

(Reprinted with amendments adopted on May 29, 2015)

FIRST REPRINT

S.B. 489

SENATE BILL NO. 489—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 peer support recovery organizations. (BDR 40-1191)

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.

~

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 peer support recovery organizations by the Division of Public and Behavioral Health of the Department of Health and Human Services and to pay an application fee for the license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires a person who wishes to operate or maintain a facility for
 2 the dependent or a medical facility to obtain a license from the Division of Public
 3 and Behavioral Health of the Department of Health and Human Services and to pay
 4 an application fee for the license. (NRS 449.030, 449.050) **Section 6** of this bill
 5 includes a peer support recovery organization within the definition of facility for
 6 the dependent, thereby requiring peer support recovery organizations to obtain a
 7 license from the Division. **Section 4** of this bill provides that a person who holds a
 8 license as a facility for the dependent or a medical facility and employs persons to
 9 provide peer support recovery services is not required to obtain an additional license as a
 10 peer support recovery organization. **Sections 9-11** of this bill impose certain
 11 requirements on peer support recovery organizations. **Section 14** of this bill makes
 12 certain employees of a peer support recovery organization immune from civil
 13 liability for rendering emergency care or assistance in good faith in the course of
 14 his or her employment. **Sections 15 and 17** of this bill extend certain mandatory
 15 reporting requirements to peer support recovery organizations.



* S B 4 8 9 R 1 *

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

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

3 **Sec. 2.** *“Peer support recovery organization” means a person*
4 *or agency which, for compensation, provides peer support services*
5 *to persons who are 18 years of age or older and who suffer from*
6 *mental illness or addiction or identify themselves as at risk for*
7 *mental illness or addiction.*

8 **Sec. 3.** *“Peer support services” means supportive services*
9 *relating to mental health, addiction or substance abuse which:*

10 1. *Do not require the person offering the supportive services*
11 *to be licensed.*

12 2. *Are offered to a person in need of such services.*

13 3. *May include, without limitation:*

14 (a) *Helping to stabilize such a person;*

15 (b) *Helping such a person with recovery;*

16 (c) *Helping such a person to access community-based*
17 *behavioral health care;*

18 (d) *Assisting such a person during a crisis situation or an*
19 *intervention;*

20 (e) *Providing assistance with preventive care;*

21 (f) *Providing strategies and education relating to the whole*
22 *health needs of such a person; and*

23 (g) *Providing encouragement, peer mentoring and training in*
24 *self-advocacy and self-direction to such a person.*

25 **Sec. 4.** *A person who is licensed pursuant to this chapter as a*
26 *facility for the dependent or a medical facility and who employs*
27 *persons to provide peer support services is not required to obtain*
28 *an additional license as a peer support recovery organization.*

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

30 449.001 As used in this chapter, unless the context otherwise
31 requires, the words and terms defined in NRS 449.0015 to
32 449.0195, inclusive, *and sections 2 and 3 of this act* have the
33 meanings ascribed to them in those sections.

34 **Sec. 6.** NRS 449.0045 is hereby amended to read as follows:

35 449.0045 “Facility for the dependent” includes:

36 1. A facility for the treatment of abuse of alcohol or drugs;

37 2. A halfway house for recovering alcohol and drug abusers;

38 3. A facility for the care of adults during the day;

39 4. A residential facility for groups;

40 5. An agency to provide personal care services in the home;

41 6. A facility for transitional living for released offenders; ~~and~~

42 7. A home for individual residential care ~~;~~ *and*



8. *A peer support recovery organization.*

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

449.030 1. ~~[No]~~ *Except as otherwise provided in section 4 of this act, no* person, state or local government or agency thereof may operate or maintain in this State any medical facility or facility for the dependent without first obtaining a license therefor as provided in NRS 449.030 to 449.2428, inclusive ~~[]~~, *and section 4 of this act.*

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

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

449.0302 1. The Board shall adopt:

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

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

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

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

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

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

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

(b) Residential facilities for groups,
➔ which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

