

ASSEMBLY BILL NO. 217—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON HEALTH CARE)

MARCH 9, 2021

Referred to Committee on Health and Human Services

SUMMARY—Requires training for unlicensed caregivers at certain facilities. (BDR 40-454)

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 requiring unlicensed caregivers at designated facilities to receive certain training; requiring the person in charge of such a facility to perform certain duties related to such training; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a medical facility or a facility for the dependent to obtain a license from the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 449.030) Existing law also authorizes the State Board of Health to require the licensure of other facilities that provide medical care. (NRS 449.0303) **Section 1** of this bill requires the Board to adopt regulations prescribing training for unlicensed caregivers who provide care at designated medical facilities, facilities for the dependent and other licensed facilities. **Section 1** also requires the Division to post on the Internet a list of nationally recognized organizations that offer free or low-cost training which meets the requirements of those regulations. Finally, **section 1** requires the administrator or other person in charge of a facility to which the regulations apply to: (1) ensure that each unlicensed caregiver at the facility completes the required training; (2) ensure the implementation of the best practices taught in the required training; and (3) develop, annually update and provide to certain persons a written plan for the control of infectious diseases at the facility. **Sections 2-18** of this bill make conforming changes to provide for the administration and enforcement of the requirements of **section 1** in the same



18 manner as other requirements imposed by existing law on medical facilities and
19 facilities for the dependents.

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 a new section to read as follows:

3 ***1. The Board shall:***

4 ***(a) Adopt regulations prescribing mandatory training for***
5 ***unlicensed caregivers who provide care at designated medical***
6 ***facilities, facilities for the dependent and facilities licensed***
7 ***pursuant to NRS 449.0303. The regulations must:***

8 ***(1) Designate the types of facilities to which the***
9 ***requirements for training apply; and***

10 ***(2) Establish the required topics for the training, which***
11 ***must include, without limitation, control of infectious diseases and***
12 ***minimum standards for training in each required topic.***

13 ***(b) Review the required topics for training established***
14 ***pursuant to subparagraph (2) of paragraph (a) at least annually***
15 ***and revise those topics when necessary to address new issues that***
16 ***impact health and safety at the designated facilities.***

17 ***2. The Division shall post on an Internet website maintained***
18 ***by the Division a list of nationally recognized organizations that***
19 ***provide evidence-based training for caregivers which:***

20 ***(a) Is free of charge or has a minimal cost; and***

21 ***(b) May be used to satisfy the requirements of the regulations***
22 ***adopted pursuant to subsection 1.***

23 ***3. The administrator or other person in charge of a facility to***
24 ***which the regulations adopted pursuant to subsection 1 apply***
25 ***shall:***

26 ***(a) Ensure that each unlicensed caregiver at the facility***
27 ***completes the training required by the regulations adopted***
28 ***pursuant to subsection 1 and document the completion of the***
29 ***training in the personnel file of each unlicensed caregiver;***

30 ***(b) Ensure the implementation of the best practices taught in***
31 ***the training required by the regulations adopted pursuant to***
32 ***subsection 1 at the facility where appropriate;***

33 ***(c) Develop and annually update a written plan for the control***
34 ***of infectious diseases at the facility; and***

35 ***(d) Provide a written copy of the plan for the control of***
36 ***infectious diseases to each employee or independent contractor of***
37 ***the facility, any other person who regularly provides services at***
38 ***the facility and each resident of the facility.***



1 **Sec. 2.** NRS 449.029 is hereby amended to read as follows:
2 449.029 As used in NRS 449.029 to 449.240, inclusive, *and*
3 *section 1 of this act*, unless the context otherwise requires, "medical
4 facility" has the meaning ascribed to it in NRS 449.0151 and
5 includes a program of hospice care described in NRS 449.196.

6 **Sec. 3.** NRS 449.03005 is hereby amended to read as follows:
7 449.03005 1. Except as otherwise provided in NRS
8 449.03017, a person must obtain a license from the Board to operate
9 an employment agency that contracts with persons in this State to
10 provide nonmedical services related to personal care to elderly
11 persons or persons with disabilities in the home, regardless of
12 whether the agency is located in this State.

