

Amendment No. 924

Senate Amendment to Senate Bill No. 498	(BDR 40-1190)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 498 (§§ 5.5, 7 & NRS 449.050).

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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

AAK/JRS



Date: 5/22/2015

S.B. No. 498—Provides for the regulation of community health worker pools.
(BDR 40-1190)



SENATE BILL NO. 498—COMMITTEE ON FINANCE

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 23, 2015

Referred to Committee on Health and Human Services

SUMMARY—Provides for the regulation of community health worker pools.
(BDR 40-1190)

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 health; requiring the licensure of community health worker pools by the Division of Public and Behavioral Health of the Department of Health and Human Services and ~~to pay~~ **payment of** an application fee for the license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who wishes to operate or maintain a facility for the dependent or a medical facility to obtain a license from the Division of Public and Behavioral Health of the Department of Health and Human Services and to pay an application fee for the license. (NRS 449.030, 449.050) **Section 4** of this bill includes a community health worker pool within the definition of ~~medical~~ **for the dependent** facility, ~~for the dependent~~ thereby requiring community health worker pools to obtain a license from the Division. **Section 4** of this bill provides that a person who holds a license as a facility for the dependent or a medical facility and employs community health workers is not required to obtain an additional license as a community health worker pool. **Section 9** of this bill imposes certain requirements on a community health worker pool for the renewal of its license. **Section 12** of this bill makes certain employees of a community health worker pool immune from civil liability for rendering emergency care or assistance in good faith in the course of his or her employment. **Sections 13 and 15** of this bill extend certain mandatory reporting requirements to community health worker pools.

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, 3 and 4 of this act.

Sec. 2. ***"Community health worker" means a natural person who:***

1 *1. Lives in or otherwise has a connection to the community in which he or*
2 *she provides services.*

3 *2. Is trained by a provider of health care to provide certain services which*
4 *do not require the community health worker to be licensed.*

5 *3. Provides services at the direction of a facility for the dependent, medical*
6 *facility or provider of health care which may include, without limitation,*
7 *outreach and the coordination of health care.*

8 **Sec. 3. “Community health worker pool” means a person or agency which**
9 **provides, for compensation and through its employees or by contract with**
10 **community health workers, the services of community health workers to any**
11 **natural person, medical facility or facility for the dependent. The term does not**
12 **include an independent contractor who personally provides the services of a**
13 **community health worker or a facility for the dependent or any medical facility**
14 **other than a community health worker pool which provides the services of a**
15 **community health worker.**

16 **Sec. 4. A person who is licensed pursuant to this chapter as a facility for**
17 **the dependent or medical facility and who employs community health workers is**
18 **not required to obtain an additional license as a community health worker pool.**

19 **Sec. 5. NRS 449.001 is hereby amended to read as follows:**

20 449.001 As used in this chapter, unless the context otherwise requires, the
21 words and terms defined in NRS 449.0015 to 449.0195, inclusive, **and sections 2**
22 **and 3 of this act** have the meanings ascribed to them in those sections.

23 **Sec. 5.5. NRS 449.0045 is hereby amended to read as follows:**

24 449.0045 “Facility for the dependent” includes:

- 25 1. A facility for the treatment of abuse of alcohol or drugs;
- 26 2. A halfway house for recovering alcohol and drug abusers;
- 27 3. A facility for the care of adults during the day;
- 28 4. A residential facility for groups;
- 29 5. An agency to provide personal care services in the home;
- 30 6. A facility for transitional living for released offenders; ~~and~~
- 31 7. A home for individual residential care. ~~}; and~~

32 **8. A community health worker pool.**

33 **Sec. 6. ~~[NRS 449.0151 is hereby amended to read as follows:~~**

34 ~~449.0151 “Medical facility” includes:~~

- 35 ~~1. A surgical center for ambulatory patients;~~
- 36 ~~2. An obstetric center;~~
- 37 ~~3. An independent center for emergency medical care;~~
- 38 ~~4. An agency to provide nursing in the home;~~
- 39 ~~5. A facility for intermediate care;~~
- 40 ~~6. A facility for skilled nursing;~~
- 41 ~~7. A facility for hospice care;~~
- 42 ~~8. A hospital;~~
- 43 ~~9. A psychiatric hospital;~~
- 44 ~~10. A facility for the treatment of irreversible renal disease;~~
- 45 ~~11. A rural clinic;~~
- 46 ~~12. A nursing pool;~~
- 47 ~~13. A facility for modified medical detoxification;~~
- 48 ~~14. A facility for refractive surgery;~~
- 49 ~~15. A mobile unit; and~~
- 50 ~~16. A community triage center []; and~~
- 51 ~~17. A community health worker pool.] (Deleted by amendment.)~~

1 **Sec. 7.** NRS 449.030 is hereby amended to read as follows:

2 449.030 1. ~~Not~~ *Except as otherwise provided in section 4 of this act, no*
3 person, state or local government or agency thereof may operate or maintain in this
4 State any medical facility or facility for the dependent without first obtaining a
5 license therefor as provided in NRS 449.030 to 449.2428, inclusive ~~H~~, *and section*
6 *4 of this act.*

7 2. Unless licensed as a facility for hospice care, a person, state or local
8 government or agency thereof shall not operate a program of hospice care without
9 first obtaining a license for the program from the Board.