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

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



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

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

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

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

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

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

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

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

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

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

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

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

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the



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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (a) Strict application of that requirement would result in
45 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 449.065 is hereby amended to read as follows:

449.065 1. Except as otherwise provided in subsections 6 and 7 and NRS 449.067, each facility for intermediate care, facility for



1 skilled nursing, *peer support recovery organization*, residential
2 facility for groups, home for individual residential care, agency to
3 provide personal care services in the home and agency to provide
4 nursing in the home shall, when applying for a license or renewing a
5 license, file with the Administrator of the Division of Public and
6 Behavioral Health a surety bond:

7 (a) If the facility, agency , *organization* or home employs less
8 than 7 employees, in the amount of \$5,000;

9 (b) If the facility, agency , *organization* or home employs at
10 least 7 but not more than 25 employees, in the amount of \$25,000;
11 or

12 (c) If the facility, agency , *organization* or home employs more
13 than 25 employees, in the amount of \$50,000.

14 2. A bond filed pursuant to this section must be executed by
15 the facility, agency , *organization* or home as principal and by a
16 surety company as surety. The bond must be payable to the Aging
17 and Disability Services Division of the Department of Health and
18 Human Services and must be conditioned to provide
19 indemnification to an older patient who the Specialist for the Rights
20 of Elderly Persons determines has suffered property damage as a
21 result of any act or failure to act by the facility, agency ,
22 *organization* or home to protect the property of the older patient.

23 3. Except when a surety is released, the surety bond must cover
24 the period of the initial license to operate or the period of the
25 renewal, as appropriate.

26 4. A surety on any bond filed pursuant to this section may be
27 released after the surety gives 30 days' written notice to the
28 Administrator of the Division of Public and Behavioral Health, but
29 the release does not discharge or otherwise affect any claim filed by
30 an older patient for property damaged as a result of any act or failure
31 to act by the facility, agency , *organization* or home to protect the
32 property of the older patient alleged to have occurred while the bond
33 was in effect.

34 5. A license is suspended by operation of law when the facility,
35 agency , *organization* or home is no longer covered by a surety
36 bond as required by this section or by a substitute for the surety
37 bond pursuant to NRS 449.067. The Administrator of the Division
38 of Public and Behavioral Health shall give the facility, agency ,
39 *organization* or home at least 20 days' written notice before the
40 release of the surety or the substitute for the surety, to the effect that
41 the license will be suspended by operation of law until another
42 surety bond or substitute for the surety bond is filed in the same
43 manner and amount as the bond or substitute being terminated.

44 6. The Administrator of the Division of Public and Behavioral
45 Health may exempt a *peer support recovery organization*,



residential facility for groups or a home for individual residential care from the requirement of filing a surety bond pursuant to this section if the Administrator determines that the requirement would result in undue hardship to the *peer support recovery organization*, residential facility for groups or home for individual residential care.

7. The requirement of filing a surety bond set forth in this section does not apply to a facility for intermediate care, facility for skilled nursing, *peer support recovery organization*, residential facility for groups, home for individual residential care, agency to provide personal care services in the home or agency to provide nursing in the home that is operated and maintained by the State of Nevada or an agency thereof.

8. As used in this section, "older patient" means a patient who is 60 years of age or older.

Sec. 10. NRS 449.067 is hereby amended to read as follows:

449.067 1. As a substitute for the surety bond required pursuant to NRS 449.065, a facility for intermediate care, a facility for skilled nursing, *a peer support recovery organization*, a residential facility for groups, a home for individual residential care, an agency to provide personal care services in the home and an agency to provide nursing in the home may deposit with any bank or trust company authorized to do business in this State, upon approval from the Administrator of the Division of Public and Behavioral Health:

(a) An obligation of a bank, savings and loan association, thrift company or credit union licensed to do business in this State;

(b) Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or

(c) Any obligation of this State or any city, county, town, township, school district or other instrumentality of this State, or guaranteed by this State, in an aggregate amount, based upon principal amount or market value, whichever is lower.

