

Amendment No. 532

Assembly Amendment to Assembly Bill No. 165 (BDR 54-566)

Proposed by: Assembly Committee on Commerce and Labor

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 165 (§ 9).

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.

EWR/JWP



Date: 4/22/2017

A.B. No. 165—Provides for the licensure of health services executives.
(BDR 54-566)



ASSEMBLY BILL NO. 165—ASSEMBLYMAN HAMBRICK

PREFILED FEBRUARY 13, 2017

Referred to Committee on Commerce and Labor

SUMMARY—Provides for the licensure of health services executives.
(BDR 54-566)

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 long-term care; providing for the licensure of certain persons as health services executives; authorizing the holder of such a license to perform the functions of an administrator of a residential facility for groups and a nursing facility administrator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Examiners for Long-Term Care Administrators to license and regulate two classes of licensees: administrators of residential facilities for groups and nursing facility administrators. (NRS 654.150, 654.155) This bill additionally provides for the licensure and regulation of health services executives, who have the powers and duties prescribed for both existing types of administrators. **Section 4** of this bill prescribes the requirements for licensure as a health services executive. **Section 9** of this bill authorizes the Board to establish by regulation the fee to apply for such a license.

Sections 4, 16 and 17 of this bill provide that a licensed health services executive has the rights and duties of an administrator of a residential facility for groups and a nursing facility administrator. **Sections 7 and 10-13** of this bill make conforming changes so that existing provisions relating to nursing facility administrators and administrators of residential facilities for groups also apply to health services executives. **Section 14** of this bill ~~provides that certain provisions governing the reinstatement of~~ **authorizes the Board to adopt regulations regarding the reinstatement of** ~~the [suspended] license of [an administrator of a residential facility for groups do not apply to]~~ a health services executive. **Section 15** of this bill authorizes a health services executive to serve as the administrator for a veterans' home.

Existing law provides for the appointment to the Board of two nursing facility administrators and two administrators of residential facilities for groups. (NRS 654.060) **Section 6** of this bill authorizes a health services executive who acts as either a nursing facility administrator or the administrator of a residential facility for groups to serve as a member of the Board in the capacity in which he or she is acting.

Existing law requires the Board to maintain, for each type of licensee, separate registers of applicants for licensure and licensed persons. (NRS 654.130) **Section 8** of this bill makes this requirement applicable to persons who apply for or are licensed as health services executives.

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

Section 1. Chapter 654 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *"Health services executive" means a person who is licensed as such pursuant to this chapter.*

Sec. 3. *"Licensee" means a person who is licensed pursuant to this chapter as an administrator of a residential facility for groups, a nursing facility administrator or a health services executive.*

Sec. 4. 1. *Each applicant for licensure as a health services executive pursuant to this chapter must:*

(a) *Submit with the application:*

(1) *Evidence of having satisfied the requirements of the National Association of Long Term Care Administrator Boards for qualification as a health services executive;*

(2) *A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and*

(3) *A fee to cover the actual cost of obtaining the report from the Federal Bureau of Investigation.*

(b) *Meet such other standards and qualifications as the Board may from time to time establish.*

(c) *Submit all other information required to complete the application.*

2. *Except as otherwise provided by specific statute, a licensed health services executive has the powers and duties of a licensed administrator of a residential facility for groups and a licensed nursing facility administrator.*

Sec. 5. NRS 654.010 is hereby amended to read as follows:

654.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 654.015 to 654.031, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 654.060 is hereby amended to read as follows:

654.060 The Governor shall appoint:

1. Two members who are *licensees serving as* nursing facility administrators.

2. One member who is *a licensee serving as* an administrator of a residential facility for groups with less than seven clients.

3. One member who is *a licensee serving as* an administrator of a residential facility for groups with seven or more clients.

4. One member who is a member of the medical or paramedical professions.

5. One member who is a representative of the general public. This member must not be ~~+~~

~~—(a) A nursing facility administrator or an administrator of a residential facility for groups; or~~

~~—(b) The~~ *a licensee or the* spouse or the parent or child, by blood, marriage or adoption, of a ~~nursing facility administrator or an administrator of a residential facility for groups.~~ *licensee.*

Sec. 7. NRS 654.110 is hereby amended to read as follows:

654.110 1. In a manner consistent with the provisions of chapter 622A of NRS, the Board shall:

(a) Develop, impose and enforce standards which must be met by persons to receive licenses as nursing facility administrators, ~~+~~ administrators of residential

1 facilities for groups ~~HH~~ *and health services executives*. The standards must be
2 designed to ensure that ~~nursing facility administrators or persons acting as~~
3 ~~administrators of residential facilities for groups~~ *licensees* will be persons who are
4 of good character and otherwise suitable, and who, by training or experience in
5 their respective fields of administering health care facilities, are qualified to serve
6 as nursing facility administrators or administrators of residential facilities for
7 groups.

8 (b) Develop and apply appropriate techniques, including examinations and
9 investigations, for determining whether a person meets those standards. The
10 member of the Board who is a representative of the general public shall not
11 participate in preparing, conducting or grading any examination required by the
12 Board.

