

Assembly Bill No. 519—Committee on  
Health and Human Services

CHAPTER.....

AN ACT relating to health care; establishing separate provisions for the licensing or certification, regulation and discipline of agencies to provide personal care services in the home, employment agencies that contract to provide certain nonmedical services and intermediary service organizations; enacting provisions to facilitate the collecting of certain debts from applicants for certain licenses; imposing certain requirements as an applicant for a certificate to operate an intermediary service organization; revising the training requirements for certain caregivers who receive reimbursement through Medicaid; authorizing a family member to serve as the personal care assistant for a recipient of Medicaid under certain circumstances; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides for the licensure and regulation of various types of medical facilities and facilities for the dependent by the Division of Public and Behavioral Health of the Department of Health and Human Services. (Chapter 449 of NRS) Existing law requires an agency to provide personal care services in the home to be licensed by the Division as a facility for the dependent. (NRS 449.0045, 449.030) Existing law requires an employment agency that contracts with persons in this State to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home to obtain a license from the State Board of Health. (NRS 449.03005) Existing law requires an intermediary service organization to obtain a certificate from the Division. (NRS 449.431) Existing law requires the Board to adopt regulations governing agencies to provide personal care services in the home, employment agencies that contract to provide nonmedical services related to personal care to elderly persons and persons with disabilities and intermediary service organizations. (NRS 449.03005, 449.0302, 449.4309)

This bill transfers the provisions of law governing agencies to provide personal care services in the home, employment agencies that contract to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home and intermediary service organizations from the chapter of the Nevada Revised Statutes that generally governs medical facilities and facilities for the dependent to a new chapter in the Nevada Revised Statutes without changing the current substantive provisions that govern such agencies and organizations. **Sections 2-19, 24-49, 51-60, 69-79 and 81-90** of this bill create a new chapter consisting of provisions for the licensure and regulation of such entities in a manner substantially identical to the manner in which those entities are licensed and regulated under existing law. **Sections 94, 96-104 and 150** of this bill eliminate provisions governing those entities from the chapter of the Nevada Revised Statutes that regulates medical facilities and facilities for the dependent. **Sections 93, 111, 113, 117, 118, 120-123, 126-133, 138 and 146** of this bill eliminate references to sections repealed by **section 150**. **Sections 91, 92, 95 and 105-146** of this bill make various conforming changes so that the legal status of



agencies to provide personal care services in the home, employment agencies that contract to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home and intermediary service organizations is not changed by this bill.

Existing federal law requires each state to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations, including by requiring an applicant for such a license to provide his or her social security number. (42 U.S.C. § 666) **Sections 20, 21 and 50** of this bill enact such procedures as applicable to an applicant for the issuance or renewal of a license to operate an agency to provide personal care services in the home or an employment agency that contracts to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home in order to comply with federal law. **Section 23** of this bill establishes alternate provisions for such an applicant who does not have a social security number. **Section 22** of this bill also requires an applicant for the renewal of such a license to provide certain information for the purpose of identifying persons who owe certain debts to the State. **Sections 65, 69, 74 and 76** of this bill establish similar provisions for intermediary service organizations, which were carried over from existing law. (NRS 449.4312, 449.4313, 449.4315, 449.432, 449.4322)

Existing law requires: (1) an agency to provide personal care services in the home to file with the Administrator of the Division a surety bond or a substitute for a surety bond; and (2) an applicant for a license to operate an agency to provide personal care services in the home to undergo a criminal background check. (NRS 449.065, 449.067, 449.122) **Sections 67, 68 and 80** of this bill impose similar requirements on intermediary service organizations.

Existing law requires: (1) the Department to apply for a home and community-based services waiver to include structured family caregiving for certain persons as medical assistance under Medicaid; and (2) a caregiver providing care under that waiver to complete training required by the Aging and Disability Services Division of the Department. (NRS 422.3965) **Sections 30 and 122** of this bill instead require such a caregiver to complete the same training that is required for unlicensed caregivers who provide care for an agency to provide personal care services in the home.

Existing law requires the Director of the Department to include in the State Plan for Medicaid authorization for a recipient of Medicaid to be deemed a provider of services for the purposes of allowing the recipient to receive reimbursement for personal care services covered by Medicaid and using that money to pay for services provided by a personal care assistant or an agency to provide personal care services in the home. (NRS 422.272407) **Section 120** of this bill authorizes a family member of a recipient of Medicaid to serve as a personal care assistant for a recipient of Medicaid if the family member: (1) completes the training required by **section 30** for certain other caregivers; and (2) receives authorization from a provider of health care.

**Section 147** of this bill requires the Legislative Counsel to move regulations specifically relating to such entities to a new chapter of the Nevada Administrative Code that corresponds to the new chapter of the Nevada Revised Statutes created by **sections 2-90**. **Section 147** also: (1) requires the Board to adopt new regulations to replace other regulations relating to those entities that remain in the chapter of the Nevada Administrative Code governing medical facilities and facilities for the dependent; and (2) provides that those existing regulations remain in effect until the Board adopts new regulations to replace them. **Section 148** of this bill clarifies that this bill does not affect the validity of: (1) licenses or certificates to operate agencies to provide personal care services in the home, employment agencies that



contract to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home and intermediary service organizations; (2) certain training completed by the operators, employees and contractors of such entities; or (3) disciplinary actions taken against such entities.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

**Section 1.** Title 40 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 90, inclusive, of this act.

**Sec. 2.** *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 3. 1.** *“Agency to provide personal care services in the home” means any person, other than a natural person, which provides services authorized pursuant to section 52 of this act to elderly persons or persons with disabilities in the home.*

*2. The term does not include:*

*(a) An independent contractor who provides nonmedical services specified in section 52 of this act without the assistance of employees;*

*(b) An organized group of persons composed of the family and friends of a person needing nonmedical services related to personal care that employs or contracts with persons to provide such nonmedical services for the person if:*

*(1) The organization of the group of persons is set forth in a written document that is made available for review by the Division upon request; and*

*(2) The services are provided to only one person or one family who resides in the same residence;*

*(c) An intermediary service organization; or*

*(d) A person or agency that contracts with the Aging and Disability Services Division of the Department of Health and Human Services to provide temporary respite services.*

**3.** *As used in this section:*

*(a) “Intermediary service organization” has the meaning ascribed to it in section 59 of this act.*

*(b) “Temporary respite services” means services provided through a contract with the Aging and Disability Services Division of the Department of Health and Human Services to a natural*



*person on a periodic basis to provide a respite for a regular provider of services.*

**Sec. 4.** *“Board” means the State Board of Health.*

**Sec. 5.** *“Division” means the Division of Public and Behavioral Health of the Department of Health and Human Services.*

**Sec. 6.** *“Employment agency” has the meaning ascribed to it in NRS 611.020.*

**Sec. 7.** *“Nonmedical services related to personal care to elderly persons or persons with disabilities” includes, without limitation:*

- 1. The elimination of wastes from the body;*
- 2. Dressing and undressing;*
- 3. Bathing;*
- 4. Grooming;*
- 5. The preparation and eating of meals;*
- 6. Laundry;*
- 7. Shopping;*
- 8. Cleaning;*
- 9. Transportation; and*

*10. Any other minor needs related to the maintenance of personal hygiene.*

**Sec. 8.** *Except as otherwise provided in section 12 of this act, no person, state or local government or agency thereof may operate or maintain in this State an agency to provide personal care services in the home without first obtaining a license as provided in sections 8 to 58, inclusive, of this act.*

**Sec. 9.** *1. Except as otherwise provided in section 12 of this act, a person must obtain a license from the Board to operate an employment agency that contracts with persons in this State to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home, regardless of whether the employment agency is located in this State.*

*2. The Board shall adopt:*

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

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

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



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

*3. An employment agency that is licensed pursuant to this section shall not refer a person to a home to provide nonmedical services related to personal care to elderly persons or persons with disabilities if that person has not met the requirements set forth in sections 36 to 40, inclusive, of this act.*

*4. A person who violates the provisions of subsection 3 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 and 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 chapter 449A of NRS and sections 2 to 58, inclusive, of this act and to protect the health, safety, well-being and property of the persons served by the employment agencies.*

**Sec. 10.** *1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license pursuant to sections 2 to 58, inclusive, of this act.*

*2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a license. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.*

*3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

*4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Division.*



5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a license pursuant to sections 2 to 58, inclusive, of this act from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

**Sec. 11.** The provisions of sections 2 to 58, inclusive, of this act do not apply to any agency to provide personal care services in



*the home that is operated and maintained by the United States Government or an agency thereof.*

**Sec. 12.** *A person who is licensed or certified pursuant to a provision of this chapter other than section 9 of this act or a provision of chapter 449 of NRS and who contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities is not required to obtain an additional license pursuant to section 9 of this act.*

**Sec. 13. 1.** *The Board shall adopt:*

*(a) Licensing standards for agencies to provide personal care services in the home.*

*(b) Regulations governing the licensing of such agencies.*

*(c) Regulations that prescribe the specific types of discrimination prohibited by section 32 of this act.*

*(d) Any other regulations as it deems necessary or convenient to carry out the provisions of sections 2 to 58, inclusive, of this act.*

**2.** *The Board shall require that the practices and policies of each agency to provide personal care services in the home provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person served by the agency.*

**Sec. 14. 1.** *The Board shall adopt regulations authorizing an employee of an agency to provide personal care services in the home, with the consent of the person receiving services, to:*

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

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

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

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

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



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

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

**Sec. 15.** *1. Money received from the licensing of agencies to provide personal care services in the home 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 sections 2 to 58, inclusive, 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. 16.** *The Division may:*

*1. Upon receipt of an application for a license, conduct an investigation into the qualifications of personnel, methods of operation, policies and purposes of any person proposing to engage in the operation of an agency to provide personal care services in the home.*

*2. Upon receipt of a complaint against an agency to provide personal care services in the home, except for a complaint concerning the cost of services, conduct an investigation into the qualifications of personnel, methods of operation, policies, procedures and records of that agency or any other such agency 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 this chapter.*

**Sec. 17.** *1. Except as otherwise provided in this section, the Division may charge and collect from an agency to provide personal care services in the home or a person who operates such an agency without a license issued by the Division the actual costs incurred by the Division for the enforcement of the provisions of this chapter, including, without limitation, the actual cost of conducting an inspection or investigation of the agency.*

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

*(a) Related to the issuance or renewal of a license for which the Board charges a fee pursuant to sections 19 and 28 of this act; or*

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





3. Any money collected pursuant to subsection 1 may be used by the Division to administer and carry out the provisions of this chapter and the regulations adopted pursuant thereto.

**Sec. 18.** Any person, state or local government or agency thereof desiring a license under the provisions of sections 2 to 58, inclusive, of this act, must file with the Division an application, on a form prescribed, prepared and furnished by the Division, containing:

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

2. The address of the principal place of business of the agency.

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

4. The name of the person in charge of the agency.

5. Such other information as may be required by the Division for the proper administration and enforcement of this chapter.

6. Evidence satisfactory to the Division that the applicant is of reputable and responsible character. If the applicant is a firm, association, organization, partnership, business trust, corporation or company, similar evidence must be submitted as to the members thereof and the person in charge of the agency for which the application is made. If the applicant is a political subdivision of the State or other governmental agency, similar evidence must be submitted as to the person in charge of the entity for which application is made.

7. Evidence satisfactory to the Division of the ability of the applicant to comply with the provisions of sections 2 to 58, inclusive, of this act and the standards and regulations adopted by the Board.

**Sec. 19.** Each application for a license must be accompanied by such fee as may be determined by regulation of the Board. The Board may, by regulation, allow or require payment of a fee for a license in installments and may fix the amount of each payment and the date that the payment is due.

**Sec. 20.** An application for the issuance of a license pursuant to sections 2 to 58, inclusive, of this act must include the social security number of the applicant.

**Sec. 21.** 1. An applicant for the issuance or renewal of a license pursuant to sections 2 to 58, inclusive, of this act must submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and



*Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

*2. The Division shall include the statement required pursuant to subsection 1 in:*

*(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or*

*(b) A separate form prescribed by the Division.*

*3. A license may not be issued or renewed by the Division pursuant to sections 2 to 58, inclusive, of this act if the applicant:*

*(a) Fails to submit the statement required pursuant to subsection 1; or*

*(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.*

*4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.*

**Sec. 22.** *1. In addition to any other requirements set forth in sections 2 to 58, inclusive, of this act, an applicant for the renewal of a license pursuant to those sections must indicate in the application submitted to the Division whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.*

*2. A license issued pursuant to sections 2 to 58, inclusive, of this act may not be renewed by the Division if:*

*(a) The applicant fails to submit the information required by subsection 1; or*

*(b) The State Controller has informed the Division pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:*

*(1) Satisfied the debt;*



(2) *Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or*

(3) *Demonstrated that the debt is not valid.*

3. *As used in this section:*

(a) *"Agency" has the meaning ascribed to it in NRS 353C.020.*

(b) *"Debt" has the meaning ascribed to it in NRS 353C.040.*

**Sec. 23.** 1. *The Division shall not deny the application of a person for a license pursuant to sections 2 to 58, inclusive, of this act based solely on his or her immigration status.*

2. *Notwithstanding the provisions of section 20 of this act, an applicant for a license pursuant to sections 2 to 58, inclusive, of this act who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for such a license.*

3. *The Division shall not disclose to any person who is not employed by the Division the social security number or alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, of an applicant for a license for any purpose except:*

(a) *Tax purposes;*

(b) *Licensing purposes; and*

(c) *Enforcement of an order for the payment of child support.*

4. *A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Division is confidential and is not a public record for the purposes of chapter 239 of NRS.*

**Sec. 24.** 1. *Except as otherwise provided in subsection 6 and section 25 of this act, each agency to provide personal care services in the home, when applying for a license or renewing a license, file with the Administrator of the Division of Public and Behavioral Health a surety bond:*

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

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

(c) *If the agency employs more than 25 employees, in the amount of \$50,000.*

2. *A bond filed pursuant to this section must be executed by the agency as principal and by a surety company as surety. The bond must be payable to the Aging and Disability Services Division of the Department of Health and Human Services and*



*must be conditioned to provide indemnification to an older client who the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition determines has suffered property damage as a result of any act or failure to act by the agency to protect the property of the older client.*

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

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

*5. A license is suspended by operation of law when the agency is no longer covered by a surety bond as required by this section or by a substitute for the surety bond pursuant to section 25 of this act. The Administrator of the Division of Public and Behavioral Health shall give the agency at least 20 days' written notice before the release of the surety or the substitute for the surety, to the effect that the license will be suspended by operation of law until another surety bond or substitute for the surety bond is filed in the same manner and amount as the bond or substitute being terminated.*

*6. The requirement of filing a surety bond set forth in this section does not apply to an agency to provide personal care services in the home that is operated and maintained by the State of Nevada or an agency thereof.*

*7. As used in this section, "older client" means a client who is 60 years of age or older.*

**Sec. 25.** *1. As a substitute for the surety bond required pursuant to section 24 of this act, an agency to provide personal care services in the home may deposit with any bank or trust company authorized to do business in this State, upon approval from the Administrator of the Division of Public and Behavioral Health:*

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



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

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

*2. The obligations of a bank, savings and loan association, savings bank, thrift company or credit union must be held to secure the same obligation as would the surety bond required by section 24 of this act. With the approval of the Administrator of the Division of Public and Behavioral Health, the depositor may substitute other suitable obligations for those deposited, which must be assigned to the Aging and Disability Services Division of the Department of Health and Human Services and are negotiable only upon approval by the Administrator of the Aging and Disability Services Division.*

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

*4. The deposit must be an amount at least equal to the surety bond required by section 24 of this act and must state that the amount may not be withdrawn except by direct and sole order of the Administrator of the Aging and Disability Services Division.*

**Sec. 26.** *1. The Division shall issue a license to operate an agency to provide personal care services in the home if, after investigation, the Division finds that the applicant is in:*

*(a) Full compliance with the provisions of sections 2 to 58, inclusive, of this act; and*

*(b) Substantial compliance with the standards and regulations adopted by the Board.*

*2. A license applies only to the person to whom it is issued and is not transferable.*

**Sec. 27.** *Each license issued by the Division to an agency to provide personal care services in the home must be in the form prescribed by the Division and must contain:*

*1. The name of the person or persons authorized to operate the agency to provide personal care services in the home; and*

