meaning
13 ascribed to it in NRS 449.0015;

14 (b) "Agency to provide personal care services in the home" has
15 the meaning ascribed to it in NRS 449.0021;

16 (c) "Facility for intermediate care" has the meaning ascribed to
17 it in NRS 449.0038;

18 (d) "Facility for skilled nursing" has the meaning ascribed to it
19 in NRS 449.0039;

20 (e) "Home for individual residential care" has the meaning
21 ascribed to it in NRS 449.0105;

22 (f) *"Intermediary service organization" has the meaning*
23 *ascribed to it in section 2 of this act;*

24 (g) "Older patient" has the meaning ascribed to it in NRS
25 449.065; and

26 ~~(e)~~ (h) "Residential facility for groups" has the meaning
27 ascribed to it in NRS 449.017.

28 **Sec. 35.** NRS 632.472 is hereby amended to read as follows:

29 632.472 1. The following persons shall report in writing to
30 the Executive Director of the Board any conduct of a licensee or
31 holder of a certificate which constitutes a violation of the provisions
32 of this chapter:

33 (a) Any physician, dentist, dental hygienist, chiropractor,
34 optometrist, podiatric physician, medical examiner, resident, intern,
35 professional or practical nurse, nursing assistant, medication aide -
36 certified, perfusionist, physician assistant licensed pursuant to
37 chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and
38 family therapist, clinical professional counselor, alcohol or drug
39 abuse counselor, music therapist, driver of an ambulance, advanced
40 emergency medical technician or other person providing medical
41 services licensed or certified to practice in this State.

42 (b) Any personnel of a medical facility or facility for the
43 dependent engaged in the admission, examination, care or treatment
44 of persons or an administrator, manager or other person in charge of



1 a medical facility or facility for the dependent upon notification by a
2 member of the staff of the facility.

3 (c) A coroner.

4 (d) Any person who maintains or is employed by an agency to
5 provide personal care services in the home.

6 (e) Any person who operates, who is employed by or who
7 contracts to provide services for an intermediary service
8 organization as defined in ~~NRS 427A.0291~~ *section 2 of this act*.

9 (f) Any person who maintains or is employed by an agency to
10 provide nursing in the home.

11 (g) Any employee of the Department of Health and Human
12 Services.

13 (h) Any employee of a law enforcement agency or a county's
14 office for protective services or an adult or juvenile probation
15 officer.

16 (i) Any person who maintains or is employed by a facility or
17 establishment that provides care for older persons.

18 (j) Any person who maintains, is employed by or serves as a
19 volunteer for an agency or service which advises persons regarding
20 the abuse, neglect or exploitation of an older person and refers them
21 to persons and agencies where their requests and needs can be met.

22 (k) Any social worker.

23 2. Every physician who, as a member of the staff of a medical
24 facility or facility for the dependent, has reason to believe that a
25 nursing assistant or medication aide - certified has engaged in
26 conduct which constitutes grounds for the denial, suspension or
27 revocation of a certificate shall notify the superintendent, manager
28 or other person in charge of the facility. The superintendent,
29 manager or other person in charge shall make a report as required in
30 subsection 1.

31 3. A report may be filed by any other person.

32 4. Any person who in good faith reports any violation of the
33 provisions of this chapter to the Executive Director of the Board
34 pursuant to this section is immune from civil liability for reporting
35 the violation.

36 5. As used in this section, "agency to provide personal care
37 services in the home" has the meaning ascribed to it in
38 NRS 449.0021.

39 **Sec. 36.** NRS 427A.0291, 427A.701, 427A.703, 427A.705,
40 427A.707, 427A.709, 427A.711, 427A.713, 427A.715, 427A.717,
41 427A.719, 427A.721, 427A.723, 427A.725, 427A.727, 427A.729,
42 427A.731, 427A.733, 427A.735, 427A.737, 427A.739, 427A.741,
43 427A.743 and 427A.745 are hereby repealed.

