REQUIRES TWO-THIRDS MAJORITY VOTE (§ 142)

S.B. 82

SENATE BILL NO. 82–COMMITTEE ON HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE NEVADA HEALTH AUTHORITY)

PREFILED NOVEMBER 18, 2026

Referred to Committee on Health and Human Services

SUMMARY—Makes revisions relating to public health. (BDR 40-120)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: May have Fiscal Impact.
Effect on the State Highway Fund: No.

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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 public health; transferring the authority to adopt regulations concerning certain facilities, businesses, other entities and providers of health care and certain related authority from the State Board of Health to the Director of the Nevada Health Authority or the Health Care Purchasing and Compliance Division of the Authority; making revisions relating to the operation of certain facilities without a license; imposing various requirements relating to psychiatric residential treatment facilities; imposing requirements relating to the admission of certain residents to a home operated by a provider of rehabilitative residential mental health care or a psychiatric residential treatment facility; revising provisions governing certain inspections; establishing certain grounds for disciplinary action against certain facilities; revising the conditions and procedure for the summary suspension of certain licenses; authorizing the referral of certain violations to the Attorney General; increasing certain criminal and civil penalties; providing for the licensure and regulation of facilities for the detention of children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) the State Board of Health to adopt regulations governing programs for the treatment of persons who commit domestic violence, medical facilities, facilities for the dependent, businesses that provide referrals to certain group housing arrangements, certain advance directives, agencies to provide personal care services in the home, certain employment agencies, intermediary service organizations, nontransplant anatomical donation organizations, naprapaths, music therapists, dieticians and medical laboratories; and (2) the Health Care Purchasing and Compliance Division of the Nevada Health Authority to implement and enforce those regulations. (NRS 439.258, 451.287, chapters 449-449B, 634B, 640D, 640E and 652 of NRS) **Sections 1, 2, 4, 9, 28-31, 35, 39, 43, 44, 47, 48, 57, 59, 61, 63, 64, 76, 84, 88, 94, 96, 97, 100, 105, 107, 108, 112-114, 118, 120, 125, 127-131, 200, 202, 205, 206, 211, 213, 214, 219, 220, 222-225, 232-238, 242, 245 and 248** of this bill transfer the authority to adopt regulations governing such programs, facilities, businesses, advance directives, agencies, organizations and providers of health care from the Board to the Director of the Authority. **Section 175** of this bill transfers from the Board to the Director the authority to adopt regulations similar to federal law and regulations that protect the privacy of patient information if the federal law or regulations are repealed. (Health Insurance Portability and Accountability Act of 1996, Public Law 104-191) **Sections 31 and 94** transfer from the Board to the Division the authority to license: (1) businesses that provide referrals to certain group housing arrangements; and (2) employment agencies that contract to provide nonmedical services to elderly persons or persons with disabilities in the home. **Sections 5-7, 65, 85, 87, 94, 116, 132, 170, 198, 203, 207, 212, 216, 221, 226, 227, 240 and 245-247** of this bill transfer certain duties relating to the regulation of programs, facilities, businesses, advance directives, agencies, organizations and providers of health care from the Board to the Director or the Division. **Sections 99, 103, 104, 111, 119, 123, 124 and 126** of this bill provide that an agency to provide personal care services in the home or an intermediary service organization is required to comply with all applicable regulations rather than only certain state regulations, thereby authorizing the Division to discipline such an entity or organization for violating applicable regulations of another agency, the Federal Government or a local government. **Sections 12, 13, 79, 80, 90, 91, 196, 209, 217 and 228** of this bill define the terms "Authority" and "Director" to refer to the Authority and the Director, respectively. **Sections 23, 31, 55, 56, 66, 81, 92, 94-96, 99, 103, 104, 110-112, 117, 197, 210, 218 and 229** of this bill establish the applicability of those definitions and the proper placement of those definitions in the Nevada Revised Statutes. **Section 256** of this bill repeals definitions of terms that are no longer used in provisions to which those definitions currently apply. **Sections 1, 3, 8, 24, 27, 32-34, 36-38, 40-42, 45-50, 52, 54, 56-58, 61, 62, 66, 70-75, 77, 82, 83, 86, 93, 98, 101, 102, 104, 106, 107, 109, 115, 121, 122, 182-186, 189, 192-195, 199, 201, 204, 208, 215, 230, 231, 239, 241, 243 and 244** of this bill update references and make various other conforming changes relating to the transfer of authority and duties from the Board to the Director and the Division.

