

Amendment No. 877

Assembly Amendment to Assembly Bill No. 514 First Reprint (BDR 38-350)

Proposed by: Assembly Committee on Ways and Means

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

Adoption of this amendment will:

- (1) MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 514 R1 (§ 8 & NRS 449.050).
- (2) ADD an appropriation where one does not currently exist in A.B. 514 R1.

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



ASSEMBLY BILL NO. 514—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE JOINT INTERIM STANDING COMMITTEE
ON HEALTH AND HUMAN SERVICES)

MARCH 24, 2025

Referred to Committee on Health and Human Services

SUMMARY—Makes revisions relating to mental health care. (BDR 38-350)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to mental health; requiring Medicaid to provide coverage for rehabilitative residential mental health care; requiring the State Long-Term Care Ombudsman to investigate and provide certain assistance to providers of rehabilitative residential mental health care; providing for the licensure and regulation of providers of rehabilitative residential mental health care; making appropriations to and authorizing certain expenditures by the Division of Health Care Financing and Policy of the Department of Health and Human Services; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Department of Health and Human Services to administer Medicaid. (NRS 422.270) **Section 1** of this bill requires the Director of the Department to include under Medicaid coverage for rehabilitative residential mental health care provided to certain recipients of Medicaid. **Section 5** of this bill defines the term “rehabilitative residential mental health care” to mean community-based, medically monitored care provided in a residential setting that uses established rehabilitative principles to achieve certain goals relating to mental health. **Section 6** of this bill applies that definition to provisions of existing law governing medical facilities and other related entities. **Section 3** of this bill makes a conforming change to require the Director to administer the provisions of **section 1** in the same manner as the provisions of existing law governing the State Plan for Medicaid. **Section 17.5 of this bill makes appropriations to and authorizes expenditures by the Division of Health Care Financing and Policy of the Department for costs associated with providing the coverage required by section 1.**

Existing law provides for the licensure and regulation by the Division of Public and Behavioral Health of the Department of community-based living arrangement services, which are flexible, individualized services that are: (1) provided in the home, for compensation, to persons with mental illness; and (2) designed and coordinated to assist such persons in maximizing their independence. (NRS 449.0026, 449.0045, 449.030, 449.0302) **Sections 2 and 4-16** of this bill similarly provide for the licensure and regulation of providers of rehabilitative residential mental health care. **Section 8** requires such a provider to obtain a

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21 license as a facility for the dependent and comply with other requirements applicable to such
22 facilities. **Sections 7, 9 and 10** clarify that such a provider is separate from certain other types
23 of facilities for the dependent. **Section 11** requires the State Board of Health to adopt specific
24 regulations governing providers of rehabilitative residential mental health care. **Sections 12**
25 **and 15** provide for the inspection of buildings operated by such providers. **Sections 13 and**
26 **14:** (1) require periodic background investigations of the personnel of a provider of
27 rehabilitative residential mental health care; and (2) authorize the suspension or revocation of
28 the license of such a provider if the provider or an employee of the provider has been
29 convicted of certain crimes. (NRS 449.174) **Section 16** requires a provider of rehabilitative
30 residential mental health care to notify a person receiving such care from the provider, his or
31 her parent or legal guardian or another designated person upon the discovery by the Division
32 of a deficiency affecting the health and safety of a patient. **Section 4** requires such a provider
33 to comply with provisions governing the reporting and investigation of sentinel events and the
34 designation of patient safety officers. (NRS 439.800-439.890) **Section 2** adds providers of
35 rehabilitative residential mental health care to the list of facilities that the State Long-Term
36 Care Ombudsman is required to investigate and assist. (NRS 427A.125-427A.165) **Section 17**
37 of this bill provides that a person is not required to be a licensed nurse to provide
38 rehabilitative residential mental health care if the person is licensed pursuant to the provisions
39 of this bill. Operating as a provider of rehabilitative residential mental health care without a
40 license would be a misdemeanor. (NRS 449.210)

