

Amendment No. 283

Senate Amendment to Senate Bill No. 324	(BDR 40-372)
Proposed by: Senate Committee on Health and Human Services	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

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: 4/18/2017

S.B. No. 324—Authorizes employees of certain facilities and organizations to check vital signs and provide related services. (BDR 40-372)



SENATE BILL NO. 324—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE SUBCOMMITTEE TO CONDUCT
A STUDY OF POSTACUTE CARE)

MARCH 20, 2017

Referred to Committee on Health and Human Services

SUMMARY—Authorizes employees of certain facilities and organizations to check vital signs and provide related services. (BDR 40-372)

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 health care; requiring the State Board of Health to adopt regulations authorizing an employee of a residential facility for groups, an agency to provide personal care services in the home, a facility for the care of adults during the day or an intermediary service organization to check vital signs and perform certain related tasks for a person receiving services from the facility, agency or organization; exempting such tasks from provisions governing respiratory care and medical laboratories; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2 and 3 of this bill require the State Board of Health to adopt regulations authorizing an employee of a residential facility for groups, an agency to provide personal care services in the home, a facility for the care of adults during the day or an intermediary service organization to check vital signs, administer insulin and perform a blood glucose test. **Sections 16 and 17** of this bill exempt any tasks performed in accordance with those regulations from the scope of provisions relating to respiratory care and the licensing of medical laboratories, respectively.

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 and 3 of this act.

Sec. 2. 1. *The Board shall adopt regulations authorizing an employee of a residential facility for groups, an agency to provide personal care services in the*

1 *home or a facility for the care of adults during the day, with the consent of the*
2 *person receiving services, to:*

3 *(a) Check, record and report the temperature, blood pressure, apical or*
4 *radial pulse, respiration or oxygen saturation of a person receiving services from*
5 *the facility or agency;*

6 *(b) Using an auto-injection device approved by the Food and Drug*
7 *Administration for use in the home, administer to a person receiving services*
8 *from the facility or agency insulin furnished by a registered pharmacist as*
9 *directed by a physician or assist such a person with the self-administration of*
10 *such insulin; and*

11 *(c) Using a device for monitoring blood glucose approved by the Food and*
12 *Drug Administration for use in the home, conduct a blood glucose test on a*
13 *person receiving services from the facility or agency or assist such a person to*
14 *conduct a blood glucose test on himself or herself.*

15 *2. The regulations adopted pursuant to this section:*

16 *(a) Must require the tasks described in subsection 1 to be performed in*
17 *conformance with the Clinical Laboratory Improvement Amendments of 1988,*
18 *Public Law No. 100-578, 42 U.S.C. § 263a, if applicable, and any other*
19 *applicable federal law or regulation;*

20 *(b) Must prohibit the use of a device for monitoring blood glucose on more*
21 *than one person; and*

22 *(c) May require a person to receive training before performing any task*
23 *described in subsection 1.*

24 **Sec. 3.** *1. The Board shall adopt regulations authorizing an employee of*
25 *an intermediary service organization, with the consent of the person receiving*
26 *services, to:*

27 *(a) Check, record and report the temperature, blood pressure, apical or*
28 *radial pulse, respiration or oxygen saturation of a person receiving services from*
29 *the organization;*

30 *(b) Using an auto-injection device approved by the Food and Drug*
31 *Administration for use in the home, administer to a person receiving services*
32 *from the organization insulin furnished by a registered pharmacist as directed by*
33 *a physician or assist such a person with the self-administration of such insulin;*
34 *and*

35 *(c) Using a device for monitoring blood glucose approved by the Food and*
36 *Drug Administration for use in the home, perform a blood glucose test on a*
37 *person receiving services from the organization or assist such a person to*
38 *perform a blood glucose test on himself or herself.*

39 *2. The regulations adopted pursuant to this section:*

40 *(a) Must require the tasks described in subsection 1 to be performed in*
41 *conformance with the Clinical Laboratory Improvement Amendments of 1988,*
42 *Public Law No. 100-578, 42 U.S.C. § 263a, if applicable, and any other*
43 *applicable federal law or regulation;*

44 *(b) Must prohibit the use of a device for monitoring blood glucose on more*
45 *than one person; and*

46 *(c) May require a person to receive training before performing any task*
47 *described in subsection 1.*

48 **Sec. 4.** NRS 449.0301 is hereby amended to read as follows:

49 449.0301 The provisions of NRS 449.030 to 449.2428, inclusive, *and section*
50 *2 of this act* do not apply to:

51 1. Any facility conducted by and for the adherents of any church or religious
52 denomination for the purpose of providing facilities for the care and treatment of
53 the sick who depend solely upon spiritual means through prayer for healing in the

1 practice of the religion of the church or denomination, except that such a facility
2 shall comply with all regulations relative to sanitation and safety applicable to other
3 facilities of a similar category.