*2. The nature of services offered and the capacity of the licensee to deliver services.*

**Sec. 28.** *1. Each license to operate an agency to provide personal care services in the home issued pursuant to sections 2 to 58, inclusive, of this act expires on December 31 following its issuance and is renewable for 1 year upon reapplication and*



*payment of all fees required pursuant to subsection 3 and section 19 of this act unless the Division finds, after an investigation, that the agency has not satisfactorily complied with the provisions of sections 2 to 58, inclusive, of this act, or the standards and regulations adopted by the Board.*

*2. Each reapplication for an agency to provide personal care services in the home must include, without limitation:*

*(a) A statement that the agency is in compliance with the provisions of sections 36 to 40, inclusive, and 49 of this act; and*

*(b) A statement that the holder of the license, the administrator or other person in charge and employees of the agency are in compliance with the provisions of section 31 of this act.*

*3. Each reapplication for an agency to provide personal care services in the home must be accompanied by the fee prescribed by the Board pursuant to NRS 457.240, in addition to the fees imposed pursuant to section 19 of this act.*

**Sec. 29.** *1. The Division may cancel the license of an agency to provide personal care services in the home and issue a provisional license, effective for a period determined by the Division, to such an agency if the agency:*

*(a) Is in operation at the time of the adoption of standards and regulations pursuant to the provisions of sections 2 to 58, inclusive, of this act, and the Division determines that the agency 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 agency 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 persons receiving services from any agency.*

**Sec. 30.** *1. The Board shall:*

*(a) Adopt regulations prescribing mandatory training for unlicensed caregivers who provide care for an agency to provide personal care services in the home and persons who receive reimbursement from Medicaid pursuant to NRS 422.272407 or 422.3965 for providing personal care services. The regulations must establish the required topics for the training, which must include, without limitation, control of infectious diseases and minimum standards for training in each required topic.*



*(b) Review the required topics for training established pursuant to paragraph (a) at least annually and revise those topics when necessary to address new issues that impact the health and safety of persons who receive personal care services.*

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

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

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

*3. The administrator or other person in charge of an agency to provide personal care services in the home shall:*

*(a) Ensure that each unlicensed caregiver who provides care for the agency completes the training required by the regulations adopted pursuant to subsection 1 and document the completion of the training in the personnel file of each unlicensed caregiver;*

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

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

*(d) Provide a written copy of the plan for the control of infectious diseases to each employee or independent contractor of the agency and each client of the agency.*

**Sec. 31.** *1. An applicant for a license to operate an agency to provide personal care services in the home must receive training to recognize and prevent the abuse of older persons before a license to operate such an agency is issued to the applicant. If an applicant has completed such training within the year preceding the date of the application for a license and the application includes evidence of the training, the applicant shall be deemed to have complied with the requirements of this subsection.*

*2. A licensee who holds a license to operate an agency to provide personal care services in the home must annually receive training to recognize and prevent the abuse of older persons before the license to operate such an agency may be renewed.*

*3. If an applicant or licensee who is required by this section to obtain training is not a natural person, the person in charge of the agency must receive the training required by this section.*

*4. An administrator or other person in charge of an agency to provide personal care services in the home must receive training to recognize and prevent the abuse of older persons before the agency provides care to a person and annually thereafter.*





5. *An employee who will provide care for an agency to provide personal care services in the home must receive training to recognize and prevent the abuse of older persons before the employee provides care to a person in the agency and annually thereafter.*

6. *The topics of instruction that must be included in the training required by this section must include, without limitation:*

(a) *Recognizing the abuse of older persons, including sexual abuse and violations of NRS 200.5091 to 200.50995, inclusive;*

(b) *Responding to reports of the alleged abuse of older persons, including sexual abuse and violations of NRS 200.5091 to 200.50995, inclusive; and*

(c) *Instruction concerning the federal, state and local laws, and any changes to those laws, relating to:*

(1) *The abuse of older persons; and*

(2) *Agencies to provide personal care services in the home for the person.*

7. *The agency to provide personal care services in the home is responsible for the costs related to the training required by this section.*

8. *The holder of a license to operate an agency to provide personal care services in the home shall ensure that each person who is required to comply with the requirements for training pursuant to this section complies with those requirements. The Division may, for any violation of this section, take disciplinary action against an agency pursuant to sections 44 and 45 of this act.*

**Sec. 32.** 1. *An agency to provide personal care services in the home and any employee or independent contractor of such an agency shall not discriminate in the provision of services to a client based wholly or partially on the actual or perceived race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual orientation, gender identity or expression or human immunodeficiency virus status of the client or any person with whom the client associates.*

2. *An agency to provide personal care services in the home shall:*

(a) *Develop and carry out policies to prevent the specific types of prohibited discrimination described in the regulations adopted by the Board pursuant to section 13 of this act and meet any other requirements prescribed by regulations of the Board; and*

(b) *Post prominently on any Internet website used to market the agency the following statement:*





*[Name of the agency to provide personal care services in the home] does not discriminate and does not permit discrimination, including, without limitation, bullying, abuse or harassment, on the basis of actual or perceived race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual orientation, gender identity or expression or HIV status, or based on association with another person on account of that person's actual or perceived race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual orientation, gender identity or expression or HIV status.*

3. *The provisions of this section shall not be construed to:*

*(a) Require an agency to provide personal care services in the home or an employee or independent contractor thereof to take or refrain from taking any action in violation of reasonable medical standards; or*

*(b) Prohibit an agency to provide personal care services in the home from adopting a policy that is applied uniformly and in a nondiscriminatory manner, including, without limitation, such a policy that bans or restricts sexual relations.*

**Sec. 33.** *An agency to provide personal care services in the home shall:*

*1. Maintain the confidentiality of personally identifiable information concerning the sexual orientation of a client, whether the client is transgender or has undergone gender-affirming surgery and the human immunodeficiency virus status of the client and take reasonable actions to prevent the unauthorized disclosure of such information;*

*2. Prohibit employees or independent contractors of the agency who are not directly providing care to a client from being present during any portion of the care, during which the client is fully or partially unclothed without the express permission of the client or the authorized representative of the client;*

*3. Use visual barriers, including, without limitation, doors, curtains and screens, to provide privacy for clients who are fully or partially unclothed; and*

*4. Allow a client to refuse to be examined or observed by or receive services from an employee or independent contractor of the agency for a purpose that is primarily educational rather than therapeutic.*

**Sec. 34.** *1. Except as otherwise provided in subsection 3, to enable an agent or employee of an agency to provide personal care*



*services in the home who is described in subsection 2 to more effectively care for clients the Board shall, by regulation, require such an agency to conduct training relating specifically to cultural competency for any agent or employee of the agency who is described in subsection 2 so that such an agent or employee may better understand clients who have different cultural backgrounds, including, without limitation, clients who are:*

- (a) From various racial and ethnic backgrounds;*
- (b) From various religious backgrounds;*
- (c) Persons with various sexual orientations and gender identities or expressions;*
- (d) Children and senior citizens;*
- (e) Persons with a mental or physical disability; and*
- (f) Part of any other population that such an agent or employee may need to better understand, as determined by the Board.*

*↪ The Board shall set forth by regulation the frequency with which an agency to provide personal care services in the home is required to provide such training relating to cultural competency.*

*2. Except as otherwise provided in subsection 3, the requirements of subsection 1 apply to any agent or employee of an agency to provide personal care services in the home who:*

- (a) Provides personal care services or administrative or support services and has direct client contact at least once each week on average as a part of his or her regular job duties; or*
- (b) Oversees an agent or employee described in paragraph (a).*

*3. An agency to provide personal care services in the home is not required to provide training relating specifically to cultural competency to an agent or employee who is described in subsection 2 and who has successfully completed a course or program in cultural competency as part of the continuing education requirements for the agent or employee to renew his or her professional license, registration or certificate, as applicable.*

*4. Except as otherwise provided in subsection 6, the training relating specifically to cultural competency conducted by an agency to provide personal care services in the home pursuant to subsection 1 must be provided through a course or program that is approved by the Department of Health and Human Services.*

*5. The Office of Minority Health and Equity of the Department of Health and Human Services shall ensure that the list established and maintained pursuant to NRS 449.103 is distributed to each agency to provide personal care services in the*



*home which is required to conduct training relating specifically to cultural competency pursuant to subsection 1.*

*6. An agency to provide personal care services in the home which is required to conduct training specifically relating to cultural competency may apply to the Department of Health and Human Services to provide a course or program on cultural competency that is not approved by the Department pursuant to subsection 4. Any such request must be approved or denied by the Department not later than 10 business days after the receipt of the application.*

*7. As used in this section “direct client contact” means direct contact with a client of an agency to provide personal care services in the home which is in person or using telephone, electronic mail or other electronic means, except that the term does not include incidental contact.*

**Sec. 35.** *The Board shall adopt regulations that require an agency to provide personal care services in the home to:*

*1. Develop policies to ensure that a client is addressed by his or her preferred name and pronoun and in accordance with his or her gender identity or expression; and*

*2. Adapt electronic records to reflect the gender identities or expressions of clients with diverse gender identities or expressions, including, without limitation, adapting electronic records to include:*

*(a) The preferred name and pronoun and gender identity or expression of a client; and*

*(b) Any other information prescribed by regulation of the Board.*

**Sec. 36.** *1. Each applicant for a license to operate an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home shall submit to the Central Repository for Nevada Records of Criminal History one complete set of fingerprints for submission to the Federal Bureau of Investigation for its report.*

*2. The Central Repository for Nevada Records of Criminal History shall determine whether the applicant has been convicted of a crime listed in paragraph (a) of subsection 1 of section 49 of this act and immediately inform the administrator of the agency and the Division of whether the applicant has been convicted of such a crime.*



**Sec. 37. 1.** *Except as otherwise provided in subsections 2 and 3, within 10 days after hiring an employee, accepting an employee of a temporary employment service or entering into a contract with an independent contractor, the administrator of, or the person licensed to operate, an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home shall:*

*(a) Obtain a written statement from the employee, employee of the temporary employment service or independent contractor stating whether he or she has been convicted of any crime listed in section 49 of this act;*

*(b) Obtain an oral and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);*

*(c) Obtain proof that the employee, employee of the temporary employment service or independent contractor holds any required license, permit or certificate;*

*(d) Obtain from the employee, employee of the temporary employment service or independent contractor one set of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;*

*(e) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (d) to obtain information on the background and personal history of each employee, employee of a temporary employment service or independent contractor to determine whether the person has been convicted of any crime listed in section 49 of this act; and*

*(f) If an Internet website has been established pursuant to NRS 439.942:*

*(1) Screen the employee, employee of the temporary employment service or independent contractor using the Internet website. Upon request of the Division, proof that the employee, temporary employee or independent contractor was screened pursuant to this subparagraph must be provided to the Division.*

*(2) Enter on the Internet website information to be maintained on the website concerning the employee, employee of the temporary employment service or independent contractor.*

**2.** *The administrator of, or the person licensed to operate, an agency to provide personal care services in the home or employment agency that contracts with persons to provide*



*nonmedical services related to personal care to elderly persons or persons with disabilities in the home is not required to obtain the information described in subsection 1 from an employee, employee of a temporary employment service or independent contractor if his or her fingerprints have been submitted to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report within the immediately preceding 6 months and the report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in section 49 of this act.*

*3. The administrator of, or the person licensed to operate, an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home is not required to obtain the information described in subsection 1, other than the information described in paragraph (c) of subsection 1, from an employee, employee of a temporary employment service or independent contractor if:*

*(a) The employee, employee of the temporary employment service or independent contractor agrees to allow the administrator of, or the person licensed to operate, an agency to provide personal care services in the home to receive notice from the Central Repository for Nevada Records of Criminal History regarding any conviction and subsequent conviction of the employee, employee of the temporary employment service or independent contractor of a crime listed in section 49 of this act;*

*(b) An agency, board or commission that regulates an occupation or profession pursuant to title 54 of NRS or temporary employment service has, within the immediately preceding 5 years, submitted the fingerprints of the employee, employee of the temporary employment service or independent contractor to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and*

*(c) The report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in section 49 of this act.*

*4. The administrator of, or the person licensed to operate, an agency to provide personal care services in the home or employment agency that contracts with persons to provide*



*nonmedical services related to personal care to elderly persons or persons with disabilities in the home shall ensure that the information concerning the background and personal history of each employee, employee of a temporary employment service or independent contractor who works at the agency:*

*(a) Except as otherwise provided in subsection 2, is completed as soon as practicable; and*

*(b) At least once every 5 years after the date of the initial investigation.*

*5. The administrator of, or the person licensed to operate, an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home shall, when required:*

*(a) Obtain one set of fingerprints from the employee, employee of the temporary employment service or independent contractor;*

*(b) Obtain written authorization from the employee, employee of the temporary employment service or independent contractor to forward the fingerprints obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and*

*(c) Submit the fingerprints to the Central Repository for Nevada Records of Criminal History or, if the fingerprints were submitted electronically, obtain proof of electronic submission of the fingerprints to the Central Repository for Nevada Records of Criminal History.*

*6. Upon receiving fingerprints submitted pursuant to this section, the Central Repository for Nevada Records of Criminal History shall determine whether the employee, employee of the temporary employment service or independent contractor has been convicted of a crime listed in section 49 of this act and immediately inform the Division and the administrator of, or the person licensed to operate, the agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home at which the person works whether the employee, employee of the temporary employment service or independent contractor has been convicted of such a crime.*

*7. The Central Repository for Nevada Records of Criminal History may impose a fee upon an agency that submits fingerprints pursuant to this section for the reasonable cost of the*



*investigation. The agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home may recover from the employee or independent contractor whose fingerprints are submitted not more than one-half of the fee imposed by the Central Repository. If the agency requires the employee or independent contractor to pay for any part of the fee imposed by the Central Repository, it shall allow the employee or independent contractor to pay the amount through periodic payments. The agency may require a temporary employment service which employs a temporary employee whose fingerprints are submitted to pay the fee imposed by the Central Repository. An agency shall notify a temporary employment service if a person employed by the temporary employment service is determined to be ineligible to provide services at the agency based upon the results of an investigation conducted pursuant to this section.*

*8. Unless a greater penalty is provided by law, a person who willfully provides a false statement or information in connection with an investigation of the background and personal history of the person pursuant to this section that would disqualify the person from employment, including, without limitation, a conviction of a crime listed in section 49 of this act, is guilty of a misdemeanor.*

**Sec. 38.** *1. A temporary employment service shall not send an employee to provide services to an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home if the temporary employment service has received notice from such an agency that the employee of the temporary employment service is ineligible to provide such services.*

*2. An agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home that enters into an agreement with a temporary employment service to provide services for the agency on a temporary basis must require the temporary employment service to:*

*(a) Provide proof that each employee of the temporary employment service whom it may send to provide services to the agency has been continuously employed by the temporary*





*employment service since the last investigation conducted of the employee pursuant to section 37 of this act; and*

*(b) Notify the agency if the investigation conducted of an employee of the temporary employment service pursuant to section 37 of this act has not been conducted within the immediately preceding 5 years.*

**Sec. 39.** *1. Each agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home shall maintain records of the information concerning its employees, employees of a temporary employment service and independent contractors collected pursuant to section 37 of this act, including, without limitation:*

*(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History or proof of electronic fingerprint submission and a copy of the written authorization that was provided by the employee, employee of the temporary employment service or independent contractor;*

*(b) Proof that the fingerprints of the employee, employee of the temporary employment service or independent contractor were submitted to the Central Repository; and*

*(c) Any other documentation of the information collected pursuant to section 37 of this act.*

*2. The records maintained pursuant to subsection 1 must be:*

*(a) Maintained for the period of the employment of the person with the agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home, as applicable; and*

*(b) Made available for inspection by the Division at any reasonable time, and copies thereof must be furnished to the Division upon request.*

*3. If an Internet website has been established pursuant to NRS 439.942, an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home shall maintain a current list of its employees, employees of a temporary employment service and independent contractors on the Internet website.*

*4. The Central Repository for Nevada Records of Criminal History may maintain an electronic image of fingerprints submitted pursuant to sections 36 and 37 of this act to notify an*





*agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home and the Division of any subsequent conviction of a person who is required to submit to an investigation pursuant to sections 36 and 37 of this act.*