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

1 **Section 1.** Chapter 422 of NRS is hereby amended by adding thereto a new
2 section to read as follows:

3 *1. To the extent that federal financial participation is available, the Director*
4 *shall include under Medicaid coverage for rehabilitative residential mental*
5 *health care. Such coverage is not required to pay the costs of room and board for*
6 *a recipient of rehabilitative residential mental health care.*

7 *2. The Department shall:*

8 *(a) Establish a method for providing the coverage described in subsection 1.*

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

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

16 *3. As used in this section, "rehabilitative residential mental health care"*
17 *has the meaning ascribed to it in section 5 of this act.*

18 **Sec. 2.** NRS 427A.0292 is hereby amended to read as follows:

19 427A.0292 "Living arrangement services" means:

20 1. Community-based living arrangement services, as defined in NRS
21 449.0026, that include:

22 (a) Intensive services and overnight supervision of recipients who require
23 training concerning behavioral skills, self-care and management of medications; or

24 (b) Services in the home for recipients with chronic medical conditions and
25 severe mental illness who require habilitation or rehabilitation services, or both;

26 ~~and~~

27 2. Supported living arrangement services, as defined in NRS 435.3315, that
28 include 24-hour care ~~and~~; *and*

1 **3. Rehabilitative residential mental health care, as defined in section 5 of**
2 **this act.**

3 **Sec. 3.** NRS 232.320 is hereby amended to read as follows:

4 232.320 1. The Director:

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

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

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

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

10 (4) The Administrator of the Division of Health Care Financing and
11 Policy; and

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

13 (b) Shall administer, through the divisions of the Department, the provisions of
14 chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A
15 and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410,
16 inclusive, **and section 1 of this act**, 422.580, 432.010 to 432.133, inclusive,
17 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to
18 445A.055, inclusive, and all other provisions of law relating to the functions of the
19 divisions of the Department, but is not responsible for the clinical activities of the
20 Division of Public and Behavioral Health or the professional line activities of the
21 other divisions.

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

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

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

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

34 (3) Provide for communication and the coordination of those services
35 among nonprofit organizations, agencies of local government, the State and the
36 Federal Government;

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

39 (5) Set forth sufficient information to assist the Department in providing
40 those services and in the planning and budgeting for the future provision of those
41 services; and

42 (6) Contain any other information necessary for the Department to
43 communicate effectively with the Federal Government concerning demographic
44 trends, formulas for the distribution of federal money and any need for the
45 modification of programs administered by the Department.

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

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

1 2. Notwithstanding any other provision of law, the Director, or the Director’s
2 designee, is responsible for appointing and removing subordinate officers and
3 employees of the Department.

4 **Sec. 4.** NRS 439.803 is hereby amended to read as follows:

5 439.803 “Health facility” means:

- 6 1. Any facility licensed by the Division pursuant to chapter 449 of NRS; and
- 7 2. A home operated by ~~§~~:

8 (a) A provider of community-based living arrangement services, as defined in
9 NRS 449.0026 ~~§~~; or

10 (b) A provider of rehabilitative residential mental health care, as defined in
11 section 5 of this act.

12 **Sec. 5.** Chapter 449 of NRS is hereby amended by adding thereto a new
13 section to read as follows:

14 *“Rehabilitative residential mental health care” means community-based,*
15 *medically monitored care provided in a residential setting that uses established*
16 *rehabilitative principles to:*

17 1. *Promote the recovery of the client with a mental illness or other*
18 *behavioral health condition; and*

19 2. *Assist the client in achieving psychiatric stability, personal and emotional*
20 *adjustment, self-sufficiency and other skills necessary to transition to a more*
21 *independent setting.*

22 **Sec. 6.** NRS 449.001 is hereby amended to read as follows:

23 449.001 As used in this chapter, unless the context otherwise requires, the
24 words and terms defined in NRS 449.0015 to 449.0195, inclusive, *and section 5 of*
25 *this act* have the meanings ascribed to them in those sections.

