

SENATE BILL NO. 385—SENATOR NEAL

MARCH 27, 2023

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to health care.
(BDR 40-375)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 a hospital to ensure that a patient or his or her primary caregiver meets or knows how to contact a dietician assigned to a care team for the patient in certain circumstances; requiring certain entities that provide care to a patient in his or her residence to consult with a dietician in certain circumstances; requiring certain providers of health care at a hospital to document the reasons for not ordering or conducting any test requested by the patient; requiring Medicaid to provide coverage for certain dental procedures and certain corrective lenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations governing the licensing and operation of medical facilities, including hospitals. (NRS 449.0302) **Section 1** of this bill requires a hospital that discharges a patient to ensure that the patient or the person with primary responsibility for the care of the patient meets or knows how to contact any dietician assigned to a care team for the patient while the patient rehabilitates. **Section 1** requires certain licensed entities that provide care to a patient discharged from a hospital in his or her residence to consult with a dietician to ensure that the patient or the person with primary responsibility for the care of the patient understands the dietary needs of the patient. **Section 1** also requires a provider of health care who has primary responsibility for the treatment and care of a patient at a hospital to document in the medical record of the patient the reasons the provider chose not to order or conduct any test requested by the patient. **Sections 2-7 and 10** of this bill make conforming changes to provide for the administration and enforcement of the requirements of **section 1** in the same manner as other requirements imposed on medical facilities by existing law.



* S B 3 8 5 R 1 *

Existing law requires the Department of Health and Human Services to administer Medicaid. (NRS 422.270) **Section 9.4** of this bill requires the Director of the Department to include under Medicaid coverage for: (1) the filling of cavities; (2) the fabrication, preparation and placement of temporary and permanent crowns; and (3) removable dentures. **Section 9.8** of this bill: (1) requires the Director to include under Medicaid coverage for polycarbonate lenses; and (2) prohibits Medicaid from placing certain conditions on such coverage. **Sections 9.4 and 9.8** require the Department to apply for certain federal approval, as necessary to obtain federal funding to provide such coverage. **Section 8** of this bill makes a conforming change to indicate that the provisions of **sections 9.4 and 9.8** will be administered in the same manner as the provisions of existing law governing the State Plan for Medicaid.

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 a new section to read as follows:

1. If a patient will be released from a hospital to his or her residence or a rehabilitation center and a dietician is assigned to a team of persons formed by the hospital to care for the patient while the patient rehabilitates, the hospital shall ensure that the patient or the person with primary responsibility for the care of the patient meets or knows how to contact the dietician.

2. If a patient is released by a hospital to his or her residence to receive care from an agency to provide personal care services in the home or any other entity licensed pursuant to this chapter that provides care to the patient in his or her residence, the agency to provide personal care services in the home or other entity shall consult with a dietician, as appropriate, to ensure that the patient or the person with primary responsibility for the care of the patient understands the dietary needs of the patient.

3. The provider of health care who has primary responsibility for the treatment and care of a patient at a hospital shall document in the medical record of the patient the reasons the provider chose not to order or conduct any test requested by the patient.

Sec. 2. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, *and section 1 of this act*, unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 3. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, *and section 1 of this act* do not apply to:



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

8 2. Foster homes as defined in NRS 424.014.

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

13 **Sec. 4.** NRS 449.0302 is hereby amended to read as follows:

14 449.0302 1. The Board shall adopt:

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

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

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

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

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

35 (f) Regulations requiring a hospital or independent center for
36 emergency medical care to provide training to each employee who
37 provides care to victims of sexual assault or attempted sexual assault
38 concerning appropriate care for such persons, including, without
39 limitation, training concerning the requirements of NRS 449.1885.

40 (g) Any other regulations as it deems necessary or convenient to
41 carry out the provisions of NRS 449.029 to 449.2428, inclusive H,
42 *and section 1 of this act*.

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

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



(b) Residential facilities for groups, which provide care to persons with Alzheimer's disease or other severe dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845.

3. The Board shall adopt separate regulations for:

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

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

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

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

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

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

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

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

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

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

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

(d) 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



1 the facility as their respective physical and mental conditions change
2 over time; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (b) Facilities that provide or arrange for the provision of
44 supportive services for residents of the facility to assist the residents



1 with reintegration into the community, in addition to providing a
2 housing and living environment; and

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

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

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

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

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

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

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

39 12. The Board shall adopt separate regulations governing the
40 licensing and operation of freestanding birthing centers. Such
41 regulations must:

42 (a) Align with the standards established by the American
43 Association of Birth Centers, or its successor organization, the
44 accrediting body of the Commission for the Accreditation of Birth
45 Centers, or its successor organization, or another nationally



1 recognized organization for accrediting freestanding birthing
2 centers; and

3 (b) Allow the provision of supervised training to providers of
4 health care, as appropriate, at a freestanding birthing center.

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

7 **Sec. 5.** NRS 449.160 is hereby amended to read as follows:

8 449.160 1. The Division may deny an application for a
9 license or may suspend or revoke any license issued under the
10 provisions of NRS 449.029 to 449.2428, inclusive, *and section 1 of*
11 *this act* upon any of the following grounds:

12 (a) Violation by the applicant or the licensee of any of the
13 provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, *and*
14 *section 1 of this act* or of any other law of this State or of the
15 standards, rules and regulations adopted thereunder.

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

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

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

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

29 (f) Failure to comply with the provisions of NRS 441A.315 and
30 any regulations adopted pursuant thereto or NRS 449.2486.