Existing law requires: (1) certain medical facilities, certain facilities for the dependent and certain other health care facilities to obtain a license from the Division; and (2) a senior living community referral agency to register with the Division. (NRS 449.030, 449.0303, 449.1135) **Section 15** of this bill provides that a person or entity will be deemed to be operating such a facility or agency without a license or registration if the person or entity: (1) engages in an activity for which a license or registration is required or advertises, markets, solicits or offers to perform such an activity; and (2) does not hold the required license or registration in active and valid form. **Section 67** of this bill increases the criminal penalty for operating a medical facility, facility for the dependent or other health care facility

for which a license is required without a license from a misdemeanor to a felony or a gross misdemeanor, depending on the presence or absence of certain aggravating factors. **Section 67** also: (1) increases the civil penalties that may be imposed against such a facility that is operating without a license; (2) provides for certain public notice relating to such facilities operating without a license; and (3) requires the maintenance of certain records and the provision of certain notice to local governments concerning investigations of unlicensed facilities that are not required to be licensed.

Existing law authorizes the Board to require the licensing of certain health care facilities that are not otherwise required by law to be licensed. (NRS 449.0303) Pursuant to that authority, the Board has adopted regulations: (1) requiring the licensure of psychiatric residential treatment facilities; and (2) establishing requirements governing the operation of psychiatric residential treatment facilities. (NAC 449.410-449.4495) **Section 14** of this bill defines the term "psychiatric residential treatment facility" to mean a facility, other than a hospital, that provides a range of psychiatric services to treat residents under the age of 21 years on an inpatient basis under the direction of a physician, which is the same manner as that term is defined for the purposes of existing regulations governing those facilities. (NRS 449.1195) **Section 23** establishes the applicability of the definitions set forth in **sections 12-14**. **Section 257** eliminates a duplicative definition of "psychiatric residential treatment facility," and **sections 41, 49, 50 and 257** make conforming changes to eliminate internal references to that duplicative definition. **Section 25** of this bill designates a psychiatric residential treatment facility as a type of medical facility, thereby codifying into law the requirement that a psychiatric residential treatment facility must be licensed by the Division. (NRS 449.030) **Section 250** of this bill provides that existing licenses issued to psychiatric residential treatment facilities and existing regulations governing psychiatric residential treatment facilities remain in effect.

Existing law, in general, requires certain facilities licensed by the Division to file with the Administrator of the Division a surety bond or substitute to indemnify the State for certain costs that may be incurred as a result of the operation of the facility. (NRS 449.065-449.069) **Sections 16 and 17** of this bill similarly require a psychiatric residential treatment facility to file with the Administrator a surety bond or substitute to indemnify the Division for costs relating to enforcement actions against the psychiatric residential treatment facility, unless the facility is exempted by the Administrator. **Section 51**: (1) requires the Division to inspect each psychiatric residential treatment facility at least annually; and (2) revises requirements governing the inspection of certain other residential facilities. **Section 53** of this bill requires a psychiatric residential treatment facility to notify a patient, the parent or legal guardian of the patient or another designated natural person of a deficiency affecting the health and safety of a patient.

Existing law requires a provider of rehabilitative residential mental health care to be licensed as a type of facility for the dependent. (NRS 449.0045, 449.030) Existing law defines the term "rehabilitative residential mental health care" to refer to certain community-based, medically monitored care provided in a residential setting to clients with mental illnesses or other behavioral health conditions. (NRS 449.0168) **Section 18** of this bill requires: (1) a provider of rehabilitative residential mental health care or a psychiatric residential treatment facility to notify the parent, legal guardian or legal custodian of a resident of a home operated by the provider or the facility, as applicable, who is less than 18 years of age that the placement is temporary; and (2) the parent or guardian to agree to assume legal responsibility for the resident if the resident is released or the license of the provider or facility, as applicable, is revoked. **Section 19** of this bill imposes requirements to ensure the continued education of certain residents of a home operated by a provider of rehabilitative residential mental health care or a psychiatric residential treatment

facility. **Section 20** of this bill requires a psychiatric residential treatment facility to report certain incidents to the Division. **Section 21** of this bill requires the Division to annually submit to the Legislature a report concerning psychiatric residential treatment facilities in this State. **Sections 21 and 176** of this bill provide for the confidentiality of the personally identifiable information of patients that is provided to the Division for the purpose of compiling such reports.