13 2. The Board shall adopt:

14 (a) Standards for licensing of employment agencies that provide
15 nonmedical services related to personal care to elderly persons or
16 persons with disabilities in the home;

17 (b) Standards relating to the fees charged by such employment
18 agencies;

19 (c) Regulations governing the licensing of such employment
20 agencies; and

21 (d) Regulations establishing requirements for training the
22 persons who contract with such employment agencies to provide
23 such nonmedical services.

24 3. An employment agency that is licensed pursuant to this
25 section shall not refer a person to a home to provide nonmedical
26 services related to personal care to elderly persons or persons with
27 disabilities if that person has not met the requirements set forth in
28 NRS 449.115 to 449.125, inclusive.

29 4. A person who violates the provisions of subsection 3 is
30 liable for a civil penalty to be recovered by the Attorney General in
31 the name of the Board for the first offense of not more than \$10,000
32 and for a second or subsequent offense of not less than \$10,000 nor
33 more than \$20,000. Unless otherwise required by federal law, the
34 Board shall deposit all civil penalties collected pursuant to this
35 section into a separate account in the State General Fund to be used
36 to administer and carry out the provisions of NRS 449.001 to
37 449.430, inclusive, *and section 1 of this act*, 449.435 to 449.531,
38 inclusive, and chapter 449A of NRS and to protect the health,
39 safety, well-being and property of the persons served by
40 employment agencies.

41 **Sec. 4.** NRS 449.0301 is hereby amended to read as follows:
42 449.0301 The provisions of NRS 449.029 to 449.2428,
43 inclusive, *and section 1 of this act* do not apply to:

44 1. Any facility conducted by and for the adherents of any
45 church or religious denomination for the purpose of providing



1 facilities for the care and treatment of the sick who depend solely
2 upon spiritual means through prayer for healing in the practice of
3 the religion of the church or denomination, except that such a
4 facility shall comply with all regulations relative to sanitation and
5 safety applicable to other facilities of a similar category.

6 2. Foster homes as defined in NRS 424.014.

7 3. Any medical facility, facility for the dependent or facility
8 which is otherwise required by the regulations adopted by the Board
9 pursuant to NRS 449.0303 to be licensed that is operated and
10 maintained by the United States Government or an agency thereof.

11 **Sec. 5.** NRS 449.0302 is hereby amended to read as follows:

12 449.0302 1. The Board shall adopt:


13 (a) Licensing standards for each class of medical facility or
14 facility for the dependent covered by NRS 449.029 to 449.2428,
15 inclusive, *and section 1 of this act* and for programs of hospice
16 care.

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

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

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

31 (e) Regulations that prescribe the specific types of
32 discrimination prohibited by NRS 449.101.

33 (f) Any other regulations as it deems necessary or convenient to
34 carry out the provisions of NRS 449.029 to 449.2428, inclusive 
35 *and section 1 of this act.*

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

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

39 (b) Residential facilities for groups,

40 ➔ which provide care to persons with Alzheimer's disease or other
41 severe dementia, as described in paragraph (a) of subsection 2 of
42 NRS 449.1845.

43 3. The Board shall adopt separate regulations for:

44 (a) The licensure of rural hospitals which take into consideration
45 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) Except as otherwise authorized by the regulations adopted pursuant to NRS 449.0304, 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



1 was originally constructed as a single-family dwelling if the
2 Division finds that:

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (c) Facilities that provide or arrange for the provision of
39 programs for alcohol and other substance use disorders, in addition
40 to providing a housing and living environment and providing or
41 arranging for the provision of other supportive services.

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



11. The Board shall adopt regulations applicable to providers of community-based living arrangement services which:

(a) Except as otherwise provided in paragraph (b), require a natural person responsible for the operation of a provider of community-based living arrangement services and each employee of a provider of community-based living arrangement services who supervises or provides support to recipients of community-based living arrangement services to complete training concerning the provision of community-based living arrangement services to persons with mental illness and continuing education concerning the particular population served by the provider;

(b) Exempt a person licensed or certified pursuant to title 54 of NRS from the requirements prescribed pursuant to paragraph (a) if the Board determines that the person is required to receive training and continuing education substantially equivalent to that prescribed pursuant to that paragraph;

(c) Require a natural person responsible for the operation of a provider of community-based living arrangement services to receive training concerning the provisions of title 53 of NRS applicable to the provision of community-based living arrangement services; and

(d) Require an applicant for a license to provide community-based living arrangement services to post a surety bond in an amount equal to the operating expenses of the applicant for 2 months, place that amount in escrow or take another action prescribed by the Division to ensure that, if the applicant becomes insolvent, recipients of community-based living arrangement services from the applicant may continue to receive community-based living arrangement services for 2 months at the expense of the applicant.