**Sec. 40.** *1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to section 37 of this act, or evidence from any other source, that an employee, employee of a temporary employment service or independent contractor of an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home has been convicted of a crime listed in paragraph (a) of subsection 1 of section 49 of this act, the administrator of, or the person licensed to operate, the agency shall terminate the employment or contract of that person or notify the temporary employment service that its employee is prohibited from providing services for the agency after allowing the person time to correct the information as required pursuant to subsection 2.*

*2. If an employee, employee of a temporary employment service or independent contractor believes that the information provided by the Central Repository is incorrect, the employee, employee of the temporary employment service or independent contractor may immediately inform the agency to provide personal care services in the home, employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home or temporary employment service. The agency or temporary employment service that is so informed shall give the employee, employee of the temporary employment service or independent contractor a reasonable amount of time of not less than 30 days to correct the information received from the Central Repository before terminating the employment or contract of the person pursuant to subsection 1.*

*3. An agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home that has complied with section 37 of this act may not be held civilly or criminally liable based solely upon the ground that the agency allowed an*



*employee, employee of a temporary employment service or independent contractor to work:*

*(a) Before it received the information concerning the employee, employee of the temporary employment service or independent contractor from the Central Repository, except that an employee, employee of the temporary employment service or independent contractor shall not have contact with a child without supervision before such information is received;*

*(b) During the period required pursuant to subsection 2 to allow the employee, employee of the temporary employment service or independent contractor to correct that information, except that an employee, employee of the temporary employment service or independent contractor shall not have contact with a child without supervision during such period;*

*(c) Based on the information received from the Central Repository, if the information received from the Central Repository was inaccurate; or*

*(d) Any combination thereof.*

*↪ An agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home may be held liable for any other conduct determined to be negligent or unlawful.*

**Sec. 41.** *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 sections 2 to 58, inclusive, of this act.*

**Sec. 42.** *Every agency to provide personal care services in the home may be inspected at any time, with or without notice, as often as is necessary by:*

*1. The Division of Public and Behavioral Health to ensure compliance with all applicable regulations and standards; and*

*2. Any person designated by the Aging and Disability Services Division of the Department of Health and Human Services to investigate complaints made against the agency to provide personal care services in the home.*

**Sec. 43.** *The Division shall prepare a report of the results of its inspections of agencies to provide personal care services in the home regarding compliance with applicable regulations and standards. The report must be provided to the agency to provide personal care services in the home and include, without limitation, a recommendation of the Division for correcting any deficiencies and, if a deficiency is discovered as a result of an investigation by*



*a county, district or city board of health or health officer, the recommendations of the board or health officer.*

**Sec. 44.** *1. The Division may deny an application for a license or may suspend or revoke any license to operate an agency to provide personal care services in the home issued under the provisions of sections 2 to 58, inclusive, of this act upon any of the following grounds:*

*(a) Violation by the applicant or the licensee of any of the provisions of NRS 449A.100 to 449A.124, inclusive, or sections 2 to 58, inclusive, 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 agency for which a license is issued.*

*(d) Conduct or practice detrimental to the health or safety of the clients or employees of the agency to provide personal care services in the home.*

*2. In addition to the provisions of subsection 1, the Division may revoke a license to operate an agency to provide personal care services in the home if, with respect to that agency, the licensee that operates the agency, 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 an agency to provide personal care services in the home pursuant to subsection 2.*

*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. 45.** *1. In addition to the payment of the amount required by section 17 of this act, if an agency to provide personal*



*care services in the home violates any provision related to its licensure, including any provision of sections 2 to 58, inclusive, of this act or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to section 46 of this act, may:*

*(a) Prohibit the agency to provide personal care services in the home from providing services to a client until it determines that the agency has corrected the violation;*

*(b) Except where a greater penalty is authorized by subsection 2, 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*

*(c) Appoint temporary management to oversee the operation of the agency to provide personal care services in the home and to ensure the health and safety of the clients of the agency, until:*

*(1) It determines that the agency 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 the agency to provide personal care services in the home fails to pay any administrative penalty imposed pursuant to paragraph (b) of subsection 1, the Division may:*

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

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

*3. The Division may require any agency to provide personal care services in the home that violates any provision of sections 2 to 58, inclusive, of this act or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.*

*4. Any money collected as administrative penalties pursuant to paragraph (b) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of chapter 449A of NRS and sections 2 to 58, inclusive, of this act to protect the health, safety, well-being and property of the clients in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.*

**Sec. 46.** *The Board shall adopt regulations establishing the criteria for the imposition of each sanction prescribed by section 45 of this act. These regulations must:*



1. *Prescribe the circumstances and manner in which each sanction applies;*
2. *Minimize the time between identification of a violation and the imposition of a sanction;*
3. *Provide for the imposition of incrementally more severe sanctions for repeated or uncorrected violations;*
4. *Provide for less severe sanctions for lesser violations of applicable state statutes, conditions, standards or regulations; and*
5. *Establish an administrative penalty to be imposed if a violation of sections 2 to 58, inclusive, of this act causes harm or the risk of harm to more than one person.*

**Sec. 47.** 1. *When the Division intends to deny, suspend or revoke a license, or impose any sanction prescribed by section 45 of this act, it shall give reasonable notice to all parties by certified mail. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. Notice is not required if the Division finds that the public health requires immediate action. In that case, it may order a summary suspension of a license pursuant to this section and NRS 233B.127 or impose any sanction prescribed by section 45 of this act, pending proceedings for revocation or other action.*

2. *If a person wants to contest the action of the Division, the person must file an appeal pursuant to regulations adopted by the Board.*

3. *Upon receiving notice of an appeal, the Division shall hold a hearing pursuant to regulations adopted by the Board.*

4. *The Board shall adopt such regulations as are necessary to carry out the provisions of this section.*

**Sec. 48.** 1. *If the Division suspends the license of an agency to provide personal care services in the home pursuant to the provisions of this chapter, or if such an agency otherwise ceases to operate, including, without limitation, pursuant to an action or order of a health authority pursuant to chapter 441A of NRS, the Division may, if deemed necessary by the Administrator of the Division, take control of and ensure the safety of the records of the agency.*

2. *Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, the Division shall:*

(a) *Maintain the confidentiality of the records obtained pursuant to subsection 1.*

(b) *Share records obtained pursuant to subsection 1 with law enforcement agencies in this State and other governmental entities*



*which have authority to license the agency to provide personal care services in the home or to license the owners or employees of the agency.*

*(c) Release a record obtained pursuant to subsection 1 to the client or legal guardian of the client who is the subject of the record.*

*3. The Board shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations for contracting with a person to maintain any records under the control of the Division pursuant to subsection 1 and for payment by the agency to provide personal care services in the home of the cost of maintaining medical records.*

**Sec. 49.** *1. In addition to the grounds listed in section 44 of this act, the Division or the Board, as applicable, may deny a license to operate an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home to an applicant or may suspend or revoke the license of a licensee to operate such an agency if:*

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

*(1) Murder, voluntary manslaughter or mayhem;*

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

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

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

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

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

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

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

*(9) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to*



*200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;*

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

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

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

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

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

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

*(b) The licensee has, in violation of section 40 of this act, continued to employ a person who has been convicted of a crime listed in paragraph (a).*

*2. In addition to the grounds listed in section 44 of this act, the Division or the Board, as applicable, may suspend or revoke the license of a licensee to operate an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home if the licensee has, in violation of section 40 of this act, continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.*

*3. As used in this section:*

*(a) “Domestic violence” means an act described in NRS 33.018.*

*(b) “Medicaid” has the meaning ascribed to it in NRS 439B.120.*

*(c) “Medicare” has the meaning ascribed to it in NRS 439B.130.*

**Sec. 50.** *1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of license, the Division shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the*





*court order was issued unless the Division receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

*2. The Division shall reinstate a license issued pursuant to sections 2 to 58, inclusive, of this act that has been suspended by a district attorney pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

**Sec. 51.** *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, the agency to provide personal care services in the home shall consult with a dietitian, 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.*

**Sec. 52.** *An agency to provide personal care services in the home that is licensed pursuant to this chapter may, through its employees or by contractual arrangement with other persons, provide:*

*1. To persons with disabilities, any medical services authorized pursuant to NRS 629.091; and*

*2. Nonmedical services related to personal care to elderly persons or persons with disabilities to assist those persons with activities of daily living.*

**Sec. 53.** *Any person who is employed by an agency to provide personal care services in the home who:*

*1. Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;*

*2. Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or*

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

*↪ and who in good faith renders emergency care or assistance in accordance with the person's training, in the course of his or her*





*regular employment or profession, to an elderly person or a person with a disability, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.*

**Sec. 54.** *The name, sign, listing or other designation of an agency to provide personal care services in the home must not contain any terms misleading to the public with regard to the services offered.*

**Sec. 55. 1.** *An agency to provide personal care services in the home or an employee of such an agency shall not:*

*(a) Refer a person to a residential facility for groups that is not licensed by the Division; or*

*(b) Refer a person to a residential facility for groups if the agency to provide personal care services in the home or its employee knows or reasonably should know that the residential facility for groups, or the services provided by the residential facility for groups, are not appropriate for the condition of the person being referred.*

*2. If an agency to provide personal care services in the home or an employee of such an agency violates the provisions of subsection 1, the agency to provide personal care services in the home 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 or 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 for the enforcement of this section and the protection of the health, safety, well-being and property of residents of residential facilities for groups.*

*3. The Board shall:*

*(a) Establish and maintain a system to track violations of this section. Except as otherwise provided in this paragraph, records created by or for the system are public records and are available for public inspection. The following information is confidential:*

*(1) Any personally identifying information relating to a person who is referred to a residential facility for groups.*

*(2) Information which may not be disclosed under federal law.*

*(b) Educate the public regarding the requirements and prohibitions set forth in this section and NRS 449.0305.*

*4. As used in this section, “residential facility for groups” has the meaning ascribed to it in NRS 449.017.*



**Sec. 56.** *1. In addition to the payment of the amount required by section 17 of this act and any civil penalty imposed pursuant to subsection 4, a person who operates an agency to provide personal care services in the home without a license issued by the Division is guilty of a misdemeanor.*

*2. If the Division believes that a person is operating an agency to provide personal care services in the home without such a license, the Division may issue an order to cease and desist the operation of the agency. The order must be served upon the person by personal delivery or by certified or registered mail, return receipt requested. The order is effective upon service.*

*3. If a person does not voluntarily cease operating an agency to provide personal care services in the home without a license or apply for licensure within 30 days after the date of service of the order pursuant to subsection 2, the Division may bring an action in a court of competent jurisdiction pursuant to section 57 of this act.*

*4. Upon a showing by the Division that a person is operating an agency to provide personal care services in the home without a license, a court of competent jurisdiction may:*

*(a) Enjoin the person from operating the agency.*

*(b) Impose a civil penalty on the operator to be recovered by the Division of not more than \$10,000 for the first offense or not less than \$10,000 or more than \$25,000 for a second or subsequent offense.*

*5. Unless otherwise required by federal law, the Division shall deposit all civil penalties collected pursuant to paragraph (b) of subsection 4 into a separate account in the State General Fund to be used to administer and carry out the provisions of sections 2 to 58, inclusive, of this act and to protect the health, safety, well-being and property of the clients in accordance with applicable state and federal standards.*

**Sec. 57.** *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 agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home within the meaning of sections 2 to 58, inclusive, 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 an agency without a license.*

**Sec. 58.** *The district attorney of the county in which an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of sections 2 to 58, inclusive, of this act.*

**Sec. 59.** *As used in sections 59 to 90, inclusive, of this act, unless the context otherwise requires, “intermediary service organization” means a nongovernmental entity that provides services authorized pursuant to section 60 of this act for a person with a disability or other responsible person.*

**Sec. 60.** *1. An intermediary service organization that is certified pursuant to sections 59 to 90, inclusive, of this act may provide services for a person with a disability or other responsible person relating to personal assistance received by the person with a disability. The services that may be provided by an intermediary service organization include, without limitation:*

*(a) Obtaining a criminal background check of a personal assistant selected by the person with a disability or other responsible person to provide nonmedical services and any medical services authorized pursuant to NRS 629.091;*

*(b) Providing payroll services to pay the personal assistant and determine any tax liability;*

*(c) Providing services relating to financial management; and*

*(d) Providing any other services relating to the employment of a personal assistant and any other financial assistance relating to the personal assistance for the person with a disability.*

*2. As used in this section:*

*(a) “Other responsible person” means:*

*(1) A parent or guardian of, or any other person legally responsible for, a person with a disability who is under the age of 18 years; or*

*(2) A parent, spouse, guardian or adult child of a person with a disability who suffers from a cognitive impairment.*

*(b) “Personal assistance” means the provision of any goods or services to help a person with a disability maintain his or her independence, personal hygiene and safety, including, without limitation, the provision of services by a personal assistant.*



(c) *“Personal assistant” means a person who, for compensation and under the direction of a person with a disability or other responsible person, performs services for a person with a disability to help the person maintain his or her independence, personal hygiene and safety.*

**Sec. 61.** *1. The Board shall adopt regulations authorizing an employee of an intermediary service organization, with the consent of the person receiving services, to:*

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

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

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

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

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

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

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

**Sec. 62.** *1. Except as otherwise provided in subsection 2, a person shall not operate or maintain in this State an intermediary service organization without first obtaining a certificate to operate an intermediary service organization as provided in sections 59 to 90, inclusive, of this act.*

*2. A person who is licensed to operate an agency to provide personal care services in the home pursuant to this chapter is not required to obtain a certificate to operate an intermediary service organization as described in this section.*

*3. A person who violates the provisions of this section is guilty of a misdemeanor.*



**Sec. 63.** *Any person wishing to obtain a certificate to operate an intermediary service organization pursuant to the provisions of sections 59 to 90, inclusive, of this act must file with the Division an application, on a form prescribed, prepared and furnished by the Division, containing:*

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

*2. The location of the intermediary service organization.*

*3. The name of the person in charge of the intermediary service organization.*

*4. Such other information as may be required by the Division for the proper administration and enforcement of sections 59 to 90, inclusive, of this act.*

*5. Evidence satisfactory to the Division that the applicant is of reputable and responsible character. If the applicant is a firm, association, organization, partnership, business trust, corporation or company, similar evidence must be submitted as to the members thereof, and the person in charge of the intermediary service organization for which the application is made.*

*6. Evidence satisfactory to the Division of the ability of the applicant to comply with the provisions of sections 59 to 90, inclusive, of this act and the standards and regulations adopted by the Board.*

**Sec. 64.** *An application for the issuance of a certificate to operate an intermediary service organization pursuant to section 63 of this act must include the social security number of the applicant.*

**Sec. 65.** *1. An applicant for the issuance or renewal of a certificate to operate an intermediary service organization must submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

*2. The Division shall include the statement required pursuant to subsection 1 in:*

*(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate; or*

*(b) A separate form prescribed by the Division.*

*3. A certificate to operate an intermediary service organization may not be issued or renewed by the Division if the applicant:*

*(a) Fails to submit the statement required pursuant to subsection 1; or*



*(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.*

*4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.*

*Sec. 66. Each application for a certificate to operate an intermediary service organization must be accompanied by such fee as may be determined by regulation of the Board. The Board may, by regulation, allow or require payment of a fee for a certificate in installments and may fix the amount of each payment and the date on which the payment is due.*

*Sec. 67. 1. Except as otherwise provided in subsection 6 and section 68 of this act, each intermediary service organization shall, when applying for a certificate or renewing a certificate, file with the Administrator of the Division of Public and Behavioral Health a surety bond:*

*(a) If the intermediary service organization employs less than 7 employees, in the amount of \$5,000;*

*(b) If the intermediary service organization employs at least 7 but not more than 25 employees, in the amount of \$25,000; or*

*(c) If the intermediary service organization employs more than 25 employees, in the amount of \$50,000.*

*2. A bond filed pursuant to this section must be executed by the intermediary service organization as principal and by a surety company as surety. The bond must be payable to the Aging and Disability Services Division of the Department of Health and Human Services and must be conditioned to provide indemnification to an older patient whom the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition determines has suffered property damage as a result of any act or failure to act by the intermediary service organization to protect the property of the older patient.*



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

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

5. A certificate is suspended by operation of law when the intermediary service organization is no longer covered by a surety bond as required by this section or by a substitute for the surety bond pursuant to section 68 of this act. The Administrator of the Division of Public and Behavioral Health shall give the intermediary service organization at least 20 days' written notice before the release of the surety or the substitute for the surety, to the effect that the certificate will be suspended by operation of law until another surety bond or substitute for the surety bond is filed in the same manner and amount as the bond or substitute being terminated.