26 **Sec. 7.** NRS 449.0026 is hereby amended to read as follows:

27 449.0026 1. “Community-based living arrangement services” means
28 flexible, individualized services, including, without limitation, training and
29 habilitation services, that are:

30 ~~§~~ (a) Provided in the home, for compensation, to persons with mental illness
31 who are served by the Division or any other entity; and

32 ~~§~~ (b) Designed and coordinated to assist such persons in maximizing their
33 independence.

34 2. *The term does not include rehabilitative residential mental health care.*

35 **Sec. 8.** NRS 449.0045 is hereby amended to read as follows:

36 449.0045 “Facility for the dependent” includes:

- 37 1. A facility for the treatment of alcohol or other substance use disorders;
- 38 2. A facility for the care of adults during the day;
- 39 3. A residential facility for groups;
- 40 4. An agency to provide personal care services in the home;
- 41 5. A facility for transitional living for released offenders;
- 42 6. A home for individual residential care;
- 43 7. A community health worker pool; ~~and~~
- 44 8. A provider of community-based living arrangement services ~~§~~; and
- 45 9. *A provider of rehabilitative residential mental health care.*

46 **Sec. 9.** NRS 449.0105 is hereby amended to read as follows:

47 449.0105 “Home for individual residential care” means a home in which a
48 natural person furnishes food, shelter, assistance and limited supervision, for
49 compensation, to not more than two persons with intellectual disabilities or with
50 physical disabilities or who are aged or infirm, unless the persons receiving those
51 services are related within the third degree of consanguinity or affinity to the person
52 providing those services. The term does not include:

1 1. A recovery house for persons recovering from alcohol or other substance
2 use disorders; ~~for~~

3 2. A home in which community-based living arrangement services or
4 supported living arrangement services are provided by a provider of such services
5 during any period in which the provider is engaged in providing the services ~~for~~; *or*

6 *3. A location where rehabilitative residential mental health care is provided*
7 *by a provider of such care.*

8 **Sec. 10.** NRS 449.017 is hereby amended to read as follows:

9 449.017 1. Except as otherwise provided in subsection 2, “residential
10 facility for groups” means an establishment that furnishes food, shelter, assistance
11 and limited supervision to a person with an intellectual disability or with a physical
12 disability or a person who is aged or infirm. The term includes, without limitation,
13 an assisted living facility.

14 2. The term does not include:

15 (a) An establishment which provides care only during the day;

16 (b) A natural person who provides care for no more than two persons in his or
17 her own home;

18 (c) A natural person who provides care for one or more persons related to him
19 or her within the third degree of consanguinity or affinity;

20 (d) A recovery house for persons recovering from alcohol or other substance
21 use disorders; ~~for~~

22 (e) A home in which community-based living arrangement services or
23 supported living arrangement services are provided by a provider of such services
24 during any period in which the provider is providing the services ~~for~~; *or*

25 *(f) A location where rehabilitative residential mental health care is provided*
26 *by a provider of such care.*

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

28 449.0302 1. The Board shall adopt:

29 (a) Licensing standards for each class of medical facility or facility for the
30 dependent covered by NRS 449.029 to 449.2428, inclusive, and for programs of
31 hospice care.

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

33 (c) Regulations governing the procedure and standards for granting an
34 extension of the time for which a natural person may provide certain care in his or
35 her home without being considered a residential facility for groups pursuant to NRS
36 449.017. The regulations must require that such grants are effective only if made in
37 writing.

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

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

45 (f) Regulations requiring a hospital or independent center for emergency
46 medical care to provide training to each employee who provides care to victims of
47 sexual assault or attempted sexual assault concerning appropriate care for such
48 persons, including, without limitation, training concerning the requirements of NRS
49 449.1885.

50 (g) Any other regulations as it deems necessary or convenient to carry out the
51 provisions of NRS 449.029 to 449.2428, inclusive.