Existing law authorizes the Division to suspend or revoke the license of, or impose certain other disciplinary action against, a medical facility, a facility for the dependent or other licensed health facilities for certain violations of applicable law and regulations. (NRS 449.160, 449.163, 449.174) **Section 22** of this bill provides for reporting by the Division to the National Practitioner Data Bank or any other public or private registry or data bank concerning disciplinary action under certain circumstances. **Section 55** authorizes the Division to deny an application for, suspend or revoke a license or registration if the applicant holder or certain other controlling persons have: (1) had one or more disciplinary actions that have been reported to, or are reportable to, the National Practitioner Data Bank taken against him or her and certain other requirements are met; or (2) been sanctioned or prohibited from participating in Medicaid for certain reasons. **Section 69** of this bill makes a conforming change to update an internal reference changed by **section 55**. **Section 60** of this bill makes revisions relating to the conditions for and procedure governing the summary suspension of a license.

Existing law requires the district attorney, upon application by the Division, to institute and conduct the prosecution of any action for a violation of provisions governing health care facilities. (NRS 449.240) **Section 68** of this bill: (1) provides that such an application must be made by the Administrator of the Division; and (2) authorizes the Administrator to apply to the Attorney General to institute and conduct such a prosecution if the district attorney of a county fails to do so.

Sections 26-29, 31-34, 38, 40, 42, 51, 55, 56, 63-65, 68 and 69 of this bill make conforming changes to indicate the applicability of certain provisions to the provisions of **sections 15-22** relating to psychiatric residential treatment facilities.

Sections 135-169 of this bill provide for the licensing and regulation of facilities for the detention of children by the Division. **Section 140** defines the term "facility for the detention of children" to refer to certain residential facilities that: (1) are operated by, or pursuant to a contract with, the State or a political subdivision thereof; and (2) house certain children who are involved with the juvenile justice system. **Sections 136-139** define certain other terms, and **section 135** establishes the applicability of the definitions set forth in **sections 136-140**. **Sections 141 and 174** of this bill provide that the Division is responsible for administering **sections 135-169**, and **section 146** prescribes certain powers of the Division to carry out that responsibility. **Section 142**: (1) requires a person or state or local governmental entity that wishes to operate a facility for the detention of children to obtain a license from the Division; and (2) exempts the Federal Government from such licensure. **Section 143** establishes certain activities that constitute operating a facility for the detention of children without a license. **Section 144** requires the Division to adopt a process by which a person may petition the Division to determine if his or her criminal history disqualifies him or her from a license. **Section 145** requires the Division to develop and the Director to adopt regulations governing the licensing and operation of facilities for the detention of children. **Sections 147-150** prescribe procedure and requirements governing the issuance and renewal of a license to operate such a facility.

Section 151 requires the adoption of regulations prescribing mandatory training for unlicensed caregivers at a facility for the detention of children. **Section 152** prohibits certain discrimination at such facilities. **Section 153** prescribes certain requirements relating to the privacy of children at such facilities, and **section 177** provides that information declared confidential by **section 153** is not a public

record. **Section 154** requires such a facility to conduct cultural competency training for certain agents and employees of the facility. **Sections 155-159** establish requirements governing background checks for staff and certain other persons who provide services at such a facility, and **sections 10, 171 and 172** of this bill make conforming changes relating to such background checks.

Sections 146, 160 and 161 provide for certain inspections and investigations of a facility for the detention of children. **Section 162** requires the Division to: (1) publish a report of findings after such an inspection or investigation; and (2) submit the report to the facility and the governing body of the governmental entity with control over the facility. **Sections 162 and 177** provide that personally identifiable information concerning children contained in such report is not a public record. **Sections 162 and 163** require the Division to report the results of an investigation to certain local, state and federal governmental agencies if the report includes certain findings within the jurisdiction of those agencies. **Section 164** requires a facility for the detention of children to notify a child at the facility, his or her parent or guardian or certain other designated persons of certain deficiencies at the facility. **Section 165** requires a facility for the detention of children to report certain critical incidents to the Division. **Section 166** prescribes procedures upon the identification of a deficiency at such a facility, including a requirement that the facility submit a plan of correction to the Division. In certain circumstances where a deficiency is not corrected or is repeated, **section 166** authorizes the Division to: (1) notify the relevant juvenile court, the Governor and the Legislature; and (2) request the Attorney General to bring an action to compel correction.