13 (c) Issue licenses to persons determined, after the application of appropriate
14 techniques, to meet those standards.

15 (d) Revoke or suspend licenses previously issued by the Board in any case if
16 the person holding the license is determined substantially to have failed to conform
17 to the requirements of the standards.

18 (e) Establish and carry out procedures designed to ensure that ~~persons licensed~~
19 ~~as nursing facility administrators or administrators of residential facilities for~~
20 ~~groups~~ *licensees* will, during any period they serve as ~~such~~ *nursing facility*
21 *administrators or administrators of residential facilities for groups*, comply with
22 the requirements of the standards.

23 (f) Receive, investigate and take appropriate action with respect to any charge
24 or complaint filed with the Board to the effect that any person has failed to comply
25 with the requirements of the standards. Except as otherwise provided in this
26 paragraph, the Board shall initiate an investigation of any charge or complaint filed
27 with the Board within 30 days after receiving the charge or complaint. A complaint
28 may be filed anonymously. If a complaint is filed anonymously, the Board may
29 accept the complaint but may refuse to consider the complaint if anonymity of the
30 complainant makes processing the complaint impossible or unfair to the person
31 who is the subject of the complaint.

32 (g) Conduct a continuing study of:

33 (1) Facilities for skilled nursing, facilities for intermediate care and their
34 administrators; and

35 (2) Residential facilities for groups and their administrators,
36 with a view to the improvement of the standards imposed for the licensing of
37 *nursing facility administrators, administrators of residential facilities for groups*
38 *and health services executives* and of procedures and methods for the enforcement
39 of the standards.

40 (h) Conduct or approve, or both, a program of training and instruction designed
41 to enable all persons to obtain the qualifications necessary to meet the standards set
42 by the Board for qualification as a nursing facility administrator, ~~for~~ an
43 administrator of a residential facility for groups ~~HH~~ *or a health services executive*.

44 2. Except as otherwise provided in this section, all records kept by the Board,
45 not otherwise privileged or confidential, are public records.

46 3. Except as otherwise provided in this section and NRS 239.0115, a
47 complaint filed with the Board, all documents and other information filed with the
48 complaint and all documents and other information compiled as a result of an
49 investigation conducted to determine whether to initiate disciplinary action against
50 a person are confidential, unless the person submits a written statement to the Board
51 requesting that such documents and information be made public records.

52 4. The charging documents filed with the Board to initiate disciplinary action
53 pursuant to chapter 622A of NRS and all other documents and information

considered by the Board when determining whether to impose discipline are public records.

5. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 8. NRS 654.130 is hereby amended to read as follows:

654.130 The Board shall:

1. Maintain ~~for~~ separate ~~register~~ *registers* of all applications for licensure as a nursing facility administrator, ~~and a separate register of all applications for licensure as~~ an administrator of a residential facility for groups ~~for~~ *or a health services executive*. Each register must include:

(a) The name, age and place of residence of the applicant.

(b) If the register is for:

(1) Nursing facility administrators, the name and address of the facility for skilled nursing or facility for intermediate care of which the applicant is to be administrator.

(2) Administrators of residential facilities for groups, the name and address of each residential facility for groups of which the applicant is to be administrator.

(3) Health services executives, the name and address of each facility for skilled nursing, facility for intermediate care or residential facility for groups of which the applicant is to be administrator.

(c) The date of the application.

(d) The date the application was reviewed and the action taken on the application.

(e) The serial number of the license, if any, issued to the applicant.

(f) Such other information as the Board may deem pertinent.

2. Maintain ~~for~~ separate ~~register~~ *registers* of all *persons licensed pursuant to this chapter as* nursing facility administrators, ~~and a separate register of all~~ administrators of residential facilities for groups ~~licensed pursuant to this chapter~~ *or health services executives*, showing the status of each license.

Sec. 9. NRS 654.140 is hereby amended to read as follows:

654.140 1. The Board shall prescribe and furnish an application form for the use of all persons who desire to be licensed pursuant to this chapter.

2. All applications filed with the Board must be accompanied by all information required to complete the application and the required fee fixed by the Board in an amount not to exceed:

(a) For an administrator of a residential facility for groups, \$150.

(b) For a nursing facility administrator, \$250.

(c) For a health services executive, the amount prescribed by regulation of the Board.

3. The Board may fix and charge an additional fee to cover the cost of administering the examinations if the Board determines that there is not sufficient money from other sources to cover such costs.

Sec. 10. NRS 654.145 is hereby amended to read as follows:

654.145 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license ~~as a nursing facility administrator or an administrator of a residential facility for groups shall~~ *pursuant to this chapter must* include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license ~~as a nursing facility administrator or an administrator of a residential facility for groups shall~~ *pursuant to this chapter must* submit to the Board the statement prescribed by the Division

of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board 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 license; or

(b) A separate form prescribed by the Board.