52 2. The Board shall adopt separate regulations governing the licensing and
53 operation of:

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

2 (b) Residential facilities for groups,

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

5 3. The Board shall adopt separate regulations for:

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

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

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

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

16 5. In addition to the training requirements prescribed pursuant to NRS
17 449.093, the Board shall establish minimum qualifications for administrators and
18 employees of residential facilities for groups. In establishing the qualifications, the
19 Board shall consider the related standards set by nationally recognized
20 organizations which accredit such facilities.

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

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

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

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

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

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

37 (d) Except as otherwise authorized by the regulations adopted pursuant to NRS
38 449.0304, the prescribed medication is not administered by injection or
39 intravenously.

40 (e) The employee has successfully completed training and examination
41 approved by the Division regarding the authorized manner of assistance.

42 7. The Board shall adopt separate regulations governing the licensing and
43 operation of residential facilities for groups which provide assisted living services.
44 The Board shall not allow the licensing of a facility as a residential facility for
45 groups which provides assisted living services and a residential facility for groups
46 shall not claim that it provides "assisted living services" unless:

47 (a) Before authorizing a person to move into the facility, the facility makes a
48 full written disclosure to the person regarding what services of personalized care
49 will be available to the person and the amount that will be charged for those
50 services throughout the resident's stay at the facility.

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

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

53 (2) Contain a sleeping area or bedroom; and

1 (3) Are shared with another occupant only upon consent of both occupants.
2 (c) The facility provides personalized care to the residents of the facility and
3 the general approach to operating the facility incorporates these core principles:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (a) Align with the standards established by the American Association of Birth
37 Centers, or its successor organization, the accrediting body of the Commission for
38 the Accreditation of Birth Centers, or its successor organization, or another
39 nationally recognized organization for accrediting freestanding birthing centers; and

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

42 13. If the regulations adopted pursuant to this section require a physical
43 examination to be performed on a patient or the medical history of a patient to be
44 obtained before or after the patient is admitted to a hospital, those regulations must
45 authorize a certified nurse-midwife to perform such a physical examination or
46 obtain such a medical history before or after a patient is admitted to a hospital for
47 the purpose of giving birth.

48 14. *The Board shall adopt regulations governing the licensing and*
49 *operation of providers of rehabilitative residential mental health care, which*
50 *must include, without limitation, separate requirements for providers providing*
51 *such care to minors and providers providing such care to adults.*

52 15. As used in this section:

53 (a) "Certified nurse-midwife" means a person who is:

1 (1) Certified as a Certified Nurse-Midwife by the American Midwifery
2 Certification Board, or its successor organization; and

3 (2) Licensed as an advanced practice registered nurse pursuant to NRS
4 632.237.

5 (b) "Living unit" means an individual private accommodation designated for a
6 resident within the facility.

7 **Sec. 12.** NRS 449.080 is hereby amended to read as follows:

8 449.080 1. If, after investigation, the Division finds that the:

9 (a) Applicant is in full compliance with the provisions of NRS 449.029 to
10 449.2428, inclusive;

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

13 (c) Applicant, if he or she has undertaken a project for which approval is
14 required pursuant to NRS 439A.100 or 439A.102, has obtained the approval of the
15 Director of the Department of Health and Human Services; and

16 (d) Facility conforms to the applicable zoning regulations,
17 the Division shall issue the license to the applicant.

18 2. Any investigation of an applicant for a license to provide community-based
19 living arrangement services *or rehabilitative residential mental health care*
20 conducted pursuant to subsection 1 must include, without limitation, an inspection
21 of any building operated by the applicant in which the applicant proposes to
22 provide community-based living arrangement services ~~or~~ *or rehabilitative*
23 *residential mental health care, as applicable.*

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

26 **Sec. 13.** NRS 449.089 is hereby amended to read as follows:

27 449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428,
28 inclusive, expires on December 31 following its issuance and is renewable for 1
29 year upon reapplication and payment of all fees required pursuant to subsection 4
30 and NRS 449.050, as applicable, unless the Division finds, after an investigation,
31 that the facility has not:

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

34 (b) Obtained the approval of the Director of the Department of Health and
35 Human Services before undertaking a project, if such approval is required by NRS
36 439A.100 or 439A.102; or

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

38 2. Each reapplication for an agency to provide personal care services in the
39 home, an agency to provide nursing in the home, a community health worker pool,
40 a facility for intermediate care, a facility for skilled nursing, a provider of
41 community-based living arrangement services, *a provider of rehabilitative*
42 *residential mental health care*, a hospital described in 42 U.S.C. §
43 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to
44 children, a psychiatric residential treatment facility, a residential facility for groups,
45 a program of hospice care, a home for individual residential care, a facility for the
46 care of adults during the day, a facility for hospice care, a nursing pool, the distinct
47 part of a hospital which meets the requirements of a skilled nursing facility or
48 nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed
49 services as described in 42 C.F.R. § 482.58 or, if residential services are provided
50 to children, a medical facility or facility for the treatment of alcohol or other
51 substance use disorders must include, without limitation, a statement that the
52 facility, hospital, agency, *provider*, program, pool or home is in compliance with
53 the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

1 3. Each reapplication for an agency to provide personal care services in the
2 home, a community health worker pool, a facility for intermediate care, a facility
3 for skilled nursing, a facility for the care of adults during the day, a residential
4 facility for groups or a home for individual residential care must include, without
5 limitation, a statement that the holder of the license to operate, and the
6 administrator or other person in charge and employees of, the facility, agency, pool
7 or home are in compliance with the provisions of NRS 449.093.

8 4. Each reapplication for a surgical center for ambulatory patients, facility for
9 the treatment of irreversible renal disease, facility for hospice care, program of
10 hospice care, hospital, facility for intermediate care, facility for skilled nursing,
11 agency to provide personal care services in the home or rural clinic must be
12 accompanied by the fee prescribed by the State Board of Health pursuant to NRS
13 457.240, in addition to the fees imposed pursuant to NRS 449.050.

14 **Sec. 14.** NRS 449.119 is hereby amended to read as follows:

15 449.119 "Facility, hospital, agency, program or home" means an agency to
16 provide personal care services in the home, an employment agency that contracts
17 with persons to provide nonmedical services related to personal care to elderly
18 persons or persons with disabilities in the home, an agency to provide nursing in the
19 home, a community health worker pool, a facility for intermediate care, a facility
20 for skilled nursing, a provider of community-based living arrangement services, *a*
21 *provider of rehabilitative residential mental health care*, a hospital described in 42
22 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient
23 services to children, a psychiatric residential treatment facility, a residential facility
24 for groups, a program of hospice care, a home for individual residential care, a
25 facility for the care of adults during the day, a facility for hospice care, a nursing
26 pool, the distinct part of a hospital which meets the requirements of a skilled
27 nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that
28 provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential
29 services are provided to children, a medical facility or facility for the treatment of
30 alcohol or other substance use disorders.

31 **Sec. 15.** NRS 449.131 is hereby amended to read as follows:

32 449.131 1. Any authorized member or employee of the Division may enter
33 and inspect any building or premises at any time to secure compliance with or
34 prevent a violation of any provision of NRS 449.029 to 449.245, inclusive.

35 2. The State Fire Marshal or a designee of the State Fire Marshal, which may
36 include a local fire agency that meets an industry standard accepted by the State
37 Fire Marshal, shall, upon receiving a request from the Division or a written
38 complaint concerning compliance with the plans and requirements to respond to an
39 emergency adopted pursuant to subsection 9 of NRS 449.0302:

40 (a) Enter and inspect a residential facility for groups or a building operated by
41 a provider of community-based living arrangement services *or a provider of*
42 *rehabilitative residential mental health care* in which such services ~~are~~ *or care is*
43 provided; and

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

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

48 3. The Chief Medical Officer or a designee of the Chief Medical Officer shall
49 enter and inspect at least annually each building or the premises of a residential
50 facility for groups, ~~and~~ each building operated by a provider of community-based
51 living arrangement services in which such services are provided *and each building*
52 *operated by a provider of rehabilitative residential mental health care in which*

1 *such care is provided* to ensure compliance with standards for health and
2 sanitation.