Section 167 provides for reporting by the Division to the National Practitioner Data Bank or any other public or private registry or data bank concerning enforcement action against a facility for the detention of children under certain circumstances. **Section 168 and 191** of this bill provide for the sharing between agencies that regulate such facilities and the State Board of Nursing of certain information relating to holders of licenses and certificates issued by the Board. **Section 169** of this bill requires the Division to annually submit to the Legislature a report concerning facilities for the detention of children in this State, and **sections 169 and 177** provide that certain personally identifiable information provided to the Division for the purpose of such reports is confidential.

Sections 133, 173, 178-181, 187, 188 and 190 of this bill subject a facility for the detention of children to certain provisions applicable to other facilities licensed by the Division. Those provisions relate to: (1) immunity from liability for volunteers; (2) reporting to the Division if a licensee has been reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person; (3) the sharing of medical records upon transfer from certain state-operated mental health facilities and facilities for persons with intellectual disabilities; (4) a prohibition on the use of a geofence near a facility for certain purposes; and (5) professional discipline of a homeopathic physician upon certain actions taken by a facility against the homeopathic physician.

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

Section 1. NRS 439.150 is hereby amended to read as follows:

439.150 1. The State Board of Health is hereby declared to be supreme in all nonadministrative health matters. It has general supervision over all matters, except for administrative matters and as otherwise provided ***by law, including, without limitation,*** in

NRS 439.950 to 439.983, inclusive, ***and chapters 449, 449A and 449B of NRS,*** relating to the preservation of the health and lives of citizens of this State and over the work of the Chief Medical Officer and all district, county and city health departments, boards of health and health officers.

2. The Department is hereby designated as the agency of this State to cooperate with the federal authorities in the administration of those parts of the Social Security Act which relate to the general promotion of public health. It may receive and expend all money made available to the Division by the Federal Government, the State of Nevada or its political subdivisions, or from any other source, for the purposes provided in this chapter. In developing and revising any state plan in connection with federal assistance for health programs, the Department shall consider, without limitation, the amount of money available from the Federal Government for those programs, the conditions attached to the acceptance of that money and the limitations of legislative appropriations for those programs.

3. Except as otherwise provided in NRS 576.128, the State Board of Health may set reasonable fees for the:

(a) Licensing, registering, certifying, inspecting or granting of permits for any facility, establishment or service regulated by the Division ***;*** ~~[or the Health Care Purchasing and Compliance Division;]~~

(b) Programs and services of the Division ***;*** ~~[and the Health Care Purchasing and Compliance Division;]~~

(c) Review of plans; and

(d) Certification and licensing of personnel.

➥ Fees set pursuant to this subsection must be calculated to produce for that period the revenue from the fees projected in the budget approved for the Division ~~[or the Health Care Purchasing and Compliance Division, as applicable,]~~ by the Legislature.

Sec. 2. NRS 439.258 is hereby amended to read as follows:

439.258 1. The Health Care Purchasing and Compliance Division shall evaluate, certify and monitor programs for the treatment of persons who commit domestic violence in accordance with the regulations adopted pursuant to subsection 2.

2. The ~~[State Board of Health]~~ ***Director of the Authority*** shall adopt regulations:

(a) Governing the evaluation, certification and monitoring of programs for the treatment of persons who commit domestic violence; and

(b) Imposing fees for the certification of such programs.

3. The regulations adopted pursuant to subsection 2 must include, without limitation, provisions:

(a) Requiring that a program:

(1) Include a module specific to victim safety; and

(2) Be based on:

(I) Evidence-based practices; and

(II) The assessment of a program participant by a supervisor of treatment or provider of treatment;

(b) Requiring that the curriculum and instructional materials used in a program be evidence-based; and

(c) Allowing a program that is located in another state to become certified in this State to provide treatment to persons who:

(1) Reside in this State; and

(2) Are ordered by a court in this State to participate in a program for the treatment of persons who commit domestic violence.