3. A license ~~for a nursing facility administrator or an administrator of a residential facility for groups~~ may not be issued or renewed by the Board 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 Board 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. 11. NRS 654.170 is hereby amended to read as follows:

654.170 1. The Board shall issue a numbered license, in such form as it may prescribe, to each applicant who meets the requirements of NRS 654.150 or 654.155 *or section 4 of this act* and shall affix its official seal to the license.

2. Each license issued by the Board pursuant to this chapter expires 2 years after the last day of the calendar month in which it was issued and may be renewed on or before that date biennially.

3. Any ~~licensed nursing facility administrator or administrator of a residential facility for groups~~ *licensee* may renew his or her license by applying for renewal in the manner prescribed by the Board, paying the renewal fee fixed by the Board and submitting all information required to complete the renewal.

4. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with:

(a) The requirements for continuing education adopted by the Board; and

(b) The duties of the administrator set forth in NRS 449.094.

Sec. 12. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than \$10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any ~~nursing facility administrator or administrator of a residential facility for groups~~ *licensee* who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.030 to 449.2428, inclusive, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for ~~nursing facility administrators or administrators of residential facilities for groups~~ **licensees**, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the ~~nursing facility administrator or administrator of a residential facility for groups~~ **licensee** and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

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

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

Sec. 13. NRS 654.193 is hereby amended to read as follows:

654.193 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a ~~person who is the holder of a license as a nursing facility administrator or an administrator of a residential facility for groups~~ **licensee**, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license ~~as a nursing facility administrator or an administrator of a residential facility for groups~~ that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 14. NRS 654.195 is hereby amended to read as follows:

654.195 1. Except as otherwise provided in subsection 2, the Board may reinstate the license of an administrator of a residential facility for groups that has been suspended by the Board if:

(a) A majority of the members of the Board vote in favor of the reinstatement; or

(b) The person who held the license reapplies for a license as an administrator of a residential facility for groups pursuant to NRS 654.140 and the Board determines that the person meets the requirements of NRS 654.155.

2. The Board may reinstate a license of an administrator of a residential facility for groups that has been suspended pursuant to NRS 425.540 only if the

holder of the license complies with the requirements for reinstatement set forth in NRS 654.193.

3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may reinstate the license of an administrator of a residential facility for groups that has been revoked by the Board if all of the members of the Board vote in favor of reinstatement.

~~4. The provisions of this section do not apply to~~ Board may reinstate a license as a health services executive ~~or~~ pursuant to regulations adopted by the Board.

Sec. 15. NRS 417.147 is hereby amended to read as follows:

417.147 1. The Director shall:

(a) Appoint an administrator for each veterans' home in this State. Each administrator must be licensed as a nursing facility administrator or health services executive pursuant to NRS 654.170.

(b) Take such other actions as are necessary for the management, maintenance and operation of veterans' homes in this State, including, without limitation, establishing and implementing rules, policies and procedures for such management, maintenance and operation.

(c) Apply for federal grants and other sources of money available for establishing veterans' homes. A federal grant must be used only as permitted by the terms of the grant.

2. With the advice of the Nevada Veterans Services Commission, the Director shall, on or before April 1 of each calendar year, recommend to the State Board of Examiners a schedule of rates to be charged for occupancy of rooms at each veterans' home in this State during the following fiscal year. The State Board of Examiners shall establish the schedule of rates. In setting the rates, the State Board of Examiners shall consider the recommendations of the Director, but is not bound to follow the recommendations of the Director.

3. The first veterans' home that is established in this State must be established at a location in southern Nevada determined to be appropriate by the Interim Finance Committee. The Interim Finance Committee shall give preference to a site that is zoned appropriately for the establishment of a veterans' home, that affords minimum costs of maintenance and that is located in an area where the members of the families of the veterans can easily visit the veterans' home. The site for the construction of the veterans' home in southern Nevada must be:

(a) Located in reasonable proximity to:

(1) A public transportation system;

(2) Shopping centers; and

(3) A major hospital that has a center for the treatment of trauma which is designated as a level II center by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Not less than 5 acres in area.

4. If an additional veterans' home is authorized, it must be established in northern Nevada.

Sec. 16. NRS 449.186 is hereby amended to read as follows:

449.186 A residential facility for groups must not be operated except under the supervision of an administrator of a residential facility for groups or a health services executive licensed pursuant to the provisions of chapter 654 of NRS.

Sec. 17. NRS 449.187 is hereby amended to read as follows:

449.187 1. Except as otherwise provided in subsection 2, a facility for skilled nursing or facility for intermediate care licensed pursuant to the provisions of NRS 449.030 to 449.2428, inclusive, may not be operated except under the

1 supervision of a nursing facility administrator *or a health services executive* who is
2 at the facility and licensed under the provisions of chapter 654 of NRS.

3 2. The provisions of subsection 1 do not apply to a facility for intermediate
4 care which limits its care and treatment to those persons with intellectual
5 disabilities or conditions related to intellectual disabilities.

6 **Sec. 18.** This act becomes effective upon passage and approval for the
7 purposes of adopting regulations and performing any other preparatory
8 administrative tasks that are necessary to carry out the provisions of this act, and on
9 January 1, 2018, for all other purposes.