10 **Sec. 8.** NRS 449.0302 is hereby amended to read as follows:

11 449.0302 1. The Board shall adopt:

12 (a) Licensing standards for each class of medical facility or facility for the
13 dependent covered by NRS 449.030 to 449.2428, inclusive, *and section 4 of this*
14 *act* and for programs of hospice care.

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

16 (c) Regulations governing the procedure and standards for granting an
17 extension of the time for which a natural person may provide certain care in his or
18 her home without being considered a residential facility for groups pursuant to NRS
19 449.017. The regulations must require that such grants are effective only if made in
20 writing.

21 (d) Regulations establishing a procedure for the indemnification by the
22 Division, from the amount of any surety bond or other obligation filed or deposited
23 by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient
24 of the facility who has sustained any damages as a result of the bankruptcy of or
25 any breach of contract by the facility.

26 (e) Any other regulations as it deems necessary or convenient to carry out the
27 provisions of NRS 449.030 to 449.2428, inclusive ~~H~~, *and section 4 of this act.*

28 2. The Board shall adopt separate regulations governing the licensing and
29 operation of:

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

31 (b) Residential facilities for groups,

32 ↪ which provide care to persons with Alzheimer's disease.

33 3. The Board shall adopt separate regulations for:

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

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

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

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

44 5. In addition to the training requirements prescribed pursuant to NRS
45 449.093, the Board shall establish minimum qualifications for administrators and
46 employees of residential facilities for groups. In establishing the qualifications, the
47 Board shall consider the related standards set by nationally recognized
48 organizations which accredit such facilities.

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

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

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

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

7 (1) Addresses possession and assistance in the administration of the
8 medication; and

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

12 (d) The prescribed medication is not administered by injection or
13 intravenously.

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

16 7. The Board shall adopt separate regulations governing the licensing and
17 operation of residential facilities for groups which provide assisted living services.
18 The Board shall not allow the licensing of a facility as a residential facility for
19 groups which provides assisted living services and a residential facility for groups
20 shall not claim that it provides "assisted living services" unless:

21 (a) Before authorizing a person to move into the facility, the facility makes a
22 full written disclosure to the person regarding what services of personalized care
23 will be available to the person and the amount that will be charged for those
24 services throughout the resident's stay at the facility.

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

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

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

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

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

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

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

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

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

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

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

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

51 8. The Division may grant an exception from the requirement of subparagraph
52 (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential
53 facility for groups on or before July 1, 2005, and which is authorized to have 10 or

fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

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

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

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

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

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

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

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

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

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

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➤ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 9. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.030 to 449.2428, inclusive, *and section 4 of this act* expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.030 to 449.2428, inclusive, *and section 4 of this act* or the standards and regulations adopted by the Board;

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

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, *a community health worker pool*, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, a residential facility for groups, a program of hospice care, a home for individual

1 residential care, a facility for the care of adults during the day, a facility for hospice
2 care, a nursing pool, the distinct part of a hospital which meets the requirements of
3 a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5(b)(2), a
4 hospital that provides swing-bed services as described in 42 C.F.R. § 482.66 or, if
5 residential services are provided to children, a medical facility or facility for the
6 treatment of abuse of alcohol or drugs must include, without limitation, a statement
7 that the facility, hospital, agency, program, *pool* or home is in compliance with the
8 provisions of NRS 449.119 to 449.125, inclusive, and 449.174.

9 3. Each reapplication for an agency to provide personal care services in the
10 home, *a community health worker pool*, a facility for intermediate care, a facility
11 for skilled nursing, a facility for the care of adults during the day, a residential
12 facility for groups or a home for individual residential care must include, without
13 limitation, a statement that the holder of the license to operate, and the
14 administrator or other person in charge and employees of, the facility, agency, *pool*
15 or home are in compliance with the provisions of NRS 449.093.

16 **Sec. 10.** NRS 449.119 is hereby amended to read as follows:

17 449.119 As used in NRS 449.119 to 449.125, inclusive, “facility, hospital,
18 agency, program or home” means an agency to provide personal care services in the
19 home, an agency to provide nursing in the home, *a community health worker pool*,
20 a facility for intermediate care, a facility for skilled nursing, a hospital described in
21 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, a
22 residential facility for groups, a program of hospice care, a home for individual
23 residential care, a facility for the care of adults during the day, a facility for hospice
24 care, a nursing pool, the distinct part of a hospital which meets the requirements of
25 a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5(b)(2), a
26 hospital that provides swing-bed services as described in 42 C.F.R. § 482.66 or, if
27 residential services are provided to children, a medical facility or facility for the
28 treatment of abuse of alcohol or drugs.