Sec. 3. NRS 439.802 is hereby amended to read as follows:

439.802 "Facility-acquired infection" means a localized or systemic condition which results from an adverse reaction to the presence of an infectious agent or its toxins and which was not detected as present or incubating at the time a patient was admitted to a medical facility, including, without limitation:

1. Surgical site infections;
2. Ventilator-associated pneumonia;
3. Central line-related bloodstream infections;
4. Urinary tract infections; and
5. Other categories of infections as may be established ~~[by the State Board of Health]~~ by regulation pursuant to NRS 439.890.

Sec. 4. NRS 439.835 is hereby amended to read as follows:

439.835 1. Except as otherwise provided in subsection 2:

(a) A person who is employed by a health facility shall, within 24 hours after becoming aware of a sentinel event that occurred at the health facility, notify the patient safety officer of the facility of the sentinel event; and

(b) The patient safety officer shall, within 13 days after receiving notification pursuant to paragraph (a), report the date, the time and a brief description of the sentinel event to:

(1) The Health Care Purchasing and Compliance Division; and

(2) The representative designated pursuant to NRS 439.855, if that person is different from the patient safety officer.

2. If the patient safety officer of a health facility personally discovers or becomes aware, in the absence of notification by another employee, of a sentinel event that occurred at the health facility, the patient safety officer shall, within 14 days after discovering or becoming aware of the sentinel event, report the date, time and brief description of the sentinel event to:

(a) The Health Care Purchasing and Compliance Division; and

(b) The representative designated pursuant to NRS 439.855, if that person is different from the patient safety officer.

3. The ~~[State Board of Health]~~ ***Director of the Authority*** shall prescribe the manner in which reports of sentinel events must be made pursuant to this section.

Sec. 5. NRS 439.841 is hereby amended to read as follows:

439.841 1. Upon receipt of a report pursuant to NRS 439.835, the Health Care Purchasing and Compliance Division may, as often as deemed necessary by the Administrator of the Health Care Purchasing and Compliance Division to protect the health and safety of the public, request additional information regarding the sentinel event or conduct an audit or investigation of the health facility.

2. A health facility shall provide to the Health Care Purchasing and Compliance Division any information requested in furtherance of a request for information, an audit or an investigation pursuant to this section.

3. If the Health Care Purchasing and Compliance Division conducts an audit or investigation pursuant to this section, the Health Care Purchasing and Compliance Division shall, within 30 days after completing such an audit or investigation, report its findings to the ~~[State Board of Health.]~~ ***Director of the Authority.***

4. A health facility which is audited or investigated pursuant to this section shall pay to the Health Care Purchasing and Compliance Division the actual cost of conducting the audit or investigation.

Sec. 6. NRS 439.843 is hereby amended to read as follows:

439.843 1. On or before March 1 of each year, each health facility shall provide to the Health Care Purchasing and Compliance Division, in the form prescribed by the ~~[State Board of Health,]~~ ***Director of the Authority,*** a summary of the reports submitted by the health facility pursuant to NRS 439.835 during the immediately preceding calendar year. The summary must include, without limitation:

(a) The total number and types of sentinel events reported by the health facility, if any;

(b) For a medical facility:

(1) A copy of the most current patient safety plan established pursuant to NRS 439.865; and

(2) A summary of the membership and activities of the patient safety committee established pursuant to NRS 439.875; and

(c) Any other information required by the ~~[State Board of Health]~~ ***Director of the Authority*** concerning the reports submitted by the health facility pursuant to NRS 439.835.

2. On or before June 1 of each year, the Health Care Purchasing and Compliance Division shall submit to the ~~[State~~

~~Board of Health]~~ ***Director of the Authority*** an annual summary of the reports and information received by the Health Care Purchasing and Compliance Division pursuant to this section. The annual summary must include, without limitation, a compilation of the information submitted pursuant to subsection 1 and any other pertinent information deemed necessary by the ~~[State Board of Health]~~ ***Director of the Authority*** concerning the reports submitted by the health facility pursuant to NRS 439.835. The Health Care Purchasing and Compliance Division shall maintain the confidentiality of the patient, the provider of health care or other member of the staff of the health facility identified in the reports submitted pursuant to NRS 439.835 and any other identifying information of a person requested by the ~~[State Board of Health]~~ ***Director of the Authority*** concerning those reports when preparing the annual summary pursuant to this section.