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

Sec. 6. NRS 449.0305 is hereby amended to read as follows:

449.0305 1. Except as otherwise provided in subsection 5, a person must obtain a license from the Board to operate a business that provides referrals to residential facilities for groups or any other group housing arrangement that provides assistance, food, shelter or limited supervision to a person with a mental illness, intellectual disability, developmental disability or physical disability or who is aged or infirm.

2. The Board shall adopt:

(a) Standards for the licensing of businesses described in subsection 1;

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

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



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

3. A licensed nurse, social worker, physician or hospital, or a provider of geriatric care who is licensed as a nurse or social worker, may provide referrals to residential facilities for groups or any other group housing arrangement described in subsection 1 through a business that is licensed pursuant to this section. The Board may, by regulation, authorize a public guardian or any other person it determines appropriate to provide referrals to residential facilities for groups or any other group housing arrangement described in subsection 1 through a business that is licensed pursuant to this section.

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

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

(b) Refer a person to a residential facility for groups or any other group housing arrangement described in subsection 1 if the business or its employee knows or reasonably should know that the facility or other group housing arrangement, or the services provided by the facility or other group housing arrangement, are not appropriate for the condition of the person being referred.

(c) Refer a person to a residential facility for groups or any other group housing arrangement described in subsection 1 that is owned by the same person who owns the business.

➤ A person who violates the provisions of this subsection is liable for a civil penalty to be recovered by the Attorney General in the name of the Board for the first offense of not more than \$10,000 and for a second or subsequent offense of not less than \$10,000 nor more than \$20,000. Unless otherwise required by federal law, the Board shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and section 1 of this act*, 449.435 to 449.531, inclusive, and chapter 449A of NRS and to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards.

5. This section does not apply to a medical facility that is licensed pursuant to NRS 449.029 to 449.2428, inclusive, *and section 1 of this act* on October 1, 1999.

6. As used in this section:

(a) "Developmental disability" has the meaning ascribed to it in NRS 435.007.

(b) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.



(c) “Mental illness” has the meaning ascribed to it in NRS 433.164.

Sec. 7. 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 to the credit of the Division.

2. The Division shall enforce the provisions of NRS 449.029 to 449.245, inclusive, *and section 1 of this act* and may incur any necessary expenses not in excess of money authorized for that purpose by the State or received from the Federal Government.

Sec. 8. NRS 449.0307 is hereby amended to read as follows:

449.0307 The Division may:

1. Upon receipt of an application for a license, conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation, policies and purposes of any person proposing to engage in the operation of a medical facility, a facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed. The facility is subject to inspection and approval as to standards for safety from fire, on behalf of the Division, by the State Fire Marshal.

2. Upon receipt of a complaint against a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed, except for a complaint concerning the cost of services, conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation, policies, procedures and records of that facility or any other medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed which may have information pertinent to the complaint.

3. Employ such professional, technical and clerical assistance as it deems necessary to carry out the provisions of NRS 449.029 to 449.245, inclusive ~~[]~~, *and section 1 of this act*.

Sec. 9. NRS 449.0308 is hereby amended to read as follows:

449.0308 1. Except as otherwise provided in this section, the Division may charge and collect from a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed or a person who operates such a facility without a license issued by the Division the actual costs incurred by the Division for the enforcement of the provisions of NRS 449.029 to 449.2428, inclusive, *and section 1 of this act*, including, without limitation,



1 the actual cost of conducting an inspection or investigation of the
2 facility.

3 2. The Division shall not charge and collect the actual cost for
4 enforcement pursuant to subsection 1 if the enforcement activity is:

5 (a) Related to the issuance or renewal of a license for which the
6 Board charges a fee pursuant to NRS 449.050 or 449.089; or

7 (b) Conducted pursuant to an agreement with the Federal
8 Government which has appropriated money for that purpose.

9 3. Any money collected pursuant to subsection 1 may be used
10 by the Division to administer and carry out the provisions of NRS
11 449.029 to 449.2428, inclusive, *and section 1 of this act* and the
12 regulations adopted pursuant thereto.