2. The obligations of a bank, savings and loan association, thrift company or credit union must be held to secure the same obligation as would the surety bond required by NRS 449.065. With the approval of the Administrator of the Division of Public and Behavioral Health, the depositor may substitute other suitable obligations for those deposited, which must be assigned to the Aging and Disability Services Division of the Department of Health and Human Services and are negotiable only upon approval by the Administrator of the Aging and Disability Services Division.

3. Any interest or dividends earned on the deposit accrue to the account of the depositor.



4. The deposit must be an amount at least equal to the surety bond required by NRS 449.065 and must state that the amount may not be withdrawn except by direct and sole order of the Administrator of the Aging and Disability Services Division.

Sec. 11. 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 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 residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, *a peer support recovery organization*, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5(b)(2), a hospital that provides swing-bed services as described in 42 C.F.R. § 482.66 or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs must include, without limitation, a statement that the facility, hospital, agency, program, *organization* or home is in compliance with the provisions of NRS 449.119 to 449.125, inclusive, and 449.174.

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



Sec. 12. NRS 449.119 is hereby amended to read as follows:

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

Sec. 13. NRS 449.174 is hereby amended to read as follows:

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

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

(1) Murder, voluntary manslaughter or mayhem;

(2) Assault or battery with intent to kill or to commit sexual assault or mayhem;

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

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

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

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

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

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

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



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

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

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

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

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

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

(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 peer support recovery organization* 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. 14. 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 peer support recovery organization* 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



1 conducted in accordance with the standards of the American Heart
2 Association; or

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

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

12 **Sec. 15.** NRS 200.5093 is hereby amended to read as follows:

13 200.5093 1. Any person who is described in subsection 4 and
14 who, in a professional or occupational capacity, knows or has
15 reasonable cause to believe that an older person has been abused,
16 neglected, exploited or isolated shall:

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

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

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

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

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

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

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

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

43 4. A report must be made pursuant to subsection 1 by the
44 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 counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

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

(c) A coroner.

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

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

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

(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, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

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

(m) Every person who operates or is employed by a peer support recovery organization, 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



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

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

18 (a) Aging and Disability Services Division;

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

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

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

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

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

34 **Sec. 16.** NRS 427A.175 is hereby amended to read as follows:

35 427A.175 1. Within 1 year after an older patient sustains
36 damage to his or her property as a result of any act or failure to act
37 by a facility for intermediate care, a facility for skilled nursing, a
38 residential facility for groups, a home for individual residential care,
39 an agency to provide personal care services in the home, an
40 intermediary service organization , a peer support recovery
41 organization or an agency to provide nursing in the home in
42 protecting the property, the older patient may file a verified
43 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 or organization is liable for damages to the patient. If the Specialist for the Rights of Elderly Persons determines that the facility, home, agency 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) “Facility for intermediate care” has the meaning ascribed to it in NRS 449.0038;

(d) “Facility for skilled nursing” has the meaning ascribed to it in NRS 449.0039;

(e) “Home for individual residential care” has the meaning ascribed to it in NRS 449.0105;

(f) “Intermediary service organization” has the meaning ascribed to it in NRS 449.4304;

(g) “Older patient” has the meaning ascribed to it in NRS 449.065; ~~and~~

(h) *“Peer support recovery organization” has the meaning ascribed to it in section 2 of this act; and*

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

Sec. 17. 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



1 aide - certified, perfusionist, physician assistant licensed pursuant to
2 chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and
3 family therapist, clinical professional counselor, alcohol or drug
4 abuse counselor, music therapist, driver of an ambulance, paramedic
5 or other person providing medical services licensed or certified to
6 practice in this State.

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

12 (c) A coroner.

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

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

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

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

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

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

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

31 (k) Any social worker.

32 *(l) Any person who operates or is employed by a peer support*
33 *recovery organization.*

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

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

43 4. Any person who in good faith reports any violation of the
44 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) *“Peer support recovery organization” has the meaning ascribed to it in section 2 of this act.*

Sec. 18. 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.