44 **Sec. 37.** 1. Any administrative regulations adopted by an
45 officer, agency or other entity whose name has been changed or



1 whose responsibilities have been transferred pursuant to the
2 provisions of this act to another officer, agency or other entity
3 remain in force until the administrative regulations are:

4 (a) Amended by the officer, agency or other entity to which the
5 responsibility for the adoption of the administrative regulations has
6 been transferred; or

7 (b) Conformed pursuant to the authority set forth in section 38
8 of this act,

9 ➡ whichever occurs first.

10 2. Any contracts or other agreements entered into by an officer,
11 agency or other entity whose name has been changed or whose
12 responsibilities have been transferred pursuant to the provisions of
13 this act to another officer, agency or other entity are binding upon
14 the officer, agency or other entity to which the responsibility for the
15 administration of the provisions of the contract or other agreement
16 has been transferred. Such contracts and other agreements may be
17 enforced by the officer, agency or other entity to which the
18 responsibility for the enforcement of the provisions of the contract
19 or other agreement has been transferred.

20 3. Any action taken by an officer, agency or other entity whose
21 name has been changed or whose responsibilities have been
22 transferred pursuant to the provisions of this act to another officer,
23 agency or other entity remains in effect as if taken by the officer,
24 agency or other entity to which the responsibility for the
25 enforcement of such actions has been transferred.

26 **Sec. 38.** The Legislative Counsel shall, in preparing
27 supplements to the Nevada Administrative Code, appropriately
28 change any references to any officer, agency or other entity:

29 1. Whose name is changed pursuant to the provisions of this
30 act; or

31 2. Whose responsibilities have been transferred pursuant to the
32 provisions of this act,

33 ➡ to refer to the appropriate officer, agency or other entity.

34 **Sec. 39.** An intermediary service organization that is certified
35 pursuant to NRS 427A.701 to 427A.745, inclusive, before the
36 effective date of this act, and whose certification is not expired or
37 revoked is not required to obtain a certificate pursuant to sections 2
38 to 25, inclusive, of this act until the expiration of the certificate
39 obtained pursuant to NRS 427A.701 to 427A.745, inclusive.

40 **Sec. 40.** 1. This act becomes effective upon passage and
41 approval.

42 2. Sections 6, 7 and 13 of this act expire by limitation on the
43 date on which the provisions of 42 U.S.C. § 666 requiring each state
44 to establish procedures under which the state has authority to



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- 1 withhold or suspend, or to restrict the use of professional,
2 occupational and recreational licenses of persons who:
3 (a) Have failed to comply with a subpoena or warrant relating to
4 a proceeding to determine the paternity of a child or to establish or
5 enforce an obligation for the support of a child; or
6 (b) Are in arrears in the payment for the support of one or more
7 children,
8 ➔ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

- 427A.0291 “Intermediary service organization” defined.**
427A.701 Authority to provide services.
427A.703 Certificate required; penalty.
427A.705 Application for certificate: Contents.
427A.707 Application for certificate: Social security number required.
427A.709 Application for certificate: Statement regarding obligation of child support; grounds for denial; duty of Division.
427A.711 Application for certificate: Fee.
427A.713 Certificate: Issuance; nontransferability.
427A.715 Certificate: Form; contents.
427A.717 Certificate: Expiration and renewal.
427A.719 Certificate: Grounds for denial, suspension or revocation.
427A.721 Certificate: Suspension for failure to pay child support or comply with certain subpoenas or warrants; reinstatement.
427A.723 Provisional certificate.
427A.725 Deposit of money received from certification; expenses of Division to enforce provisions.
427A.727 Duties and powers of Division.
427A.729 Administrative sanctions: Imposition by Division; consequences of failure to pay; use of money collected.
427A.731 Administrative sanctions: Regulations.
427A.733 Notice by Division of disciplinary action; exception; appeal.
427A.735 Initial and periodic investigations of criminal history of employee or independent contractor.
427A.737 Maintenance and availability of certain records regarding employees and independent contractors.



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427A.739 Termination of employee or independent contractor required for conviction for certain crimes; reasonable time to correct information; liability of organization.

427A.741 Additional grounds for denial, suspension or revocation of certificate.

427A.743 Action to enjoin violations.

427A.745 Prosecution by district attorney.