13 4. The provisions of this section do not apply to any costs
14 incurred by the Division for the enforcement of the provisions of
15 NRS 449.24185, 449.2419 or 449.24195.

16 **Sec. 10.** NRS 449.040 is hereby amended to read as follows:

17 449.040 Any person, state or local government or agency
18 thereof desiring a license under the provisions of NRS 449.029 to
19 449.2428, inclusive, *and section 1 of this act* must file with the
20 Division an application on a form prescribed, prepared and
21 furnished by the Division, containing:

22 1. The name of the applicant and, if a natural person, whether
23 the applicant has attained the age of 21 years.

24 2. The type of facility to be operated.

25 3. The location of the facility.

26 4. In specific terms, the nature of services and type of care to
27 be offered, as defined in the regulations.

28 5. The number of beds authorized by the Director of the
29 Department of Health and Human Services or, if such authorization
30 is not required, the number of beds the facility will contain.

31 6. The name of the person in charge of the facility.

32 7. Such other information as may be required by the Division
33 for the proper administration and enforcement of NRS 449.029 to
34 449.2428, inclusive ~~H~~, *and section 1 of this act*.

35 8. Evidence satisfactory to the Division that the applicant is of
36 reputable and responsible character. If the applicant is a firm,
37 association, organization, partnership, business trust, corporation or
38 company, similar evidence must be submitted as to the members
39 thereof and the person in charge of the facility for which application
40 is made. If the applicant is a political subdivision of the State or
41 other governmental agency, similar evidence must be submitted as
42 to the person in charge of the institution for which application is
43 made.

44 9. Evidence satisfactory to the Division of the ability of the
45 applicant to comply with the provisions of NRS 449.029 to



1 449.2428, inclusive, *and section 1 of this act* and the standards and
2 regulations adopted by the Board.

3 10. Evidence satisfactory to the Division that the facility
4 conforms to the zoning regulations of the local government within
5 which the facility will be operated or that the applicant has applied
6 for an appropriate reclassification, variance, permit for special use
7 or other exception for the facility.

8 **Sec. 11.** NRS 449.080 is hereby amended to read as follows:

9 449.080 1. If, after investigation, the Division finds that the:

10 (a) Applicant is in full compliance with the provisions of NRS
11 449.029 to 449.2428, inclusive ~~(f)~~, *and section 1 of this act*;

12 (b) Applicant is in substantial compliance with the standards and
13 regulations adopted by the Board;

14 (c) Applicant, if he or she has undertaken a project for which
15 approval is required pursuant to NRS 439A.100, has obtained the
16 approval of the Director of the Department of Health and Human
17 Services; and

18 (d) Facility conforms to the applicable zoning regulations,
19 ➤ the Division shall issue the license to the applicant.

20 2. Any investigation of an applicant for a license to provide
21 community-based living arrangement services conducted pursuant
22 to subsection 1 must include, without limitation, an inspection of
23 any building operated by the applicant in which the applicant
24 proposes to provide community-based living arrangement services.

25 3. A license applies only to the person to whom it is issued, is
26 valid only for the premises described in the license and is not
27 transferable.

28 **Sec. 12.** NRS 449.089 is hereby amended to read as follows:

29 449.089 1. Each license issued pursuant to NRS 449.029
30 to 449.2428, inclusive, *and section 1 of this act* expires on
31 December 31 following its issuance and is renewable for 1 year
32 upon reapplication and payment of all fees required pursuant to
33 NRS 449.050 unless the Division finds, after an investigation, that
34 the facility has not:

35 (a) Satisfactorily complied with the provisions of NRS 449.029
36 to 449.2428, inclusive, *and section 1 of this act* or the standards and
37 regulations adopted by the Board;

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

41 (c) Conformed to all applicable local zoning regulations.

42 2. Each reapplication for an agency to provide personal care
43 services in the home, an agency to provide nursing in the home, a
44 community health worker pool, a facility for intermediate care, a
45 facility for skilled nursing, a provider of community-based living



arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, 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, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool, organization or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, 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, pool, organization or home are in compliance with the provisions of NRS 449.093.