31 (g) Violation of the provisions of NRS 458.112.

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

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

38 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
39 244.360, 244.3603 or 268.4124; or

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

43 3. The Division shall maintain a log of any complaints that it
44 receives relating to activities for which the Division may revoke the
45 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. 6. 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 449.029 to 449.2428, inclusive, *and section 1 of this act* or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

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

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

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

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



1 compliance with the applicable statutes, conditions, standards and
2 regulations; or

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

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

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

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

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

15 4. Any money collected as administrative penalties pursuant to
16 paragraph (d) of subsection 1 must be accounted for separately and
17 used to administer and carry out the provisions of NRS 449.001 to
18 449.430, inclusive, *and section 1 of this act*, 449.435 to 449.531,
19 inclusive, and chapter 449A of NRS to protect the health, safety,
20 well-being and property of the patients and residents of facilities in
21 accordance with applicable state and federal standards or for any
22 other purpose authorized by the Legislature.

23 **Sec. 7.** NRS 449.240 is hereby amended to read as follows:

24 449.240 The district attorney of the county in which the facility
25 is located shall, upon application by the Division, institute and
26 conduct the prosecution of any action for violation of any provisions
27 of NRS 449.029 to 449.245, inclusive ~~§~~, *and section 1 of this act*.

28 **Sec. 8.** NRS 232.320 is hereby amended to read as follows:

29 232.320 1. The Director:

30 (a) Shall appoint, with the consent of the Governor,
31 administrators of the divisions of the Department, who are
32 respectively designated as follows:

33 (1) The Administrator of the Aging and Disability Services
34 Division;

35 (2) The Administrator of the Division of Welfare and
36 Supportive Services;

37 (3) The Administrator of the Division of Child and Family
38 Services;

39 (4) The Administrator of the Division of Health Care
40 Financing and Policy; and

41 (5) The Administrator of the Division of Public and
42 Behavioral Health.

43 (b) Shall administer, through the divisions of the Department,
44 the provisions of chapters 63, 424, 425, 427A, 432A to 442,
45 inclusive, 446 to 450, inclusive, 458A and 656A of NRS,



1 NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive,
2 *and sections 9.4 and 9.8 of this act*, 422.580, 432.010 to 432.133,
3 inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430,
4 inclusive, and 445A.010 to 445A.055, inclusive, and all other
5 provisions of law relating to the functions of the divisions of the
6 Department, but is not responsible for the clinical activities of the
7 Division of Public and Behavioral Health or the professional line
8 activities of the other divisions.

9 (c) Shall administer any state program for persons with
10 developmental disabilities established pursuant to the
11 Developmental Disabilities Assistance and Bill of Rights Act of
12 2000, 42 U.S.C. §§ 15001 et seq.

13 (d) Shall, after considering advice from agencies of local
14 governments and nonprofit organizations which provide social
15 services, adopt a master plan for the provision of human services in
16 this State. The Director shall revise the plan biennially and deliver a
17 copy of the plan to the Governor and the Legislature at the
18 beginning of each regular session. The plan must:

19 (1) Identify and assess the plans and programs of the
20 Department for the provision of human services, and any
21 duplication of those services by federal, state and local agencies;

22 (2) Set forth priorities for the provision of those services;

23 (3) Provide for communication and the coordination of those
24 services among nonprofit organizations, agencies of local
25 government, the State and the Federal Government;

26 (4) Identify the sources of funding for services provided by
27 the Department and the allocation of that funding;

28 (5) Set forth sufficient information to assist the Department
29 in providing those services and in the planning and budgeting for the
30 future provision of those services; and

31 (6) Contain any other information necessary for the
32 Department to communicate effectively with the Federal
33 Government concerning demographic trends, formulas for the
34 distribution of federal money and any need for the modification of
35 programs administered by the Department.

36 (e) May, by regulation, require nonprofit organizations and state
37 and local governmental agencies to provide information regarding
38 the programs of those organizations and agencies, excluding
39 detailed information relating to their budgets and payrolls, which the
40 Director deems necessary for the performance of the duties imposed
41 upon him or her pursuant to this section.

42 (f) Has such other powers and duties as are provided by law.

43 2. Notwithstanding any other provision of law, the Director, or
44 the Director's designee, is responsible for appointing and removing
45 subordinate officers and employees of the Department.



Sec. 9. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 9.4 and 9.8 of this act.

Sec. 9.4. 1. *To the extent that federal financial participation is available, the Director shall include under Medicaid coverage for:*

(a) The filling of cavities;

(b) The fabrication, preparation and placement of temporary and permanent crowns; and

(c) Removable dentures to improve chewing, phonetics and aesthetics.

2. *The Department shall:*

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid that is necessary for the Department to receive federal funding to provide the coverage described in subsection 1.

(b) Fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

Sec. 9.8. 1. *To the extent that federal financial participation is available, the Director shall include under Medicaid coverage for polycarbonate lenses. Medicaid must not require, as a condition precedent to such coverage:*

(a) A provider of health care to provide documentation concerning the reasons for using a polycarbonate lens instead of another type of lens; or

(b) The recipient of Medicaid to try another type of lens.

2. *The Department shall:*

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid that is necessary for the Department to receive federal funding to provide the coverage described in subsection 1.

(b) Fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

Sec. 10. 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 any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 11. (Deleted by Amendment.)

Sec. 12. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 7, inclusive, 10 and 11 of this act become effective on October 1, 2023.

3. Sections 8 to 9.8, inclusive, of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