6. The requirement of filing a surety bond set forth in this section does not apply to an intermediary service organization that is operated and maintained by the State of Nevada or an agency thereof.

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

**Sec. 68.** 1. As a substitute for the surety bond required pursuant to section 67 of this act, an intermediary service organization may deposit with any bank or trust company authorized to do business in this State, upon approval from the Administrator of the Division of Public and Behavioral Health:

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

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

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





2. *The obligations of a bank, savings and loan association, savings bank, thrift company or credit union must be held to secure the same obligation as would the surety bond required by section 67 of this act. With the approval of the Administrator of the Division of Public and Behavioral Health, the depositor may substitute other suitable obligations for those deposited, which must be assigned to the Aging and Disability Services Division of the Department of Health and Human Services and are negotiable only upon approval by the Administrator of the Aging and Disability Services Division.*

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

4. *The deposit must be an amount at least equal to the surety bond required by section 67 of this act and must state that the amount may not be withdrawn except by direct and sole order of the Administrator of the Aging and Disability Services Division.*

**Sec. 69.** 1. *The Division shall not deny the application of a person for a certificate to operate an intermediary service organization pursuant to section 63 of this act based solely on his or her immigration status.*

2. *Notwithstanding the provisions of section 64 of this act, an applicant for a certificate to operate an intermediary service organization who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a certificate to operate an intermediary service organization.*

3. *The Division shall not disclose to any person who is not employed by the Division the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:*

- (a) Tax purposes;*
- (b) Licensing purposes; and*
- (c) Enforcement of an order for the payment of child support.*

4. *A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Division is confidential and is not a public record for the purposes of chapter 239 of NRS.*

**Sec. 70.** 1. *The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine*





*if the person's criminal history will disqualify the person from obtaining a certificate to operate an intermediary service organization pursuant to section 62 of this act.*

*2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.*

*3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

*4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.*

*5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.*

*6. The Division may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

*7. The Division may post on its Internet website:*

*(a) The requirements to obtain a certificate from the Division; and*

*(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the Division.*

*8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:*

*(a) The Central Repository for Nevada Records of Criminal History; and*

*(b) The Federal Bureau of Investigation.*



9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

**Sec. 71.** 1. The Division shall issue the certificate to operate an intermediary service organization to the applicant if, after investigation, the Division finds that the applicant is in:

(a) Full compliance with the provisions of sections 59 to 90, inclusive, of this act; and

(b) Substantial compliance with the standards and regulations adopted by the Board.

2. A certificate applies only to the person to whom it is issued and is not transferable.

**Sec. 72.** Each certificate to operate an intermediary service organization issued by the Division pursuant to sections 59 to 90, inclusive, of this act must be in the form prescribed by the Division and must contain:

1. The name of the person or persons authorized to operate the intermediary service organization;

2. The location of the intermediary service organization; and

3. The services offered by the intermediary service organization.

**Sec. 73.** 1. Each certificate to operate an intermediary service organization issued pursuant to sections 59 to 90, inclusive, of this act expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to section 66 of this act unless the Division finds, after an investigation, that the intermediary service organization has not satisfactorily complied



*with the provisions of sections 59 to 90, inclusive, of this act or the standards and regulations adopted by the Board.*

*2. Each reapplication for an intermediary service organization must include, without limitation, a statement that the organization is in compliance with the provisions of sections 80 to 85, inclusive, of this act.*

**Sec. 74.** *1. In addition to any other requirements set forth in sections 59 to 90, inclusive, of this act, an applicant for the renewal of a certificate as an intermediary service organization must indicate in the application submitted to the Division whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.*

*2. A certificate as an intermediary service organization may not be renewed by the Division if:*

*(a) The applicant fails to submit the information required by subsection 1; or*

*(b) The State Controller has informed the Division pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:*

*(1) Satisfied the debt;*

*(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or*

*(3) Demonstrated that the debt is not valid.*

*3. As used in this section:*

*(a) "Agency" has the meaning ascribed to it in NRS 353C.020.*

*(b) "Debt" has the meaning ascribed to it in NRS 353C.040.*

**Sec. 75.** *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 sections 59 to 90, inclusive, 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 sections 59 to 90, inclusive, of this act or of any other law of this State or of the standards, rules and regulations adopted thereunder.*

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



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

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

**Sec. 76.** 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate to operate an intermediary service organization, the Division shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrrearage pursuant to NRS 425.560.

2. The Division shall reinstate a certificate to operate an intermediary service organization that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose certificate was suspended has complied with the subpoena or warrant or has satisfied the arrrearage pursuant to NRS 425.560.

**Sec. 77.** 1. The Division may cancel a certificate to operate an intermediary service organization and issue a provisional certificate, effective for a period determined by the Division, to the intermediary service organization if the intermediary service organization:

(a) Is in operation at the time of the adoption of standards and regulations pursuant to the provisions of sections 59 to 90, inclusive, of this act and the Division determines that the intermediary service organization 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 intermediary service organization 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 certificate or prevent the Division from refusing to renew or



*from revoking or suspending any certificate if the Division deems such action necessary for the health and safety of a person for whom the intermediary service organization provides services.*

**Sec. 78.** *1. Money received from the certification of intermediary service organizations:*

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

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

*(c) May only be used to carry out the provisions of sections 59 to 90, inclusive, of this act.*

*2. The Division shall enforce the provisions of sections 59 to 90, inclusive, 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. 79.** *1. The Board shall adopt regulations governing the certification of intermediary service organizations and such other regulations as it deems necessary to carry out the provisions of sections 59 to 90, inclusive, of this act.*

*2. The Division may:*

*(a) Upon receipt of an application for a certificate to operate an intermediary service organization, conduct an investigation into the qualifications of personnel, methods of operation and policies and purposes of any person proposing to engage in the operation of an intermediary service organization.*

*(b) Upon receipt of a complaint against an intermediary service organization, except for a complaint concerning the cost of services, conduct an investigation into the qualifications of personnel, methods of operation and policies, procedures and records of that intermediary service organization or any other intermediary service organization which may have information pertinent to the complaint.*

*(c) Employ such professional, technical and clerical assistance as it deems necessary to carry out the provisions of sections 59 to 90, inclusive, of this act.*

**Sec. 80.** *1. Each applicant for a certificate to operate an intermediary service organization shall submit to the Central Repository for Nevada Records of Criminal History one complete set of fingerprints for submission to the Federal Bureau of Investigation for its report.*

*2. The Central Repository for Nevada Records of Criminal History shall determine whether the applicant has been convicted of a crime listed in subsection 1 of section 85 of this act and*



*immediately inform the administrator of the facility, hospital, agency, program or home, if any, and the Division of whether the applicant has been convicted of such a crime.*

**Sec. 81. 1.** *Except as otherwise provided in subsections 2 and 3, within 10 days after hiring an employee, accepting an employee of a temporary employment service or entering into a contract with an independent contractor, the holder of a certificate to operate an intermediary service organization shall:*

*(a) Obtain a written statement from the employee, employee of the temporary employment service or independent contractor stating whether he or she has been convicted of any crime listed in subsection 1 of section 85 of this act;*

*(b) Obtain an oral and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);*

*(c) Obtain proof that the employee, employee of the temporary employment service or independent contractor holds any required license, permit or certificate;*

*(d) Obtain from the employee, employee of the temporary employment service or independent contractor one set of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;*

*(e) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (d) to obtain information on the background and personal history of each employee, employee of a temporary employment service or independent contractor to determine whether the person has been convicted of any crime listed in subsection 1 of section 85 of this act; and*

*(f) If an Internet website has been established pursuant to NRS 439.942:*

*(1) Screen the employee, employee of the temporary employment service or independent contractor using the Internet website. Upon request of the Division, proof that the employee, temporary employee or independent contractor was screened pursuant to this subparagraph must be provided to the Division.*

*(2) Enter on the Internet website information to be maintained on the website concerning the employee, employee of the temporary employment service or independent contractor.*

**2.** *The holder of a certificate to operate an intermediary service organization is not required to obtain the information*



*described in subsection 1 from an employee, employee of a temporary employment service or independent contractor if his or her fingerprints have been submitted to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report within the immediately preceding 6 months and the report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in subsection 1 of section 85 of this act.*

*3. The holder of a certificate to operate an intermediary service organization is not required to obtain the information described in subsection 1, other than the information described in paragraph (c) of subsection 1, from an employee, employee of a temporary employment service or independent contractor if:*

*(a) The employee, employee of the temporary employment service or independent contractor agrees to allow the holder of a certificate to operate an intermediary service organization to receive notice from the Central Repository for Nevada Records of Criminal History regarding any conviction and subsequent conviction of the employee, employee of the temporary employment service or independent contractor of a crime listed in subsection 1 of section 85 of this act;*

*(b) An agency, board or commission that regulates an occupation or profession pursuant to title 54 of NRS or temporary employment service has, within the immediately preceding 5 years, submitted the fingerprints of the employee, employee of the temporary employment service or independent contractor to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and*

*(c) The report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in subsection 1 of section 85 of this act.*

*4. The holder of a certificate to operate an intermediary service organization shall ensure that the information concerning the background and personal history of each employee, employee of a temporary employment service or independent contractor who works at or for the intermediary service organization is completed as soon as practicable and at least once every 5 years after the date of the initial investigation. The holder of the certificate shall, when required:*





*(a) Obtain one set of fingerprints from the employee, employee of the temporary employment service or independent contractor;*

*(b) Obtain written authorization from the employee, employee of the temporary employment service or independent contractor to forward the fingerprints obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and*

*(c) Submit the fingerprints to the Central Repository for Nevada Records of Criminal History or, if the fingerprints were submitted electronically, obtain proof of electronic submission of the fingerprints to the Central Repository for Nevada Records of Criminal History.*

*5. Upon receiving fingerprints submitted pursuant to this section, the Central Repository for Nevada Records of Criminal History shall determine whether the employee, employee of the temporary employment service or independent contractor has been convicted of a crime listed in subsection 1 of section 85 of this act and immediately inform the Division and the holder of the certificate to operate an intermediary service organization for which the person works whether the employee, employee of the temporary employment service or independent contractor has been convicted of such a crime.*

*6. The Central Repository for Nevada Records of Criminal History may impose a fee upon an intermediary service organization that submits fingerprints pursuant to this section for the reasonable cost of the investigation. The intermediary service organization may recover from the employee or independent contractor whose fingerprints are submitted not more than one-half of the fee imposed by the Central Repository. If the intermediary service organization requires the employee or independent contractor to pay for any part of the fee imposed by the Central Repository, it shall allow the employee or independent contractor to pay the amount through periodic payments. The intermediary service organization may require a temporary employment service which employs a temporary employee whose fingerprints are submitted to pay the fee imposed by the Central Repository. An intermediary service organization shall notify a temporary employment service if a person employed by the temporary employment service is determined to be ineligible to provide services to the intermediary service organization based upon the results of an investigation conducted pursuant to this section.*





7. Unless a greater penalty is provided by law, a person who willfully provides a false statement or information in connection with an investigation of the background and personal history of the person pursuant to this section that would disqualify the person from employment, including, without limitation, a conviction of a crime listed in subsection 1 of section 85 of this act, is guilty of a misdemeanor.

**Sec. 82.** 1. A temporary employment service shall not send an employee to provide services to an intermediary service organization if the temporary employment service has received notice from a holder of a certificate to operate an intermediary service organization that the employee of the temporary employment service is ineligible to provide such services.

2. A holder of a certificate to operate an intermediary service organization who enters into an agreement with a temporary employment service to provide services to the intermediary service organization on a temporary basis must require the temporary employment service to:

(a) Provide proof that each employee of the temporary employment service whom it may send to provide services to the intermediary service organization has been continuously employed by the temporary employment service since the last investigation conducted of the employee pursuant to section 81 of this act; and

(b) Notify the intermediary service organization if the investigation conducted of an employee of the temporary employment service pursuant to section 81 of this act has not been conducted within the immediately preceding 5 years.

**Sec. 83.** 1. Each intermediary service organization shall maintain accurate records of the information concerning its employees, employees of a temporary employment service and independent contractors collected pursuant to section 81 of this act, including, without limitation:

(a) A copy of the fingerprints submitted to the Central Repository for Nevada Records of Criminal History or proof of electronic fingerprint submission and a copy of the written authorization that was provided by the employee, employee of the temporary employment service or independent contractor;

(b) Proof that the fingerprints of the employee, employee of the temporary employment service or independent contractor were submitted to the Central Repository; and

(c) Any other documentation of the information collected pursuant to section 81 of this act.

2. The records maintained pursuant to subsection 1 must be:



(a) Maintained for the period of the employment of the person with the intermediary service organization; and

(b) Made available for inspection by the Division at any reasonable time, and copies thereof must be furnished to the Division upon request.

3. If an Internet website has been established pursuant to NRS 439.942, an intermediary service organization shall maintain a current list of its employees, employees of a temporary employment service and independent contractors on the Internet website.

4. The Central Repository for Nevada Records of Criminal History may maintain an electronic image of fingerprints submitted pursuant to sections 80 and 81 of this act to notify an intermediary service organization and the Division of any subsequent conviction of a person who is required to submit to an investigation pursuant to sections 80 and 81 of this act.

**Sec. 84.** 1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to section 81 of this act, or evidence from any other source, that an employee, employee of a temporary employment service or independent contractor of an intermediary service organization has been convicted of a crime listed in subsection 1 of section 85 of this act, the holder of the certificate to operate the intermediary service organization shall terminate the employment or contract of that person or notify the temporary employment service that its employee is prohibited from providing services for the intermediary service organization after allowing the person time to correct the information as required pursuant to subsection 2.

2. If an employee, employee of a temporary employment service or independent contractor believes that the information provided by the Central Repository is incorrect, the employee, employee of the temporary employment service or independent contractor may immediately inform the intermediary service organization. The intermediary service organization that is so informed shall give the employee, employee of the temporary employment service or independent contractor a reasonable amount of time of not less than 30 days to correct the information received from the Central Repository before terminating the employment or contract of the person pursuant to subsection 1.

3. An intermediary service organization that has complied with section 81 of this act may not be held civilly or criminally liable based solely upon the ground that the intermediary service



*organization allowed an employee, employee of a temporary employment service or independent contractor to work:*

*(a) Before it received the information concerning the employee, employee of the temporary employment service or independent contractor from the Central Repository, except that an employee, employee of a temporary employment service or independent contractor shall not have contact with a child without supervision before such information is received;*

*(b) During the period required pursuant to subsection 2 to allow the employee, employee of the temporary employment service or independent contractor to correct that information, except that an employee, employee of a temporary employment service or independent contractor shall not have contact with a child without supervision during such period;*

*(c) Based on the information received from the Central Repository, if the information received from the Central Repository was inaccurate; or*

*(d) Any combination thereof.*

*↪ An intermediary service organization may be held liable for any other conduct determined to be negligent or unlawful.*

**Sec. 85.** *In addition to the grounds listed in section 75 of this act, the Division may deny a certificate to operate an intermediary service organization to an applicant or may suspend or revoke a certificate of a holder of a certificate to operate an intermediary service organization if:*

*1. The applicant for or holder of the certificate has been convicted of:*

*(a) Murder, voluntary manslaughter or mayhem;*

*(b) Assault with intent to kill or to commit sexual assault or mayhem;*

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

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

*(e) Abuse or neglect of a child or contributory delinquency;*

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



(g) A violation of any provision of NRS 200.5099 or 200.50995;

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

(i) Any other felony involving the use of a firearm or other deadly weapon, within the immediately preceding 7 years; or

2. The holder of a certificate has continued to employ a person who has been convicted of a crime listed in subsection 1.