3 4. An authorized member or employee of the Division shall enter and inspect
4 any building or premises operated by a residential facility for groups, ~~or~~ provider
5 of community-based living arrangement services *or provider of rehabilitative*
6 *residential mental health care* within 72 hours after the Division is notified that a
7 residential facility for groups, ~~or~~ provider of community-based living
8 arrangement services *or provider of rehabilitative residential mental health care* is
9 operating without a license.

10 **Sec. 16.** NRS 449.134 is hereby amended to read as follows:

11 449.134 A facility for intermediate care, facility for skilled nursing,
12 residential facility for groups, provider of community-based living arrangement
13 services, *provider of rehabilitative residential mental health care* or home for
14 individual residential care shall immediately provide notice of a deficiency
15 affecting the health and safety of a patient discovered during the course of an
16 inspection of the facility for intermediate care, facility for skilled nursing,
17 residential facility for groups, provider of community-based living arrangement
18 services, *provider of rehabilitative residential mental health care* or home for
19 individual residential care conducted by the Division to:

20 1. A person receiving care at the facility or home or from the provider, as
21 applicable;

22 2. The parent or legal guardian of the person receiving care at the facility or
23 home or from the provider, as applicable; or

24 3. Any other natural person designated to receive such notice by the person
25 receiving care at the facility or home or from the provider, as applicable, or the
26 parent or guardian of the person.

27 **Sec. 17.** NRS 632.316 is hereby amended to read as follows:

28 632.316 The provisions of NRS 632.315 do not prohibit:

29 1. Gratuitous nursing by friends or by members of the family of a patient.

30 2. The incidental care of the sick by domestic servants or persons primarily
31 employed as housekeepers as long as they do not practice nursing within the
32 meaning of this chapter.

33 3. Nursing assistance in the case of an emergency.

34 4. The practice of nursing by students enrolled in accredited schools of
35 nursing or by graduates of those schools or courses pending the results of the first
36 licensing examination scheduled by the Board following graduation. A student or
37 graduate may not work as a nursing assistant unless the student or graduate is
38 certified to practice as a nursing assistant pursuant to the provisions of this chapter.

39 5. The practice of nursing in this State by any legally qualified nurse or
40 nursing assistant of another state whose engagement requires the nurse or nursing
41 assistant to accompany and care for a patient temporarily residing in this State
42 during the period of one such engagement, not to exceed 6 months, if the person
43 does not represent or hold himself or herself out as a nurse licensed to practice in
44 this State or as a nursing assistant who holds a certificate to practice in this State.

45 6. The practice of nursing by any person who is employed by the United
46 States Government, or any bureau, division or agency thereof, while in the
47 discharge of his or her official duties in this State, including, without limitation,
48 providing medical care in a hospital in accordance with an agreement entered into
49 pursuant to NRS 449.2455.

50 7. Nonmedical nursing for the care of the sick, with or without compensation,
51 if done by the adherents of, or in connection with, the practice of the religious
52 tenets of any well-recognized church or religious denomination, if that nursing does

1 not amount to the practice of practical or professional nursing as defined in NRS
2 632.017 and 632.018, respectively.

3 8. A personal assistant from performing services for a person with a disability
4 pursuant to NRS 629.091.

5 9. A natural person from providing community-based living arrangement
6 services if:

7 (a) That person has been issued a license pursuant to chapter 449 of NRS and
8 the regulations adopted pursuant thereto; or

9 (b) That person is employed or retained as an independent contractor by a
10 partnership, firm, corporation or association, state or local government or agency
11 thereof that has been issued a license pursuant to chapter 449 of NRS and the
12 regulations adopted pursuant thereto.

13 ➤ As used in this subsection, “community-based living arrangement services” has
14 the meaning ascribed to it in NRS 449.0026.