Sec. 13. NRS 449.091 is hereby amended to read as follows:

449.091 1. The Division may cancel the license of a medical facility, facility for the dependent or a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed and issue a provisional license, effective for a period determined by the Division, to such a facility if it:

(a) Is in operation at the time of the adoption of standards and regulations pursuant to the provisions of NRS 449.029 to 449.2428, inclusive, *and section 1 of this act* and the Division determines that the facility requires a reasonable time under the particular circumstances within which to comply with the standards and regulations; or

(b) Has failed to comply with the standards or regulations and the Division determines that the facility is in the process of making the necessary changes or has agreed to make the changes within a reasonable time.

2. The provisions of subsection 1 do not require the issuance of a license or prevent the Division from refusing to renew or from revoking or suspending any license where the Division deems such action necessary for the health and safety of the occupants of any facility.



Sec. 14. NRS 449.131 is hereby amended to read as follows:

449.131 1. Any authorized member or employee of the Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of NRS 449.029 to 449.245, inclusive, ~~and~~, *and section 1 of this act.*

2. The State Fire Marshal or a designee of the State Fire Marshal shall, upon receiving a request from the Division or a written complaint concerning compliance with the plans and requirements to respond to an emergency adopted pursuant to subsection 9 of NRS 449.0302:

(a) Enter and inspect a residential facility for groups or a building operated by a provider of community-based living arrangement services in which such services are provided; and

(b) Make recommendations regarding the adoption of plans and requirements pursuant to subsection 9 of NRS 449.0302,

↳ to ensure the safety of the residents of the facility or persons receiving care from the provider, as applicable, in an emergency.

3. The Chief Medical Officer or a designee of the Chief Medical Officer shall enter and inspect at least annually each building or the premises of a residential facility for groups and each building operated by a provider of community-based living arrangement services in which such services are provided to ensure compliance with standards for health and sanitation.

4. An authorized member or employee of the Division shall enter and inspect any building or premises operated by a residential facility for groups or provider of community-based living arrangement services within 72 hours after the Division is notified that a residential facility for groups or provider of community-based living arrangement services is operating without a license.

Sec. 15. 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 449.029 to 449.2428, inclusive, *and section 1 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 449.029 to 449.245, inclusive, *and section 1 of this act* or of any other law of this State or of the standards, rules and regulations adopted thereunder.

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

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

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



(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, *and section 1 of this act* and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

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

(g) Violation of the provisions of NRS 458.112.

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

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

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

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

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

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

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

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

↪ The facility shall make the information available to the public pursuant to NRS 449.2486.

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

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

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

Sec. 16. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or



1 449.029 to 449.2428, inclusive, *and section 1 of this act* or any
2 condition, standard or regulation adopted by the Board, the
3 Division, in accordance with the regulations adopted pursuant to
4 NRS 449.165, may:

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

7 (b) Limit the occupancy of the facility to the number of beds
8 occupied when the violation occurred, until it determines that the
9 facility has corrected the violation;

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

14 (d) Impose an administrative penalty of not more than \$5,000
15 per day for each violation, together with interest thereon at a rate not
16 to exceed 10 percent per annum; and

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

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

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

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

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

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

31 3. The Division may require any facility that violates any
32 provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and*
33 *section 1 of this act* or any condition, standard or regulation adopted
34 by the Board to make any improvements necessary to correct the
35 violation.

36 4. Any money collected as administrative penalties pursuant to
37 paragraph (d) of subsection 1 must be accounted for separately and
38 used to administer and carry out the provisions of NRS 449.001 to
39 449.430, inclusive, *and section 1 of this act and* 449.435 to
40 449.531, inclusive, and chapter 449A of NRS to protect the health,
41 safety, well-being and property of the patients and residents of
42 facilities in accordance with applicable state and federal standards or
43 for any other purpose authorized by the Legislature.



Sec. 17. 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 449.029 to 449.245, inclusive ~~(H)~~, and *section 1 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 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 449.029 to 449.2428, inclusive, *and section 1 of this act* 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 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 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



1 any investigation of, or action or disciplinary proceeding against, the
2 licensee or to render a decision suspending or revoking the license.

3 **Sec. 19.** 1. This section becomes effective upon passage and
4 approval.

5 2. Sections 1 to 18, inclusive, of this act become effective:

6 (a) Upon passage and approval for the purpose of adopting
7 any regulations and performing any other preparatory administrative
8 tasks that are necessary to carry out the provisions of this act; and

9 (b) On January 1, 2022, for all other purposes.