**Sec. 86. 1.** If an intermediary service organization violates any provision related to its certification, including, without limitation, any provision of sections 59 to 90, inclusive, of this act or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to section 87 of this act, may, as it deems appropriate:

(a) Prohibit the intermediary service organization from providing services pursuant to section 60 of this act until it determines that the intermediary service organization has corrected the violation;

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

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

(1) It determines that the intermediary service organization 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 the intermediary service organization fails to pay any administrative penalty imposed pursuant to paragraph (b) of subsection 1, the Division may:

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

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

3. The Division may require any intermediary service organization that violates any provision of sections 59 to 90, inclusive, of this act, or any condition, standard or regulation



*adopted by the Board, to make any improvements necessary to correct the violation.*

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

**Sec. 87.** *The Board shall adopt regulations establishing the criteria for the imposition of each sanction prescribed by section 86 of this act. These regulations must:*

*1. Prescribe the circumstances and manner in which each sanction applies;*

*2. Minimize the time between identification of a violation and the imposition of a sanction;*

*3. Provide for the imposition of incrementally more severe sanctions for repeated or uncorrected violations; and*

*4. Provide for less severe sanctions for lesser violations of applicable state statutes, conditions, standards or regulations.*

**Sec. 88.** *1. When the Division intends to deny, suspend or revoke a certificate to operate an intermediary service organization, or to impose any sanction prescribed by section 86 of this act, the Division shall give reasonable notice to the holder of the certificate by certified mail. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. Notice is not required if the Division finds that the public health requires immediate action. In that case, the Division may order a summary suspension of a certificate or impose any sanction prescribed by section 86 of this act, pending proceedings for revocation or other action.*

*2. If a person wants to contest the action of the Division, the person must file an appeal pursuant to regulations adopted by the Board.*

*3. Upon receiving notice of an appeal, the Division shall hold a hearing pursuant to regulations adopted by the Board.*

*4. The Board shall adopt such regulations as are necessary to carry out the provisions of this section.*

**Sec. 89.** *1. Except as otherwise provided in subsection 2 of section 62 of this act, 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 sections 59 to 90, inclusive, 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 an 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. 90.** *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 sections 59 to 90, inclusive, of this act.*

**Sec. 91.** NRS 439.942 is hereby amended to read as follows:

439.942 1. The Division may establish a secure Internet website which makes certain information available for a website client to conduct an investigation into the background and personal history of a person that is required pursuant to the provisions of this chapter or chapter 62B, 63, 424, 427A, 432, 432A, 432B, 433, 433B, 435 or 449 of NRS ~~§~~ *or the chapter consisting of sections 2 to 90, inclusive, of this act.*

2. To become a website client, a person or governmental entity must:

(a) Create an account on the Internet website;

(b) Comply with NRS 439.942 to 439.948, inclusive, and any regulations adopted pursuant thereto governing use of the Internet website; and

(c) Designate a website client administrator who is responsible for:

(1) Determining the persons who are authorized to use the Internet website;

(2) Providing the Division with the names of the persons who are authorized to use the Internet website;

(3) Ensuring that only those authorized persons have access to the Internet website; and

(4) Notifying the Division of any change in the persons who are authorized to use the Internet website.

3. Authorized employees of the Division and of the Department of Public Safety may be designated to serve as administrators of the Internet website with access to all the data and information on the Internet website.

4. Except as otherwise provided in this section and NRS 239.0115, information collected, maintained, stored, backed up or on file on the Internet website is confidential, not subject to



subpoena or discovery and is not subject to inspection by the general public.

5. The Division shall ensure that any information collected, maintained and stored on the Internet website is protected adequately from fire, theft, loss, destruction, other hazards and unauthorized access, and is backed-up in a manner that ensures proper confidentiality and security.

6. The Internet website must be maintained in accordance with any requirements of the Office of the Chief Information Officer within the Office of the Governor established for use of the equipment or services of the Office pursuant to NRS 242.181.

**Sec. 92.** NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, “licensing board” means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 634B, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 641D, 652, 653 or 654 of NRS ~~or~~ *or the chapter consisting of sections 2 to 90, inclusive, of this act.*

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

**Sec. 93.** NRS 449.030 is hereby amended to read as follows:

449.030 Except as otherwise provided in NRS 449.03013 , ~~[and 449.03017.]~~ no person, state or local government or agency thereof may operate or maintain in this State any medical facility or



facility for the dependent without first obtaining a license therefor as provided in NRS 449.029 to 449.2428, inclusive.

**Sec. 94.** NRS 449.0045 is hereby amended to read as follows:

449.0045 “Facility for the dependent” includes:

1. A facility for the treatment of alcohol or other substance use disorders;

2. A facility for the care of adults during the day;

3. A residential facility for groups;

4. ~~[An agency to provide personal care services in the home;~~

~~—5.]~~ A facility for transitional living for released offenders;

~~[6.]~~ 5. A home for individual residential care;

~~[7.]~~ 6. A community health worker pool; and

~~[8.]~~ 7. A provider of community-based living arrangement services.

**Sec. 95.** NRS 449.03013 is hereby amended to read as follows:

449.03013 **1.** A person who is licensed pursuant to this chapter as a facility for the dependent or medical facility, *or who is licensed pursuant to the chapter consisting of sections 2 to 90, inclusive, of this act as an agency to provide personal care services in the home*, and who employs community health workers is not required to obtain an additional license as a community health worker pool.

**2.** *As used in this section, “agency to provide personal care services in the home” has the meaning ascribed to it in section 3 of this act.*

**Sec. 96.** NRS 449.0304 is hereby amended to read as follows:

449.0304 **1.** The Board shall adopt regulations authorizing an employee of a residential facility for groups ~~[an agency to provide personal care services in the home]~~ or a facility for the care of adults during the day, with the consent of the person receiving services, to:

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

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

(c) Using a device for monitoring blood glucose approved by the Food and Drug Administration for use in the home, conduct a blood glucose test on a person receiving services from the facility or





agency or assist such a person to conduct a blood glucose test on himself or herself.

2. The regulations adopted pursuant to this section:

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

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

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

**Sec. 97.** NRS 449.065 is hereby amended to read as follows:

449.065 1. Except as otherwise provided in subsections 6 and 7 and NRS 449.067, each facility for intermediate care, facility for skilled nursing, residential facility for groups, home for individual residential care ~~[, agency to provide personal care services in the home]~~ and agency to provide nursing in the home shall, when applying for a license or renewing a license, file with the Administrator of the Division of Public and Behavioral Health a surety bond:

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

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

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

2. A bond filed pursuant to this section must be executed by the facility, agency ~~[, organization]~~ or home as principal and by a surety company as surety. The bond must be payable to the Aging and Disability Services Division of the Department of Health and Human Services and must be conditioned to provide indemnification to an older patient who the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition determines has suffered property damage as a result of any act or failure to act by the facility, agency ~~[, organization]~~ or home to protect the property of the older patient.

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



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

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

6. The Administrator of the Division of Public and Behavioral Health may exempt a residential facility for groups or a home for individual residential care from the requirement of filing a surety bond pursuant to this section if the Administrator determines that the requirement would result in undue hardship to the residential facility for groups or home for individual residential care.

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

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

**Sec. 98.** NRS 449.067 is hereby amended to read as follows:

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



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

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

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

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

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

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

**Sec. 99.** NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to subsection 4 and NRS 449.050, as applicable, unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100 or 439A.102; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for ~~[an agency to provide personal care services in the home,]~~ an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a 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, 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 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 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 or home are in compliance with the provisions of NRS 449.093.

4. Each reapplication for a surgical center for ambulatory patients, facility for the treatment of irreversible renal disease, facility for hospice care, program of hospice care, hospital, facility for intermediate care, facility for skilled nursing ~~[, agency to provide personal care services in the home]~~ or rural clinic must be accompanied by the fee prescribed by the State Board of Health pursuant to NRS 457.240, in addition to the fees imposed pursuant to NRS 449.050.

**Sec. 100.** NRS 449.093 is hereby amended to read as follows:

449.093 1. An applicant for a license to operate a facility for intermediate care, facility for skilled nursing, ~~[agency to provide personal care services in the home,]~~ facility for the care of adults during the day, residential facility for groups or home for individual residential care must receive training to recognize and prevent the abuse of older persons before a license to operate such a facility ~~[, agency]~~ or home is issued to the applicant. If an applicant has completed such training within the year preceding the date of the application for a license and the application includes evidence of the training, the applicant shall be deemed to have complied with the requirements of this subsection.



2. A licensee who holds a license to operate a facility for intermediate care, facility for skilled nursing, ~~[agency to provide personal care services in the home,]~~ facility for the care of adults during the day, residential facility for groups or home for individual residential care must annually receive training to recognize and prevent the abuse of older persons before the license to operate such a facility ~~[, agency]~~ or home may be renewed.

3. If an applicant or licensee who is required by this section to obtain training is not a natural person, the person in charge of the facility ~~[, agency]~~ or home must receive the training required by this section.

4. An administrator or other person in charge of a facility for intermediate care, facility for skilled nursing, ~~[agency to provide personal care services in the home,]~~ facility for the care of adults during the day, residential facility for groups or home for individual residential care must receive training to recognize and prevent the abuse of older persons before the facility ~~[, agency]~~ or home provides care to a person and annually thereafter.

5. An employee who will provide care to a person in a facility for intermediate care, facility for skilled nursing, ~~[agency to provide personal care services in the home,]~~ facility for the care of adults during the day, residential facility for groups or home for individual residential care must receive training to recognize and prevent the abuse of older persons before the employee provides care to a person in the facility ~~[, agency]~~ or home and annually thereafter.

6. The topics of instruction that must be included in the training required by this section must include, without limitation:

(a) Recognizing the abuse of older persons, including sexual abuse and violations of NRS 200.5091 to 200.50995, inclusive;

(b) Responding to reports of the alleged abuse of older persons, including sexual abuse and violations of NRS 200.5091 to 200.50995, inclusive; and

(c) Instruction concerning the federal, state and local laws, and any changes to those laws, relating to:

(1) The abuse of older persons; and

(2) Facilities for intermediate care, facilities for skilled nursing, ~~[agencies to provide personal care services in the home,]~~ facilities for the care of adults during the day, residential facilities for groups or homes for individual residential care, as applicable for the person receiving the training.

7. The facility for intermediate care, facility for skilled nursing, ~~[agency to provide personal care services in the home,]~~ facility for the care of adults during the day, residential facility for groups or



home for individual residential care is responsible for the costs related to the training required by this section.

8. The administrator of a facility for intermediate care, facility for skilled nursing or residential facility for groups who is licensed pursuant to chapter 654 of NRS shall ensure that each employee of the facility who provides care to residents has obtained the training required by this section. If an administrator or employee of a facility or home does not obtain the training required by this section, the Division shall notify the Board of Examiners for Long-Term Care Administrators that the administrator is in violation of this section.

9. The holder of a license to operate a facility for intermediate care, facility for skilled nursing, ~~[agency to provide personal care services in the home,]~~ facility for the care of adults during the day, residential facility for groups or home for individual residential care shall ensure that each person who is required to comply with the requirements for training pursuant to this section complies with such requirements. The Division may, for any violation of this section, take disciplinary action against a facility ~~[, agency]~~ or home pursuant to NRS 449.160 and 449.163.

**Sec. 101.** NRS 449.119 is hereby amended to read as follows:

449.119 “Facility, hospital, agency, program or home” means ~~[an agency to provide personal care services in the home, an employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home,]~~ an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a 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, 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.

**Sec. 102.** NRS 449.174 is hereby amended to read as follows:

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



the license of a licensee to operate such a facility, hospital, agency, program or home if:

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

(1) Murder, voluntary manslaughter or mayhem;  
(2) Assault or battery with intent to kill or to commit sexual assault or mayhem;

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

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

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

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

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

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

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

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

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

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

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

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

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



(b) The licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a); or

(c) The applicant or licensee has had a substantiated report of child abuse or neglect made against him or her and if the facility, hospital, agency, program or home provides residential services to children, is a psychiatric hospital that provides inpatient services to children or is a psychiatric residential treatment facility.

2. In addition to the grounds listed in NRS 449.160, the Division may suspend or revoke the license of a licensee to operate an agency to provide personal care services in the home ~~[, an agency to provide nursing in the home]~~ or a community health worker pool if the licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.

3. As used in this section:

(a) “Domestic violence” means an act described in NRS 33.018.

(b) “Facility, hospital, agency, program or home” has the meaning ascribed to it in NRS 449.119.

(c) “Medicaid” has the meaning ascribed to it in NRS 439B.120.

(d) “Medicare” has the meaning ascribed to it in NRS 439B.130.

**Sec. 103.** NRS 449.1824 is hereby amended to read as follows:

449.1824 1. If a patient will be released from a hospital to his or her residence or a rehabilitation center and a dietitian 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 dietitian.

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 dietitian, 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.

**Sec. 104.** NRS 449.194 is hereby amended to read as follows:

449.194 Any person who is employed by ~~[an agency to provide personal care services in the home or]~~ a community health worker pool who:





1. Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;

2. Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or

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

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

**Sec. 105.** NRS 449A.031 is hereby amended to read as follows:

449A.031 "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045 *and additionally includes an agency to provide personal care services in the home, as defined in section 3 of this act.*

**Sec. 106.** NRS 457.240 is hereby amended to read as follows:

457.240 1. The State Board of Health shall by regulation:

(a) Prescribe the form and manner in which the information on cases of cancer and other neoplasms must be reported;

(b) Specify the neoplasms which must be reported;

(c) Prescribe other information to be included in each such report, for example, the patient's name and address, the pathological findings, the stage of the disease, the environmental and occupational factors, the methods of treatment, the incidence of cancer or other neoplasms in the patient's family, and the places where the patient has resided;

(d) Establish a protocol for obtaining access to and preserving the confidentiality of the patients' records needed for research into cancer and other neoplasms; and

(e) Prescribe a fee to be imposed on an applicant for:

(1) The issuance or renewal of a certificate of authorization for a radiation machine for mammography pursuant to NRS 457.184;

(2) The issuance or renewal of registration of a radiation machine pursuant to the regulations adopted by the State Board of Health pursuant to NRS 459.201;



(3) The renewal of a license to operate a surgical center for ambulatory patients, facility for the treatment of irreversible renal disease, facility for hospice care, program of hospice care, hospital, facility for intermediate care, facility for skilled nursing ~~[, agency to provide personal care services in the home]~~ or rural clinic pursuant to NRS 449.089; ~~[or]~~

(4) *The renewal of a license to operate an agency to provide personal care services in the home pursuant to section 28 of this act; or*

(5) The renewal of a license to operate a medical laboratory, other than a laboratory in which the only test performed is a test for the detection of the human immunodeficiency virus that is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations, pursuant to NRS 652.080.

2. The amount of any fee prescribed pursuant to paragraph (e) of subsection 1 must not exceed 8 percent of the fee for the issuance or renewal of the applicable license, certificate or registration. For the purposes of this subsection, the fee for the renewal of a license to operate a facility described in subparagraph (3) of paragraph (e) of subsection 1 does not include any fee that is imposed per bed in the facility.

3. The fees collected pursuant to paragraph (e) of subsection 1 must be accounted for separately and used by the Division to support the system for the reporting of information on cancer and other neoplasms established pursuant to NRS 457.230.

**Sec. 107.** NRS 21.130 is hereby amended to read as follows:

21.130 1. Before the sale of property on execution, notice of the sale, in addition to the notice required pursuant to NRS 21.075 and 21.076, must be given as follows:

(a) In cases of perishable property, by posting written notice of the time and place of sale in three public places at the township or city where the sale is to take place, for such a time as may be reasonable, considering the character and condition of the property.

(b) In case of other personal property, by posting a similar notice in three public places of the township or city where the sale is to take place, not less than 5 or more than 10 days before the sale, and, in case of sale on execution issuing out of a district court, by the publication of a copy of the notice in a newspaper, if there is one in the county, at least twice, the first publication being not less than 10 days before the date of the sale.

(c) In case of real property, by:

(1) Personal service upon each judgment debtor or by registered mail to the last known address of each judgment debtor



and, if the property of the judgment debtor is operated as a facility licensed under chapter 449 of NRS ~~§~~ *or an entity licensed or certified under the chapter consisting of sections 2 to 90, inclusive, of this act*, upon the State Board of Health;

(2) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(3) Publishing a copy of the notice three times, once each week, for 3 successive weeks, in a newspaper, if there is one in the county. The cost of publication must not exceed the rate for legal advertising as provided in NRS 238.070. If the newspaper authorized by this section to publish the notice of sale neglects or refuses from any cause to make the publication, then the posting of notices as provided in this section shall be deemed sufficient notice. Notice of the sale of property on execution upon a judgment for any sum less than \$500, exclusive of costs, must be given only by posting in three public places in the county, one of which must be the courthouse;

(4) Recording a copy of the notice in the office of the county recorder;

(5) If the sale of property is a residential foreclosure, posting a copy of the notice in a conspicuous place on the property. In addition to the requirements of NRS 21.140, the notice must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier; and

(6) In the case of a foreclosure sale, depositing in the United States mail an envelope, registered or certified, return receipt requested and with postage prepaid, containing a copy of the notice, addressed to:

(I) Each person who, in accordance with subsection 1 of NRS 107.090, has recorded a request for a copy of a notice of default or notice of sale with respect to the mortgage or other lien being foreclosed;

(II) Each other person with an interest in the real property whose interest or claimed interest is subordinate to the mortgage or other lien being foreclosed; and

(III) An association that, pursuant to subsection 4 of NRS 107.090, has recorded a request for a copy of the deed upon a foreclosure sale.