15 10. A natural person from providing supported living arrangement services if:

16 (a) That person has been issued a certificate pursuant to NRS 435.3305 to
17 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to
18 435.339, inclusive; or

19 (b) That person is employed or retained as an independent contractor by a
20 partnership, firm, corporation or association, state or local government or agency
21 thereof that has been issued a certificate pursuant to NRS 435.3305 to 435.339,
22 inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339,
23 inclusive.

24 ➤ As used in this subsection, “supported living arrangement services” has the
25 meaning ascribed to it in NRS 435.3315.

26 11. A natural person from providing jobs and day training services if:

27 (a) That person has been issued a certificate pursuant to NRS 435.130 to
28 435.310, inclusive, and the regulations adopted pursuant to NRS 435.130 to
29 435.310, inclusive; or

30 (b) That person is employed or retained as an independent contractor by a
31 partnership, firm, corporation or association, state or local government or agency
32 thereof that has been issued a certificate pursuant to NRS 435.130 to 435.310,
33 inclusive, and the regulations adopted pursuant to NRS 435.130 to 435.310,
34 inclusive.

35 ➤ As used in this subsection, “jobs and day training services” has the meaning
36 ascribed to it in NRS 435.176.

37 *12. A natural person from providing rehabilitative residential mental health
38 care if:*

39 *(a) That person has been issued a license pursuant to the provisions of
40 chapter 449 of NRS and the regulations adopted pursuant thereto; or*

41 *(b) That person is employed or retained as an independent contractor by a
42 partnership, firm, corporation or association, state or local government or agency
43 thereof that has been issued a license pursuant to the provisions of chapter 449 of
44 NRS and the regulations adopted pursuant thereto.*

45 ➤ *As used in this subsection, “rehabilitative residential mental health care” has
46 the meaning ascribed to it in section 5 of this act.*

47 Sec. 17.5. 1. There is hereby appropriated from the State General
48 Fund to the Division of Health Care Financing and Policy of the Department
49 of Health and Human Services for the costs of providing Medicaid coverage
50 for rehabilitative residential mental health care pursuant to section 1 of this
51 act and computer system upgrades associated with the requirements of section
52 1 of this act the following sums:

53 For the Fiscal Year 2025-2026 \$30,800

1 For the Fiscal Year 2026-2027 \$551,899

2 2. Expenditure of the following sums not appropriated from the State
3 General Fund or the State Highway Fund is hereby authorized by the Division
4 of Health Care Financing and Policy of the Department of Health and Human
5 Services for the same purposes as set forth in subsection 1:

6 For the Fiscal Year 2025-2026 \$92,400

7 For the Fiscal Year 2026-2027 \$1,639,954

8 3. Any balance of the sums appropriated by subsection 1 remaining at
9 the end of the respective fiscal years must not be committed for expenditure
10 after June 30 of the respective fiscal years by the entity to which the
11 appropriation is made or any entity to which money from the appropriation is
12 granted or otherwise transferred in any manner, and any portion of the
13 appropriated money remaining must not be spent for any purpose after
14 September 18, 2026, and September 17, 2027, respectively, by either the entity
15 to which the money was appropriated or the entity to which the money was
16 subsequently granted or transferred, and must be reverted to the State
17 General Fund on or before September 18, 2026, and September 17, 2027,
18 respectively.

19 **Sec. 18.** 1. Notwithstanding the amendatory provisions of section 8 of this
20 act, a provider of rehabilitative residential mental health care that is operating on
21 July 1, 2026, may continue to operate without obtaining a license issued by the
22 Division of Public and Behavioral Health of the Department of Health and Human
23 Services until January 1, 2027.

24 2. As used in this section, “rehabilitative residential mental health care” has
25 the meaning ascribed to it in section 5 of this act.

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

27 2. Section 17.5 of this act becomes effective on July 1, 2025.

28 3. Sections 1 to ~~18,~~ 17, inclusive, and section 18 of this act become
29 effective:

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

33 (b) On July 1, 2026, for all other purposes.