4 2. Foster homes as defined in NRS 424.014.

5 3. Any medical facility or facility for the dependent operated and maintained
6 by the United States Government or an agency thereof.

7 **Sec. 4.5. NRS 449.0302 is hereby amended to read as follows:**

8 449.0302 1. The Board shall adopt:

9 (a) Licensing standards for each class of medical facility or facility for the
10 dependent covered by NRS 449.030 to 449.2428, inclusive, **and section 2 of this**
11 **act,** and for programs of hospice care.

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

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

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

23 (e) Any other regulations as it deems necessary or convenient to carry out the
24 provisions of NRS 449.030 to 449.2428, inclusive, **+, and section 2 of this act.**

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

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

28 (b) Residential facilities for groups,

29 ➤ which provide care to persons with Alzheimer's disease.

30 3. The Board shall adopt separate regulations for:

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

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

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

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

41 5. In addition to the training requirements prescribed pursuant to NRS
42 449.093, the Board shall establish minimum qualifications for administrators and
43 employees of residential facilities for groups. In establishing the qualifications, the
44 Board shall consider the related standards set by nationally recognized
45 organizations which accredit such facilities.

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

51 (a) The ultimate user's physical and mental condition is stable and is following
52 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) ~~That~~ Except as otherwise authorized by the regulations adopted pursuant to section 2 of this act, 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 amount that will be charged for those services throughout the resident's stay at the facility.

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

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

(2) Contain a sleeping area or bedroom; and

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

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

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

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

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

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

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

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

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

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential 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. 5. NRS 449.0306 is hereby amended to read as follows:

449.0306 1. Money received from licensing medical facilities and facilities for the dependent must be forwarded to the State Treasurer for deposit in the State General Fund.

2. The Division shall enforce the provisions of NRS 449.030 to 449.245, inclusive, *and section 2 of this act*, and may incur any necessary expenses not in excess of money appropriated for that purpose by the State or received from the Federal Government.

Sec. 6. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.030 to 449.2428, inclusive, *and section 2 of this act* upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, *and section 2 of this act*, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

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

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

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

6 (e) Failure of the applicant to obtain written approval from the Director of the
7 Department of Health and Human Services as required by NRS 439A.100 or as
8 provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive,
9 **and section 2 of this act**, and 449.435 to 449.965, inclusive, if such approval is
10 required.

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

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

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

16 (b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360,
17 244.3603 or 268.4124; or

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

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

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

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

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

28 ➤ The facility shall make the information available to the public pursuant to NRS
29 449.2486.

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

33 (a) Any complaints included in the log maintained by the Division pursuant to
34 subsection 3; and

35 (b) Any disciplinary actions taken by the Division pursuant to subsection 2.

36 **Sec. 7.** NRS 449.163 is hereby amended to read as follows:

37 449.163 1. In addition to the payment of the amount required by NRS
38 449.0308, if a medical facility or facility for the dependent violates any provision
39 related to its licensure, including any provision of NRS 439B.410 or 449.030 to
40 449.2428, inclusive, **and section 2 of this act**, or any condition, standard or
41 regulation adopted by the Board, the Division, in accordance with the regulations
42 adopted pursuant to NRS 449.165, may:

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

45 (b) Limit the occupancy of the facility to the number of beds occupied when
46 the violation occurred, until it determines that the facility has corrected the
47 violation;

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

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

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

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

(2) Improvements are made to correct the violation.

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

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

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

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

4. The Division may require any facility that violates any provision of NRS 439B.410 or 449.030 to 449.2428, inclusive, *and section 2 of this act*, or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and section 2 of this act*, and 449.435 to 449.965, inclusive, to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 8. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.030 to 449.2428, inclusive *H*, *and section 2 of this act*:

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 9. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.030 to 449.245, inclusive *H*, *and section 2 of this act*.

Sec. 10. NRS 449.4304 is hereby amended to read as follows:

449.4304 As used in NRS 449.4304 to 449.4339, inclusive, *and section 3 of this act*, unless the context otherwise requires, "intermediary service organization" means a nongovernmental entity that provides services authorized pursuant to NRS 449.4308 for a person with a disability or other responsible person.