2. If the sale of property is a residential foreclosure, the notice must include, without limitation:



- (a) The physical address of the property; and
- (b) The contact information of the party who is authorized to provide information relating to the foreclosure status of the property.

3. If the sale of property is a residential foreclosure, a separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the judgment debtor, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 1. The separate notice must be in substantially the following form:

### NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes, eviction proceedings may begin against you after you have been given a notice to surrender.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.



If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes.

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The sheriff shall not conduct a sale of the property on execution or deliver the judgment debtor's property to the judgment creditor if the judgment debtor or any other person entitled to notice has not been properly notified as required in this section and NRS 21.075 and 21.076.

5. As used in this section:

(a) "Foreclosure sale" means the sale of real property pursuant to NRS 40.430.

(b) "Residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

**Sec. 108.** NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210, 107.0805, 107.085 and 107.086, if any transfer in trust of any estate



in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) In the case of any deed of trust coming into force:


(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of each county wherein the trust property, or any part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation.

(c) The beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee to exercise the power of sale with respect to the property.

(d) Not less than 3 months have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2 commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of each county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS  *or an entity licensed or certified under the chapter consisting of sections 2 to 90, inclusive, of this act*, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property or, if authorized by the parties, delivered by electronic transmission. The notice of default and election to sell must describe the deficiency in performance or



payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2.

4. The trustee, or other person authorized to make the sale under the terms of the deed of trust, shall, after expiration of the applicable period specified in paragraph (d) of subsection 2 following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS ~~H~~ *or an entity licensed or certified under the chapter consisting of sections 2 to 90, inclusive, of this act*, the State Board of Health, by personal service, by electronic transmission if authorized by the parties or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in each county where the property is situated; and

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in each county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. Except as otherwise provided in subsection 7, a sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 30 days after the date on which the trustee's deed upon sale is recorded



pursuant to subsection 10 in the office of the county recorder of each county in which the property is located; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of each county where the sale took place within 5 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 90 days after the date of the sale.

7. Upon expiration of the time for commencing an action which is set forth in subsections 5 and 6, any failure to comply with the provisions of this section or any other provision of this chapter does not affect the rights of a bona fide purchaser as described in NRS 111.180.

8. If, in an action brought by the grantor or the person who holds title of record in the district court in and for any county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of \$5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,  
➤ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

9. The sale or assignment of a proprietary lease in a cooperative vests in the purchaser or assignee title to the ownership interest and votes in the cooperative association which accompany the proprietary lease.

10. After a sale of property is conducted pursuant to this section, the trustee shall:





(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of each county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of each county in which the property is located.

11. Within 5 days after recording the trustee's deed upon sale, the trustee or successful bidder, whoever recorded the trustee's deed upon sale pursuant to subsection 10, shall cause a copy of the trustee's deed upon sale to be posted conspicuously on the property. The failure of a trustee or successful bidder to effect the posting required by this subsection does not affect the validity of a sale of the property to a bona fide purchaser for value without knowledge of the failure.

12. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 10, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to \$500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 10 and for reasonable attorney's fees and the costs of bringing the action.

13. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of \$150 for deposit in the State General Fund.

(b) A fee of \$95 for deposit in the Account for Foreclosure Mediation Assistance, which is hereby created in the State General Fund. The Account must be administered by the Interim Finance Committee and the money in the Account may be expended only for the purpose of:

(1) Supporting a program of foreclosure mediation; and

(2) The development and maintenance of an Internet portal for a program of foreclosure mediation pursuant to subsection 16 of NRS 107.086.

(c) A fee of \$5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The



county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

14. The fees collected pursuant to paragraphs (a) and (b) of subsection 13 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account for Foreclosure Mediation Assistance as prescribed pursuant to subsection 13. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in subsection 13.

15. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 13.

**Sec. 109.** NRS 118A.335 is hereby amended to read as follows:

118A.335 1. Except as otherwise provided in subsection 6, a landlord of dwelling units intended and operated exclusively for persons 55 years of age and older may not employ any person who will work 36 hours or more per week and who will have access to all dwelling units to perform work on the premises unless the person has obtained a work card issued pursuant to subsection 2 by the sheriff of the county in which the dwelling units are located and renewed that work card as necessary.

2. The sheriff of a county shall issue a work card to each person who is required by this section to obtain a work card and who complies with the requirements established by the sheriff for the issuance of such a card. A work card issued pursuant to this section must be renewed:

(a) Every 5 years; and

(b) Whenever the person changes his or her employment to perform work for an employer other than the employer for which the person's current work card was issued.



3. Except as otherwise provided in subsection 4, if the sheriff of a county requires an applicant for a work card to be investigated:

(a) The applicant must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the sheriff to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(b) The sheriff shall submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

(c) The sheriff may issue a temporary work card pending the determination of the criminal history of the applicant by the Federal Bureau of Investigation.

4. The sheriff of a county shall not require an investigation of the criminal history of an employee or independent contractor of an agency, ~~or~~ facility *or organization* governed by NRS 449.122 to 449.125, inclusive, and 449.174, *sections 36 to 40, inclusive, and section 49 of this act, or sections 80 to 85, inclusive, of this act, as applicable*, who has had his or her fingerprints submitted to the Central Repository for Nevada Records of Criminal History pursuant to NRS 449.123 *or section 37 or 81 of this act, as applicable*, for an investigation of his or her criminal history within the immediately preceding 6 months.

5. The sheriff shall not issue a work card to any person who:

(a) Has been convicted of a category A, B or C felony or of a crime in another state which would be a category A, B or C felony if committed in this State;

(b) Has been convicted of a sexual offense;

(c) Has been convicted of a crime against any person who is 60 years of age or older or against a vulnerable person for which an additional term of imprisonment may be imposed pursuant to NRS 193.167 or the laws of any other jurisdiction;

(d) Has been convicted of a battery punishable as a gross misdemeanor; or

(e) Within the immediately preceding 5 years:

(1) Has been convicted of a theft; or

(2) Has been convicted of a violation of any state or federal law regulating the possession, distribution or use of a controlled substance.

6. The following persons are not required to obtain a work card pursuant to this section:



(a) A person who holds a permit to engage in property management pursuant to chapter 645 of NRS.

(b) An independent contractor. As used in this paragraph, “independent contractor” means a person who performs services for a fixed price according to the person’s own methods and without subjection to the supervision or control of the landlord, except as to the results of the work, and not as to the means by which the services are accomplished.

(c) An offender in the course and scope of his or her employment in a work program directed by the warden, sheriff, administrator or other person responsible for administering a prison, jail or other detention facility.

(d) A person performing work through a court-assigned restitution or community-service program.

7. If the sheriff does not issue a work card to a person because the information received from the Central Repository for Nevada Records of Criminal History indicates that the person has been convicted of a crime listed in subsection 5 and the person believes that the information provided by the Central Repository is incorrect, the person may immediately inform the sheriff. If the sheriff is so informed, the sheriff shall give the person at least 30 days in which to correct the information before terminating the temporary work card issued pursuant to subsection 3.

8. As used in this section, unless the context otherwise requires:

(a) “Sexual offense” has the meaning ascribed to it in NRS 179D.097.

(b) “Vulnerable person” has the meaning ascribed to it in NRS 200.5092.

**Sec. 110.** NRS 162A.740 is hereby amended to read as follows:

162A.740 “Health care facility” includes:

1. Any medical facility as defined in NRS 449.0151; ~~and~~
2. Any facility for the dependent as defined in NRS 449.0045

~~}; and~~

*3. Any agency to provide personal care services in the home as defined in section 3 of this act.*

**Sec. 111.** NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.



2. Each agency of criminal justice and any other agency dealing with crime shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository:

(1) In the manner approved by the Director of the Department; and

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department, ↪ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:

(a) In the manner prescribed by the Director of the Department;

(b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.



(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183 ~~and~~ *and* 449.123 and ~~449.4329;~~ *sections 37 and 81 of this act;* or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:



(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

↪ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

8. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or

(3) Is employed by or volunteers for a county school district, charter school or private school,

↪ and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.3387 or 453.339, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or



(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

↳ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.3387 or 453.339, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122 ~~§~~ or 449.123 or ~~[449.4329.]~~ *section 36, 37, 80 or 81 of this act.*

(g) Provide an electronic means to access on the Central Repository's Internet website statistical data relating to crime.

(h) Provide an electronic means to access on the Central Repository's Internet website statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

9. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of





criminal justice or any other agency dealing with crime which is required to submit information pursuant to subsection 2. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository or for any other purpose authorized by the Legislature, and any balance of the money remaining at the end of a fiscal year reverts to the State General Fund.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

10. As used in this section:

(a) “Mobile identification” means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(b) “Personal identifying information” means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver’s license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(c) “Private school” has the meaning ascribed to it in NRS 394.103.

**Sec. 112.** NRS 200.471 is hereby amended to read as follows:  
200.471 1. As used in this section:

(a) “Assault” means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) “Fire-fighting agency” has the meaning ascribed to it in NRS 239B.020.

(c) “Health care facility” means a facility licensed pursuant to chapter 449 of NRS, *an entity licensed or certified pursuant to the chapter consisting of sections 2 to 90, inclusive, of this act*, an office of a person listed in NRS 629.031, a clinic or any other location, other than a residence, where health care is provided.

(d) “Officer” means:

(1) A person who possesses some or all of the powers of a peace officer;



(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(e) “Provider of health care” means:

(1) A physician, a medical student, a perfusionist, an anesthesiologist assistant or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician



assistant or anesthesiologist assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a naprapath, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a person who provides health care services in the home for compensation, a dentist, a dental student, a dental hygienist, a dental hygienist student, an expanded function dental assistant, an expanded function dental assistant student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a behavior analyst, an assistant behavior analyst, a registered behavior technician, a mental health technician, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, a public safety officer at a health care facility, an emergency medical technician, an advanced emergency medical technician, a paramedic or a participant in a program of training to provide emergency medical services; or

(2) An employee of or volunteer for a health care facility who:

(I) Interacts with the public;

(II) Performs tasks related to providing health care; and

(III) Wears identification, clothing or a uniform that identifies the person as an employee or volunteer of the health care facility.

(f) “School employee” means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(g) “Sporting event” has the meaning ascribed to it in NRS 41.630.

(h) “Sports official” has the meaning ascribed to it in NRS 41.630.

(i) “Taxicab” has the meaning ascribed to it in NRS 706.8816.

(j) “Taxicab driver” means a person who operates a taxicab.

(k) “Transit operator” means a person who operates a bus or other vehicle as part of a public mass transportation system.

(l) “Utility worker” means an employee of a public utility as defined in NRS 704.020 whose official duties require the employee to:

(1) Interact with the public;



(2) Perform tasks related to the operation of the public utility; and

(3) Wear identification, clothing or a uniform that identifies the employee as working for the public utility.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault:

(1) Is committed upon:

(I) An officer, a school employee, a taxicab driver, a transit operator or a utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator, a utility worker or a sports official,

↳ for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(d) If the assault:

(1) Is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee upon:

(I) An officer, a school employee, a taxicab driver, a transit operator or a utility worker who is performing his or her duty;



(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator, a utility worker or a sports official,

➤ for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

**Sec. 113.** NRS 200.5093 is hereby amended to read as follows:

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

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

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

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

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

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

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



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

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, expanded function dental assistant, chiropractic physician, naprapath, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, anesthesiologist assistant, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, behavior analyst, assistant behavior analyst, registered behavior technician, peer recovery support specialist supervisor, as defined in NRS 433.627, peer recovery support specialist supervisor, as defined in NRS 433.629, or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

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

(c) A coroner.

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

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

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in ~~NRS 449.4304.~~ *section 59 of this act.*

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.



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

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

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

(k) Every social worker.

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

(m) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(n) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

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



- (a) Aging and Disability Services Division;
- (b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and
- (c) Unit for the Investigation and Prosecution of Crimes.

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

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

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

**Sec. 114.** NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:

- (a) Pursuant to a criminal prosecution;
- (b) Pursuant to NRS 200.50982; or
- (c) To persons or agencies enumerated in subsection 3,

↪ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;





(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incapacitated;

(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:

(1) The protected person is an older person or vulnerable person;

(2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and



(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(l) The State Guardianship Compliance Office created by NRS 159.341.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, 641D, 653 or 654 of NRS ~~§~~ *or the chapter consisting of sections 2 to 90, inclusive, of this act*, the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

**Sec. 115.** NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, *and the chapter consisting of sections 2 to 90, inclusive, of this act*, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible



for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

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

**Sec. 116.** NRS 232.359 is hereby amended to read as follows:

232.359 1. The Department, in collaboration with any state or local agencies or community-based organizations which provide information and referral services concerning health, welfare, human



and social services and any group established by the Governor to implement a statewide information and referral system concerning health, welfare, human and social services, shall establish and maintain a statewide information and referral system to provide nonemergency information and referrals to the general public concerning the health, welfare, human and social services provided by public or private entities in this State. The system must:

(a) Integrate any information and referral systems previously established by state agencies, local agencies or community-based organizations with the system established pursuant to this section;

(b) Be the sole system in this State which is accessible to a person by dialing the digits 2-1-1 and which provides nonemergency information and referrals to the general public concerning the health, welfare, human and social services provided by public or private entities in this State;

(c) Be accessible to a person using the public telephone system by dialing the digits 2-1-1;

(d) Include information concerning service-connected disabilities and diseases, including, without limitation, diseases presumed to be service-connected pursuant to 38 C.F.R. §§ 3.303 to 3.344, inclusive;

(e) Except as otherwise provided in paragraph (f), include information that is updated periodically; and

(f) Include information concerning the licensing status of any entity licensed pursuant to chapter 449 of NRS *or the chapter consisting of sections 2 to 90, inclusive, of this act* that is reviewed and updated at least quarterly.

2. In establishing the statewide information and referral system, the Department, any state or local agencies or community-based organizations which provide information and referral services concerning health, welfare, human and social services and any group established by the Governor to implement a statewide information and referral system concerning health, welfare, human and social services shall consult with representatives of:

(a) The Public Utilities Commission of Nevada;

(b) Telephone companies which provide service through a local exchange in this State;

(c) Companies that provide wireless phone services in this State;

(d) Existing information and referral services established by state agencies, local agencies or community-based organizations;

(e) State and local agencies or other organizations that provide health, welfare, human and social services;

(f) Nonprofit organizations; and



(g) Such other agencies, entities and organizations as determined necessary by the Department, any state or local agencies or community-based organizations which provide information and referral services concerning health, welfare, human and social services or any group established by the Governor to implement a statewide information and referral system concerning health, welfare, human and social services.

3. The Public Utilities Commission of Nevada, each telephone company which provides service through a local exchange in this State and each company that provides wireless phone services in this State shall cooperate with the Department, any state or local agencies or community-based organizations which provide information and referral services concerning health, welfare, human and social services and any group established by the Governor to implement a statewide information and referral system concerning health, welfare, human and social services in the establishment of the statewide information and referral system.

**Sec. 117.** NRS 232B.237 is hereby amended to read as follows:

232B.237 1. The Sunset Subcommittee of the Legislative Commission shall conduct a review of each professional or occupational licensing board and regulatory body in this State to determine whether the restrictions on the criminal history of an applicant for an occupational or professional license are appropriate.