29 **Sec. 11.** NRS 449.174 is hereby amended to read as follows:

30 449.174 1. In addition to the grounds listed in NRS 449.160, the Division
31 may deny a license to operate a facility, hospital, agency, program or home to an
32 applicant or may suspend or revoke the license of a licensee to operate such a
33 facility, hospital, agency, program or home if:

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

- 35 (1) Murder, voluntary manslaughter or mayhem;
- 36 (2) Assault or battery with intent to kill or to commit sexual assault or
37 mayhem;
- 38 (3) Sexual assault, statutory sexual seduction, incest, lewdness or indecent
39 exposure, or any other sexually related crime that is punished as a felony;
- 40 (4) Prostitution, solicitation, lewdness or indecent exposure, or any other
41 sexually related crime that is punished as a misdemeanor, within the immediately
42 preceding 7 years;
- 43 (5) A crime involving domestic violence that is punished as a felony;
- 44 (6) A crime involving domestic violence that is punished as a
45 misdemeanor, within the immediately preceding 7 years;
- 46 (7) Abuse or neglect of a child or contributory delinquency;
- 47 (8) A violation of any federal or state law regulating the possession,
48 distribution or use of any controlled substance or any dangerous drug as defined in
49 chapter 454 of NRS, within the immediately preceding 7 years;
- 50 (9) Abuse, neglect, exploitation or isolation of older persons or vulnerable
51 persons, including, without limitation, a violation of any provision of NRS
52 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits
53 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;

(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); 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 Division may suspend or revoke the license of a licensee to operate an agency to provide personal care services in the home, ~~for~~ an agency to provide nursing in the home **or a community health worker pool** 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 NRS 449.119.

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

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

Sec. 12. NRS 449.194 is hereby amended to read as follows:

449.194 Any person who is employed by an agency to provide personal care services in the home **or a community health worker pool** who:

1. Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;

2. Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or

3. Has successfully completed the training requirements of a course in the use and administration of first aid, including cardiopulmonary resuscitation,

and who in good faith renders emergency care or assistance in accordance with the person's training, in the course of his or her regular employment or profession, to an elderly person or a person with a disability, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

Sec. 13. 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 (1) The local office of the Aging and Disability Services Division of the
2 Department of Health and Human Services;

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

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

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

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

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

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

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

21 (a) Every physician, dentist, dental hygienist, chiropractor, optometrist,
22 podiatric physician, medical examiner, resident, intern, professional or practical
23 nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS,
24 perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical
25 professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug
26 abuse counselor, music therapist, athletic trainer, driver of an ambulance,
27 paramedic, licensed dietitian or other person providing medical services licensed or
28 certified to practice in this State, who examines, attends or treats an older person
29 who appears to have been abused, neglected, exploited or isolated.

30 (b) Any personnel of a hospital or similar institution engaged in the admission,
31 examination, care or treatment of persons or an administrator, manager or other
32 person in charge of a hospital or similar institution upon notification of the
33 suspected abuse, neglect, exploitation or isolation of an older person by a member
34 of the staff of the hospital.

35 (c) A coroner.

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

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

40 (f) Every person who operates, who is employed by or who contracts to
41 provide services for an intermediary service organization as defined in NRS
42 449.4304.

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

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

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

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

52 (k) Every social worker.

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

(m) Every person who operates or is employed by a community health worker pool, as defined in section 3 of this act, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in section 2 of this act.

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

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

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

(a) Aging and Disability Services Division;

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

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

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

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

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

Sec. 14. NRS 427A.175 is hereby amended to read as follows:

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

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

3. If a settlement is not reached pursuant to subsection 2, the facility, home, agency, organization or older patient may request a hearing before the Specialist for the Rights of Elderly Persons. If requested, the Specialist for the Rights of Elderly Persons shall conduct a hearing to determine whether the facility, home, agency, *pool* or organization is liable for damages to the patient. If the Specialist for the Rights of Elderly Persons determines that the facility, home, agency, *pool* or

organization is liable for damages to the patient, the Specialist for the Rights of Elderly Persons shall order the amount of the surety bond pursuant to NRS 449.065 or the substitute for the surety bond necessary to pay for the damages pursuant to NRS 449.067 to be released to the Division. The Division shall pay any such amount to the older patient or the estate of the older patient.

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

5. As used in this section:

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

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

(c) *"Community health worker pool" has the meaning ascribed to it in section 3 of this act;*

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

~~(e)~~ (e) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039;

~~(f)~~ (f) "Home for individual residential care" has the meaning ascribed to it in NRS 449.0105;

~~(g)~~ (g) "Intermediary service organization" has the meaning ascribed to it in NRS 449.4304;

~~(h)~~ (h) "Older patient" has the meaning ascribed to it in NRS 449.065; and

~~(i)~~ (i) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.

Sec. 15. NRS 632.472 is hereby amended to read as follows:

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

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

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

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

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

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

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

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

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

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

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in section 2 of this act.

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

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

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

5. As used in this section ~~“agency”~~:

(a) “Agency” to provide personal care services in the home” has the meaning ascribed to it in NRS 449.0021.

(b) “Community health worker pool” has the meaning ascribed to it in section 3 of this act.

Sec. 16. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on October 1, 2015, for all other purposes.