Sec. 11. NRS 449.4321 is hereby amended to read as follows:

449.4321 The Division may deny an application for a certificate to operate an intermediary service organization or may suspend or revoke any certificate issued under the provisions of NRS 449.4304 to 449.4339, inclusive, *and section 3 of this act* upon any of the following grounds:

1. Violation by the applicant or the holder of a certificate of any of the provisions of NRS 449.4304 to 449.4339, inclusive, *and section 3 of this act*, or of

1 any other law of this State or of the standards, rules and regulations adopted
2 thereunder.

3 2. Aiding, abetting or permitting the commission of any illegal act.

4 3. Conduct inimical to the public health, morals, welfare and safety of the
5 people of the State of Nevada in the operation of an intermediary service
6 organization.

7 4. Conduct or practice detrimental to the health or safety of a person under
8 contract with or employees of the intermediary service organization.

9 **Sec. 12.** NRS 449.4325 is hereby amended to read as follows:

10 449.4325 1. Money received from the certification of intermediary service
11 organizations:

12 (a) Must be forwarded to the State Treasurer for deposit in the State Treasury;

13 (b) Must be accounted for separately in the State General Fund; and

14 (c) May only be used to carry out the provisions of NRS 449.4304 to 449.4339,
15 inclusive, **H, and section 3 of this act.**

16 2. The Division shall enforce the provisions of NRS 449.4304 to 449.4339,
17 inclusive, **and section 3 of this act**, and may incur any necessary expenses not in
18 excess of money appropriated for that purpose by the State or received from the
19 Federal Government.

20 **Sec. 13.** NRS 449.4335 is hereby amended to read as follows:

21 449.4335 1. If an intermediary service organization violates any provision
22 related to its certification, including, without limitation, any provision of NRS
23 449.4304 to 449.4339, inclusive, **and section 3 of this act**, or any condition,
24 standard or regulation adopted by the Board, the Division, in accordance with the
25 regulations adopted pursuant to NRS 449.4336, may, as it deems appropriate:

26 (a) Prohibit the intermediary service organization from providing services
27 pursuant to NRS 449.4308 until it determines that the intermediary service
28 organization has corrected the violation;

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

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

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

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

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

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

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

46 3. The Division may require any intermediary service organization that
47 violates any provision of NRS 449.4304 to 449.4339, inclusive, **and section 3 of**
48 **this act**, or any condition, standard or regulation adopted by the Board, to make any
49 improvements necessary to correct the violation.

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

Sec. 14. NRS 449.4338 is hereby amended to read as follows:

449.4338 1. Except as otherwise provided in subsection 2 of NRS 449.431, the Division may bring an action in the name of the State to enjoin any person from operating or maintaining an intermediary service organization within the meaning of NRS 449.4304 to 449.4339, inclusive ~~+~~, *and section 3 of this act*:

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

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

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

Sec. 15. NRS 449.4339 is hereby amended to read as follows:

449.4339 The district attorney of the county in which an intermediary service organization operates shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provision of NRS 449.4304 to 449.4339, inclusive ~~+~~, *and section 3 of this act*.

Sec. 16. NRS 630.024 is hereby amended to read as follows:

630.024 1. "Respiratory care" means the treatment, management, diagnostic testing, control and care of persons with deficiencies and abnormalities associated with the cardiopulmonary system. The term includes inhalation and respiratory therapy.

2. *The term does not include any task performed in accordance with the regulations adopted by the State Board of Health pursuant to section 2 or 3 of this act.*

Sec. 17. NRS 652.074 is hereby amended to read as follows:

652.074 The provisions of this chapter do not apply to any : ~~test or examination;~~

1. ~~Conducted~~ *Test or examination conducted* by a law enforcement officer or agency; ~~test~~

2. ~~Required~~ *Test or examination required* by a court as a part of or in addition to a program of treatment and rehabilitation pursuant to NRS 453.580 ~~+~~ ;
or

3. *Task performed in accordance with the regulations adopted by the Board pursuant to section 2 or 3 of this act.*

Sec. 18. 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 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, *and section 2 of this act*, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

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

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

8 2. If a licensee requests a hearing pursuant to subsection 1, the Board shall
9 give the licensee written notice of a hearing pursuant to NRS 233B.121 and
10 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

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

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

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

24 **Sec. 19.** The provisions of subsection 1 of NRS 218D.380 do not apply to
25 any provision of this act which adds or revises a requirement to submit a report to
26 the Legislature.

27 **Sec. 20.** This act becomes effective upon passage and approval for the
28 purpose of adopting regulations and performing any other preparatory
29 administrative tasks that are necessary to carry out the provisions of this act, and on
30 January 1, 2018, for all other purposes.