2. Each professional or occupational licensing board and regulatory body subject to review pursuant to subsection 1 must submit information to the Sunset Subcommittee on a form prescribed by the Sunset Subcommittee. The information must include, without limitation:

(a) The number of petitions submitted to a professional or occupational licensing board and regulatory body pursuant to NRS 1.545, 240A.275, 244.33504, 361.2212, 379.00785, 435.3395, 445B.7776, 449.03008, ~~449.4316,~~ 450B.169, 455C.125, 457.1825, 458.0258, 477.2233, 482.163, 487.006, 489.298, 490.195, 502.375, 503.5831, 504.391, 505.013, 534.1405, 544.147, 555.305, 557.225, 576.037, 581.1033, 582.035, 584.2165, 587.014, 599A.057, 599B.127, 618.357, 622.085, 678B.630 and 706.4626 ~~;~~ *and sections 10 and 70 of this act;*

(b) The number of determinations of disqualification made by the professional or occupational licensing board and regulatory body pursuant to NRS 1.545, 240A.275, 244.33504, 361.2212, 379.00785, 435.3395, 445B.7776, 449.03008, ~~449.4316,~~ 450B.169, 455C.125, 457.1825, 458.0258, 477.2233, 482.163,



487.006, 489.298, 490.195, 502.375, 503.5831, 504.391, 505.013, 534.1405, 544.147, 555.305, 557.225, 576.037, 581.1033, 582.035, 584.2165, 587.014, 599A.057, 599B.127, 618.357, 622.085, 678B.630 and 706.4626 ~~§~~ **and sections 10 and 70 of this act;** and

(c) The reasons for such determinations of disqualification.

3. As used in this section, “regulatory body” has the meaning ascribed to it in NRS 622.060.

**Sec. 118.** NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138,



366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, **[449.4315,]** 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130,



645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and sections 23, 55 and 69 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:





- (a) The public record:
    - (1) Was not created or prepared in an electronic format; and
    - (2) Is not available in an electronic format; or
  - (b) Providing the public record in an electronic format or by means of an electronic medium would:
    - (1) Give access to proprietary software; or
    - (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.
5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:
- (a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.
  - (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

**Sec. 119.** NRS 287.500 is hereby amended to read as follows:

287.500 As used in NRS 287.500 to 287.530, inclusive, unless the context otherwise requires:

1. “Employee organization” means an organization of any kind whose members are governmental employees and has as one of its purposes the improvement of the terms and conditions of employment of governmental employees.

2. “Professional service” means any type of personal service which may be performed only pursuant to a license, certificate of registration or other authorization issued by this state, except services provided by any person licensed under chapter 630 or 633 of NRS, ~~for~~ by any medical facility or facility for the dependent as defined in chapter 449 of NRS ~~for~~ *or any agency to provide personal care services in the home as defined in section 3 of this act.*

**Sec. 120.** NRS 422.272407 is hereby amended to read as follows:

422.272407 1. To the extent authorized by federal law, the Director shall include ~~in the State Plan for~~ *under* Medicaid authorization for ~~for~~ :

(a) A recipient of Medicaid to be deemed a provider of services for the purposes of allowing the recipient to receive reimbursements for personal care services covered by Medicaid and use that money to pay for services provided by a personal care assistant acting



pursuant to NRS 629.091 or an agency to provide personal care services in the home using a self-directed model.

*(b) A member of the family of a recipient of Medicaid to serve as a personal care assistant pursuant to paragraph (a) if the family member:*

*(1) Completes the training required by section 30 of this act; and*

*(2) Receives authorization from a provider of health care pursuant to NRS 629.091 to act as a personal care assistant for the recipient.*

2. As used in this section:

(a) “Agency to provide personal care services in the home” has the meaning ascribed to it in ~~[NRS 449.0021.]~~ *section 3 of this act.*

(b) “Personal care services” means the services described in ~~[NRS 449.1935.]~~ *section 52 of this act.*

**Sec. 121.** NRS 422.3792 is hereby amended to read as follows:

422.3792 “Agency to provide personal care services in the home” has the meaning ascribed to it in ~~[NRS 449.0021.]~~ *section 3 of this act.*

**Sec. 122.** NRS 422.3965 is hereby amended to read as follows:

422.3965 1. The Department shall apply to the Secretary of Health and Human Services for a home and community-based services waiver granted pursuant to 42 U.S.C. § 1396n(c). The waiver must authorize the Department to include structured family caregiving for persons suffering from dementia as medical assistance under Medicaid.

2. The waiver must:

(a) Authorize an applicant for or a recipient of Medicaid suffering from dementia to choose any:

(1) Person, including, without limitation, a spouse or a person who is legally responsible for the recipient, to serve as his or her caregiver; and

(2) Appropriate residence in which to receive structured family caregiving;

(b) Require a caregiver chosen by a recipient of Medicaid pursuant to paragraph (a), including, without limitation, a caregiver chosen by an applicant whose application is approved, to be or become an employee of an agency to provide personal care services in the home or an intermediary service organization;



(c) Establish a per diem rate to be paid to an agency to provide personal care services in the home or an intermediary service organization that employs a caregiver pursuant to paragraph (b);

(d) Require an agency to provide personal care services in the home or intermediary service organization that employs a caregiver pursuant to paragraph (b) to provide to the caregiver a daily stipend that is at least 65 percent of the per diem rate paid to the agency to provide personal care services in the home or intermediary service organization; and

(e) Require a caregiver chosen by a recipient of Medicaid pursuant to paragraph (a), including, without limitation, a caregiver chosen by an applicant whose application is approved, to complete ~~[any] the~~ training ~~[the Aging and Disability Services Division of the Department determines to be necessary for the caregiver to provide adequate care to the recipient.]~~ *required by section 30 of this act.*

3. The Department shall:

(a) Cooperate with the Federal Government in obtaining a waiver pursuant to this section;

(b) If the Federal Government approves the waiver, adopt regulations necessary to carry out the provisions of this section, including, without limitation, the criteria to be used in determining eligibility for an applicant for or a recipient of Medicaid suffering from dementia to receive structured family caregiving pursuant to this section; and

(c) Implement the amendments to the waiver only to the extent that the amendments are approved by the Federal Government.

4. As used in this section:

(a) “Agency to provide personal care services in the home” has the meaning ascribed to it in ~~[NRS 449.0021.]~~ *section 3 of this act.*

(b) “Intermediary service organization” has the meaning ascribed to it in ~~[NRS 449.4304.]~~ *section 59 of this act.*

(c) “Structured family caregiving” means the provision of services to a person who resides in the same residence as the caregiver on a full-time basis. The services provided may include, without limitation:

(1) Case management services;

(2) Personal care services;

(3) Personal assistance;

(4) Homemaker services; and

(5) Health-related services, including, without limitation, home health aide services.



**Sec. 123.** NRS 427A.175 is hereby amended to read as follows:

427A.175 1. Within 1 year after an older patient sustains damage to his or her property as a result of any act or failure to act by a facility for intermediate care, a facility for skilled nursing, a residential facility for groups, a home for individual residential care, an agency to provide personal care services in the home, an intermediary service organization, a community health worker pool or an agency to provide nursing in the home in protecting the property, the older patient may file a verified complaint with the Division setting forth the details of the damage.

2. Upon receiving a verified complaint pursuant to subsection 1, the Administrator shall investigate the complaint and attempt to settle the matter through arbitration, mediation or negotiation.

3. If a settlement is not reached pursuant to subsection 2, the facility, home, agency, organization or older patient may request a hearing before the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition. If requested, the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition shall conduct a hearing to determine whether the facility, home, agency, pool or organization is liable for damages to the patient. If the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition determines that the facility, home, agency, pool or organization is liable for damages to the patient, the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition shall order the amount of the surety bond pursuant to NRS 449.065 *or section 24 or 67 of this act, as applicable*, or the substitute for the surety bond necessary to pay for the damages pursuant to NRS 449.067 *or section 25 or 68 of this act, as applicable*, to be released to the Division. The Division shall pay any such amount to the older patient or the estate of the older patient.

4. The Division shall create a separate account for money to be collected and distributed pursuant to this section.

5. As used in this section:

(a) “Agency to provide nursing in the home” has the meaning ascribed to it in NRS 449.0015;

(b) “Agency to provide personal care services in the home” has the meaning ascribed to it in ~~[NRS 449.0021;]~~ *section 3 of this act*;

(c) “Community health worker pool” has the meaning ascribed to it in NRS 449.0028;



(d) “Facility for intermediate care” has the meaning ascribed to it in NRS 449.0038;

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

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

(g) “Intermediary service organization” has the meaning ascribed to it in ~~NRS 449.4304;~~ *section 59 of this act;*

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

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

**Sec. 124.** NRS 427A.906 is hereby amended to read as follows:

427A.906 “Facility or service provider” means:

1. Any facility or other entity licensed or certified pursuant to chapter 435 or 449 of NRS ~~[-]~~ *or the chapter consisting of sections 2 to 90, inclusive, of this act.*

2. A provider of emergency medical services.

3. A facility for long-term rehabilitation.

4. Any unlicensed establishment that provides food, shelter, assistance and limited supervision to an older person or a vulnerable person.

**Sec. 125.** NRS 435.450 is hereby amended to read as follows:

435.450 1. If a patient in a division facility is transferred to another division facility or to a medical facility, a facility for the dependent, *an agency to provide personal care services in the home* or a physician licensed to practice medicine, the division facility shall forward a copy of the medical records of the patient, on or before the date the patient is transferred, to the facility, *agency* or physician. Except as otherwise required by 42 U.S.C. § 290dd, 290dd-1 or 290dd-2 or NRS 439.591 or 439.597, the division facility is not required to obtain the oral or written consent of the patient to forward a copy of the medical records.

2. As used in this section, ~~[-“medical”]~~ :

(a) *“Agency to provide personal care services in the home” has the meaning ascribed to it in section 3 of this act.*

(b) *“Medical records”* includes a medical history of the patient, a summary of the current physical condition of the patient and a discharge summary which contains the information necessary for the proper treatment of the patient.



**Sec. 126.** NRS 608.0195 is hereby amended to read as follows:

608.0195 1. If an employee specified in paragraph (a) of subsection 3 is required to be on duty for 24 hours or more, the employer and employee may agree in writing to exclude from the employee's wages a regularly scheduled sleeping period not to exceed 8 hours if adequate sleeping facilities are furnished:

(a) By the employer of an employee described in subparagraph (1) of paragraph (a) of subsection 3; or

(b) In the home in which an employee described in subparagraph (2) of paragraph (a) of subsection 3 provides personal care services,

↪ as applicable.

2. If the sleeping period is interrupted by any call for service by the employer or for service to a person to whom the employee provides personal care services, the interruption must be counted as hours worked. If the sleeping period is interrupted by any call for service by the employer or for service to a person to whom the employee provides personal care services to such an extent that the sleeping period is less than 5 hours, the employee must be paid for the entire sleeping period.

3. The provisions of subsections 1 and 2:

(a) Apply only to:

(1) An employee who is on duty at a residential facility for a group of similarly situated persons who require supervision, care or other assistance from employees at the residential facility; and

(2) An employee of an agency to provide personal care services in the home who is on duty.

(b) Do not apply to a firefighter, a member of a rescue or emergency services crew or a peace officer, including, without limitation, a correctional officer.

4. As used in this section:

(a) "A group of similarly situated persons" includes, without limitation, a group of:

(1) Persons with a mental illness;

(2) Persons with a physical disability;

(3) Persons with an intellectual disability;

(4) Persons who are elderly;

(5) Persons recovering from alcohol or substance use disorders;

(6) Children in foster care; and

(7) Children in a program to address emotional or behavioral problems.



(b) “Agency to provide personal care services in the home” has the meaning ascribed to it in ~~[NRS 449.0021.]~~ *section 3 of this act.*

(c) “On duty” means any period during which an employee is working or is required to remain on the premises of:

(1) In the case of an employee described in subparagraph (1) of paragraph (a) of subsection 3, the employer; or

(2) In the case of an employee described in subparagraph (2) of paragraph (a) of subsection 3, the home of a person to whom the employee provides personal care services.

(d) “Personal care services” means the services described in ~~[NRS 449.1935.]~~ *section 52 of this act.*

(e) “Residential facility” means:

(1) A dormitory, any structure similar to a dormitory or any structure similar to a private residence in which a group of similarly situated persons reside for the purpose of receiving supervision, care or other assistance from employees on duty at the residential facility. Any such dormitory or structure similar to a dormitory may include a studio apartment for the use of the employees.

(2) In the case of a program for children to address emotional or behavioral problems, any structure which provides for residential living for the children and employees.

**Sec. 127.** NRS 608.510 is hereby amended to read as follows:

608.510 “Agency to provide personal care services in the home” has the meaning ascribed to it in ~~[NRS 449.0021.]~~ *section 3 of this act.*

**Sec. 128.** NRS 608.530 is hereby amended to read as follows:

608.530 1. “Home care employee” means a person who provides:

(a) Personal care services through a home care program as an employee of a home care employer that is an agency to provide personal care services in the home;

(b) Personal assistance through a home care program as a personal assistant for whom a home care employer that is an intermediary service organization is the employer of record; or

(c) Temporary respite services through a home care program as an employee of a home care employer that has entered into a contract with the Aging and Disability Services Division of the Department of Health and Human Services to provide such services.

2. As used in this section, “personal assistant” has the meaning ascribed to it in ~~[NRS 449.4308.]~~ *section 60 of this act.*

**Sec. 129.** NRS 608.570 is hereby amended to read as follows:

608.570 “Intermediary service organization” has the meaning ascribed to it in ~~[NRS 449.4304.]~~ *section 59 of this act.*



**Sec. 130.** NRS 608.580 is hereby amended to read as follows:  
608.580 “Personal assistance” has the meaning ascribed to it in ~~[NRS 449.4308.]~~ *section 60 of this act.*

**Sec. 131.** NRS 608.590 is hereby amended to read as follows:  
608.590 “Personal care services” means the services described in ~~[NRS 449.1935.]~~ *section 52 of this act.*

**Sec. 132.** NRS 608.600 is hereby amended to read as follows:  
608.600 “Temporary respite services” has the meaning ascribed to it in ~~[NRS 449.0021.]~~ *section 3 of this act.*

**Sec. 133.** 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 NRS 449.0304 and ~~[449.4309.]~~ *sections 14 and 61 of this act.*

**Sec. 134.** NRS 630.060 is hereby amended to read as follows:  
630.060 1. Six members of the Board must be persons who are licensed to practice medicine in this State, are actually engaged in the practice of medicine in this State and have resided and practiced medicine in this State for at least 5 years preceding their respective appointments.

2. One member of the Board must be a person who is licensed to practice as a physician assistant in this State, is actually engaged in practice as a physician assistant in this State and has resided and practiced as a physician assistant in this State for at least 5 years preceding his or her appointment.

3. One member of the Board must be a person who is licensed to engage in the practice of respiratory care in this State, is actually engaged in the practice of respiratory care in this State and has resided and practiced respiratory care in this State for at least 5 years preceding his or her appointment.

4. One member of the Board must be a person who has resided in this State for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member must not be licensed under the provisions of this chapter.

5. The remaining two members of the Board must be persons who have resided in this State for at least 5 years and who:

(a) Are not licensed in any state to practice any healing art;





(b) Are not the spouse or the parent or child, by blood, marriage or adoption, of a person licensed in any state to practice any healing art;

(c) Are not actively engaged in the administration of any facility for the dependent as defined in chapter 449 of NRS, *agency to provide personal care services in the home as defined in section 3 of this act*, medical facility or medical school; and

(d) Do not have a pecuniary interest in any matter pertaining to the healing arts, except as a patient or potential patient.

6. The members of the Board must be selected without regard to their individual political beliefs.

**Sec. 135.** NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant;

(b) Renewal of a license as an anesthesiologist assistant; or

(c) Biennial registration of the holder of a license to practice medicine,

↪ require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) Must provide for the completion by a holder of a license to practice medicine of a course of instruction within 2 years after



initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 6.

(d) Must provide for the completion of at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

(e) Must provide for the biennial completion by each psychiatrist and each physician assistant practicing under the supervision of a psychiatrist of one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103 **or section 34 of this act**, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a psychiatrist or a physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

(f) Must allow the holder of a license to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

(g) Must provide for the completion by a physician or physician assistant who provides or supervises the provision of emergency medical services in a hospital or primary care of at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus within 2 years after beginning to provide or supervise the provision of such services or care.



3. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 2.

4. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

5. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall require each holder of a license to practice medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness, which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

7. The Board shall encourage each holder of a license to practice medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and



(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

8. A holder of a license to practice medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

9. Except as otherwise provided in NRS 630.2535, a holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management, care for persons with an addictive disorder or the screening, brief intervention and referral to treatment approach to substance use disorder for the purposes of satisfying an equivalent requirement for continuing education in ethics.

10. As used in this section:

(a) “Act of terrorism” has the meaning ascribed to it in NRS 202.4415.

(b) “Biological agent” has the meaning ascribed to it in NRS 202.442.

(c) “Chemical agent” has the meaning ascribed to it in NRS 202.4425.

(d) “Primary care” means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(e) “Radioactive agent” has the meaning ascribed to it in NRS 202.4437.

(f) “Weapon of mass destruction” has the meaning ascribed to it in NRS 202.4445.

**Sec. 136.** NRS 630A.110 is hereby amended to read as follows:

630A.110 1. Two members of the Board must be persons who are licensed to practice allopathic or osteopathic medicine in any state or country, the District of Columbia or a territory or possession of the United States, have been engaged in the practice of homeopathic medicine in this State for a period of more than 2 years preceding their respective appointments, are actually engaged in the practice of homeopathic medicine in this State and are residents of this State.

2. One member of the Board must be an advanced practitioner of homeopathy who holds a valid certificate granted by the Board pursuant to NRS 630A.293.

3. One member of the Board must be a person who has resided in this State for at least 3 years and who represents the interests of



persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

4. The remaining two members of the Board must be persons who:

- (a) Are not licensed in any state to practice any healing art;
- (b) Are not the spouse or the parent or child, by blood, marriage or adoption, of a person licensed in any state to practice any healing art;
- (c) Are not actively engaged in the administration of any medical facility or facility for the dependent as defined in chapter 449 of NRS ~~or~~ *or any agency to provide personal care services in the home as defined in section 3 of this act;*
- (d) Do not have a pecuniary interest in any matter pertaining to such a facility ~~or~~ *or agency*, except as a patient or potential patient; and
- (e) Have resided in this State for at least 3 years.

5. The members of the Board must be selected without regard to their individual political beliefs.

6. As used in this section, “healing art” means any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure, relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury, or unhealthy or abnormal physical or mental condition for the practice of which long periods of specialized education and training and a degree of specialized knowledge of an intellectual as well as physical nature are required.

**Sec. 137.** NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board in accordance with regulations adopted by the Board. Except as otherwise provided in subsection 3, the licensee is exempt from this provision for the first biennial period after graduation from:

- (a) An accredited school of professional nursing;
- (b) An accredited school of practical nursing;
- (c) An approved school of professional nursing in the process of obtaining accreditation; or
- (d) An approved school of practical nursing in the process of obtaining accreditation.



2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable relationship to current developments in the field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include:

(a) For a person licensed as an advanced practice registered nurse:

(1) A course of instruction to be completed within 2 years after initial licensure that provides at least 2 hours of instruction on suicide prevention and awareness as described in subsection 6.

(2) The ability to receive credit toward the total amount of continuing education required by subsection 1 for the completion of a course of instruction relating to genetic counseling and genetic testing.

(b) For each person licensed pursuant to this chapter, a course of instruction, to be completed within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;


(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) For each person licensed pursuant to this chapter, one or more courses of instruction that provide at least 4 hours of instruction relating to cultural competency and diversity, equity and inclusion to be completed biennially. Such instruction:

(1) May include the training provided pursuant to NRS 449.103  or *section 34 of this act*, where applicable.



(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a person licensed pursuant to this chapter may need to better understand, as determined by the Board.

(d) For a person licensed as an advanced practice registered nurse, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder to be completed within 2 years after initial licensure.

(e) For each person licensed pursuant to this chapter who provides or supervises the provision of emergency medical services in a hospital or primary care, at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus to be completed within 2 years after beginning to provide or supervise the provision of such services or care.

4. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 3.

5. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;



(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

6. The Board shall require each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

7. The Board shall encourage each person licensed as an advanced practice registered nurse to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

8. As used in this section:

(a) “Act of terrorism” has the meaning ascribed to it in NRS 202.4415.

(b) “Biological agent” has the meaning ascribed to it in NRS 202.442.

(c) “Chemical agent” has the meaning ascribed to it in NRS 202.4425.

(d) “Primary care” means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(e) “Radioactive agent” has the meaning ascribed to it in NRS 202.4437.

(f) “Weapon of mass destruction” has the meaning ascribed to it in NRS 202.4445.

**Sec. 138.** NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, expanded function dental assistant, naprapath, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or





633 of NRS, anesthesiologist assistant, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, peer recovery support specialist, peer recovery support specialist supervisor, music therapist, holder of a license or limited license issued pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

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

(c) A coroner.

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

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in ~~NRS 449.4304.~~ *section 59 of this act.*

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

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

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

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

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

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent,



manager or other person in charge shall make a report as required in subsection 1.

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

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) “Agency to provide personal care services in the home” has the meaning ascribed to it in ~~[NRS 449.0021.]~~ *section 3 of this act.*

(b) “Community health worker pool” has the meaning ascribed to it in NRS 449.0028.

(c) “Peer recovery support specialist” has the meaning ascribed to it in NRS 433.627.

(d) “Peer recovery support specialist supervisor” has the meaning ascribed to it in NRS 433.629.

**Sec. 139.** NRS 633.191 is hereby amended to read as follows:

633.191 1. Five members of the Board must:

(a) Be licensed under this chapter;

(b) Be actually engaged in the practice of osteopathic medicine in this State; and

(c) Have been so engaged in this State for a period of more than 5 years preceding their appointment.

2. One member of the Board must be a resident of the State of Nevada and must represent the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member must not be licensed under the provisions of this chapter.

3. The remaining member of the Board must be a resident of the State of Nevada who is:

(a) Not licensed in any state to practice any healing art;

(b) Not the spouse or the parent or child, by blood, marriage or adoption, of a person licensed in any state to practice any healing art; and

(c) Not actively engaged in the administration of any medical facility or facility for the dependent as defined in chapter 449 of NRS ~~§~~ *or any agency to provide personal care services in the home as defined in section 3 of this act.*

**Sec. 140.** NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 15 and NRS 633.491, every holder of a license, except a physician assistant or an anesthesiologist assistant, issued under this chapter,



except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

- (a) Applying for renewal on forms provided by the Board;
- (b) Paying the annual license renewal fee specified in this chapter;
- (c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;
- (d) Subject to subsection 14, submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and
- (e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from a percentage of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant or anesthesiologist assistant determined by the Board. Subject to subsection 14, upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant or anesthesiologist assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall require each holder of a license to practice osteopathic medicine to complete a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 9.

5. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the



symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall encourage each holder of a license to practice osteopathic medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

7. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management, care of persons with addictive disorders or the screening, brief intervention and referral to treatment approach to substance use disorder.

8. The continuing education requirements approved by the Board must allow the holder of a license as an osteopathic physician, physician assistant or anesthesiologist assistant to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

9. The Board shall require each holder of a license to practice osteopathic medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

10. A holder of a license to practice osteopathic medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

11. The Board shall require each holder of a license to practice osteopathic medicine to complete at least 2 hours of training in the



screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

12. The Board shall require each psychiatrist or a physician assistant practicing under the supervision of a psychiatrist to biennially complete one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(a) May include the training provided pursuant to NRS 449.103 **or section 34 of this act**, where applicable.

(b) Must be based upon a range of research from diverse sources.

(c) Must address persons of different cultural backgrounds, including, without limitation:

(1) Persons from various gender, racial and ethnic backgrounds;

(2) Persons from various religious backgrounds;

(3) Lesbian, gay, bisexual, transgender and questioning persons;

(4) Children and senior citizens;

(5) Veterans;

(6) Persons with a mental illness;

(7) Persons with an intellectual disability, developmental disability or physical disability; and

(8) Persons who are part of any other population that a psychiatrist or physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

13. The Board shall require each holder of a license to practice osteopathic medicine or as a physician assistant who provides or supervises the provision of emergency medical services in a hospital or primary care to complete at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus within 2 years after beginning to provide or supervise the provision of such services or care.

14. The Board shall not require a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants, or its successor organization, or by any other nationally recognized organization for the accreditation of physician assistants to satisfy any continuing education requirement pursuant to paragraph (d) of subsection 1 and subsection 3.



15. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

16. As used in this section, “primary care” means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

**Sec. 141.** NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

- (a) Apply to the Board for renewal;
- (b) Pay the biennial fee for the renewal of a license;
- (c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board; and

- (d) Submit all information required to complete the renewal.

2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board.

4. The requirements for continuing education adopted by the Board pursuant to subsection 3 must include, without limitation:

(a) A requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate. The hours of instruction required by this paragraph must be completed within 2 years after initial licensure and at least every 4 years thereafter.

(b) A requirement that the holder of a license must biennially receive at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103 ~~or~~ *or section 34 of this act*, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;



(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license may need to better understand, as determined by the Board.

**Sec. 142.** NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license to practice as a marriage and family therapist or clinical professional counselor issued pursuant to this chapter, each person must, on or before 10 business days after the date of expiration of his or her current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for the biennial renewal of a license set by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board, unless the Board has granted a waiver pursuant to NRS 641A.265; and

(d) Submit all information required to complete the renewal.

2. Except as otherwise provided in NRS 641A.265, the Board shall, as a prerequisite for the renewal of a license to practice as a marriage and family therapist or clinical professional counselor, require each holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation:

(a) A requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

(b) A requirement that the holder receive at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103 ~~or~~ *or section 34 of this act*, where applicable.

(2) Must be based upon a range of research from diverse sources.



(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a marriage and family therapist or clinical professional counselor may need to better understand, as determined by the Board.

**Sec. 143.** NRS 641B.280 is hereby amended to read as follows:

641B.280 1. Every holder of a license issued pursuant to this chapter may renew his or her license annually by:

(a) Applying to the Board for renewal;

(b) Paying the annual renewal fee set by the Board;

(c) Except as otherwise provided in NRS 641B.295, submitting evidence to the Board of completion of the required continuing education as set forth in regulations adopted by the Board; and

(d) Submitting all information required to complete the renewal.

2. Except as otherwise provided in NRS 641B.295, the Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation:

(a) A requirement that every 2 years the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

(b) A requirement that every 2 years the holder receive at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103 **or section 34 of this act**, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:





(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license issued pursuant to this chapter may need to better understand, as determined by the Board.

**Sec. 144.** NRS 641C.450 is hereby amended to read as follows:

641C.450 Except as otherwise provided in NRS 641C.310, 641C.320, 641C.440 and 641C.530, a person may renew his or her license or certificate by submitting to the Board:

1. An application for the renewal of the license or certificate.

2. The fee for the renewal of a license or certificate prescribed in NRS 641C.470.

3. Evidence of completion of the continuing education required by the Board, which must include, without limitation:

(a) A requirement that the applicant receive at least 1 hour of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate for each year of the term of the applicant's licensure or certification.

(b) A requirement that the applicant receive at least 3 hours of instruction relating to cultural competency and diversity, equity and inclusion for each year of the term of the applicant's licensure or certification. Such instruction:

(1) May include the training provided pursuant to NRS 449.103 ~~or~~ *or section 34 of this act*, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;



(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license or certificate may need to better understand, as determined by the Board.

4. If the applicant is a certified intern, the name of the licensed or certified counselor who supervises the applicant.

5. All information required to complete the renewal.

**Sec. 145.** NRS 641D.360 is hereby amended to read as follows:

641D.360 1. To renew a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license or registration;

(c) Submit evidence to the Board:

(1) Of completion of the requirements for continuing education as set forth in regulations adopted by the Board, if applicable; and

(2) That the person's certification or registration, as applicable, by the Behavior Analyst Certification Board, Inc., or its successor organization, remains valid and the holder remains in good standing; and

(d) Submit all information required to complete the renewal.

2. In addition to the requirements of subsection 1, to renew registration as a registered behavior technician for the third time and every third renewal thereafter, a person must submit to an investigation of his or her criminal history in the manner prescribed in paragraph (b) of subsection 1 of NRS 641D.300.

3. The Board shall adopt regulations that require, as a prerequisite for the renewal of a license as a behavior analyst or assistant behavior analyst, each holder to complete continuing education, which must:

(a) Be consistent with nationally recognized standards for the continuing education of behavior analysts or assistant behavior analysts, as applicable.



(b) Include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.

(c) Include, without limitation, a requirement that the holder of a license as a behavior analyst receive at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103 ~~H~~ *or section 34 of this act*, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a behavior analyst may need to better understand, as determined by the Board.

4. The Board shall not adopt regulations requiring a registered behavior technician to receive continuing education.

**Sec. 146.** NRS 652.074 is hereby amended to read as follows:  
652.074 The provisions of this chapter do not apply to any:

1. Test or examination conducted by a law enforcement officer or agency;

2. Test or examination required by a court as a part of or in addition to a program of treatment and rehabilitation pursuant to NRS 176A.230; or

3. Task performed in accordance with the regulations adopted by the Board pursuant to NRS 449.0304 or ~~[449.4309.]~~ *section 14 or 61 of this act.*

**Sec. 147.** 1. The provisions of NAC 449.395 to 449.39561, inclusive, 449.396 to 449.3982, inclusive, and 449.870 to 449.882, inclusive, shall be deemed to have been adopted pursuant to section 9, 13, 14, 48, 60, 61, 63, 66, 72, 73, 75, 77, 79, 81, 83, 86, 87 or 88 of this act, as applicable, and continue in effect until amended or



repealed. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, move the regulations described in this subsection from chapter 449 of the Nevada Administrative Code to a new chapter of the Nevada Administrative Code that corresponds with the chapter of the Nevada Revised Statutes consisting of sections 2 to 90, inclusive, of this act.

2. As soon as practicable after the effective date of this act, the State Board of Health shall adopt regulations to replace any regulations adopted by the State Board of Health that have been codified in chapter 449 of the Nevada Administrative Code and apply to agencies to provide personal care services in the home, employment agencies to provide nonmedical services or intermediary service organizations, other than the regulations described in subsection 1. The existing regulations described in this section continue to apply to those entities until the effective date of the regulations adopted pursuant to this section.

3. As used in this section:

(a) “Agency to provide personal care services in the home” has the meaning ascribed to it in section 3 of this act.

(b) “Employment agency” means an employment agency licensed pursuant to section 9 of this act.

(c) “Intermediary service organization” has the meaning ascribed to it in section 59 of this act.

**Sec. 148.** 1. A license to operate an agency to provide personal care services in the home issued pursuant to NRS 449.080, a license to operate an employment agency that contracts with persons in this State to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home issued by the State Board of Health pursuant to NRS 449.03005 or a certificate to operate an intermediary service organization issued by the Division pursuant to NRS 449.4317 that is valid on the effective date of this act, remains valid until its date of expiration, if the holder of the license or certificate otherwise remains qualified for the issuance or renewal of the license or certificate on or after the effective date of this act.

2. Any valid training completed on or before the effective date of this act, by an operator, employee or contractor of an agency to provide personal care services in the home, an employment agency to provide nonmedical services or an intermediary service organization, an applicant for a license or certificate to operate such an agency or organization pursuant to NRS 449.03005, 449.0304, 449.0925, 449.093, 449.103, 449.194 or 449.4309 or a caregiver



chosen by a recipient of Medicaid pursuant to NRS 422.3965 remains valid for the purposes for which it was completed.

3. Any disciplinary or other administrative action taken by the Division against an agency to provide personal care services in the home, employment agency that contracts with persons in this State to provide nonmedical services or intermediary service organization that is effective on the effective date of this act, remains in effect after that date until the expiration of the action.

4. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in section 3 of this act.

(b) "Division" means Division of Public and Behavioral Health of the Department of Health and Human Services.

(c) "Employment agency to provide nonmedical services" means an employment agency licensed pursuant to section 9 of this act.

(d) "Intermediary service organization" has the meaning ascribed to it in section 59 of this act.

**Sec. 149.** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

**Sec. 150.** NRS 449.0021, 449.00325, 449.01517, 449.03005, 449.03017, 449.1935, 449.4304, 449.4308, 449.4309, 449.431, 449.4311, 449.4312, 449.4313, 449.4314, 449.4315, 449.4316, 449.4317, 449.4318, 449.4319, 449.432, 449.4321, 449.4322, 449.4324, 449.4325, 449.4327, 449.4329, 449.43295, 449.433, 449.4331, 449.4332, 449.4335, 449.4336, 449.4337, 449.4338 and 449.4339 are hereby repealed.

**Sec. 151.** 1. This act becomes effective upon passage and approval.

2. Sections 20, 21, 50, 64, 65 and 76 of this act expire by limitation on the date of the repeal of the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children.