3. The Authority shall post on the Internet website maintained pursuant to NRS 439A.270 or any other website maintained by the Authority a copy of the most current patient safety plan submitted by each health facility pursuant to subsection 1.

Sec. 7. NRS 439.865 is hereby amended to read as follows:

439.865 1. Each medical facility that is located within this state shall develop, in consultation with the providers of health care who provide treatment to patients at the medical facility, an internal patient safety plan to improve the health and safety of patients who are treated at that medical facility.

2. The patient safety plan must include, without limitation:

(a) The patient safety checklists and patient safety policies most recently adopted pursuant to NRS 439.877.

(b) An infection control program to prevent and control infections within the medical facility. To carry out the program, the medical facility shall adopt an infection control policy. The policy must consist of:

(1) The current guidelines appropriate for the facility's scope of service developed by a nationally recognized infection control organization as approved by the ~~[State Board of Health]~~ ***Director of the Authority,*** which may include, without limitation, the Association for Professionals in Infection Control and Epidemiology, Inc., the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the World Health Organization and the Society for Healthcare Epidemiology of America; and

(2) Facility-specific infection control developed under the supervision of a certified infection preventionist.

3. The program to prevent and control infections within the medical facility must provide for the designation of a person who is

responsible for infection control when the infection control officer is absent to ensure that someone is responsible for infection control at all times.

4. A medical facility shall submit its patient safety plan to the governing board of the medical facility for approval in accordance with the requirements of this section.

5. After a medical facility's patient safety plan is approved, the medical facility shall notify all providers of health care who provide treatment to patients at the medical facility of the existence of the plan and of the requirements of the plan. A medical facility shall require compliance with its patient safety plan.

6. The patient safety plan must be reviewed and updated annually in accordance with the requirements for approval set forth in this section.

Sec. 8. NRS 439.885 is hereby amended to read as follows:

439.885 1. If a health facility:

(a) Commits a violation of any provision of NRS 439.800 to 439.890, inclusive, or for any violation for which an administrative sanction pursuant to NRS 449.163 would otherwise be applicable; and

(b) Of its own volition, reports the violation to the Administrator of the Health Care Purchasing and Compliance Division,

➥ such a violation must not be used as the basis for imposing an administrative sanction pursuant to NRS 449.163.

2. If a health facility commits a violation of any provision of NRS 439.800 to 439.890, inclusive, and does not, of its own volition, report the violation to the Administrator of the Health Care Purchasing and Compliance Division, the Health Care Purchasing and Compliance Division may, in accordance with the provisions of subsection 3, impose an administrative sanction:

(a) For failure to report a sentinel event, in an amount not to exceed $100 per day for each day after the date on which the sentinel event was required to be reported pursuant to NRS 439.835;

(b) For failure to adopt and implement a patient safety plan pursuant to NRS 439.865, in an amount not to exceed $1,000 for each month in which a patient safety plan was not in effect; and

(c) For failure to establish a patient safety committee or failure of such a committee to meet pursuant to the requirements of NRS 439.875, in an amount not to exceed $2,000 for each violation of that section.

3. Before the Health Care Purchasing and Compliance Division imposes an administrative sanction pursuant to subsection 2, the Health Care Purchasing and Compliance Division shall provide the health facility with reasonable notice. The notice must contain the legal authority, jurisdiction and reasons for the action to be

taken. If a health facility wants to contest the action, the facility may file an appeal pursuant to the regulations ~~[of the State Board of Health]~~ adopted pursuant to NRS 449.165 and 449.170. Upon receiving notice of an appeal, the Health Care Purchasing and Compliance Division shall hold a hearing in accordance with those regulations.

4. An administrative sanction collected pursuant to this section must be accounted for separately and used by the Health Care Purchasing and Compliance Division to provide training and education to employees of the Health Care Purchasing and Compliance Division, employees of health facilities and members of the general public regarding issues relating to the provision of quality and safe health care.

Sec. 9. NRS 439.890 is hereby amended to read as follows:

439.890 The ~~[State Board of Health]~~ ***Director of the Authority*** shall adopt such regulations as the ~~[Board]~~ ***Authority*** determines to be necessary or advisable to carry out the provisions of NRS 439.800 to 439.890, inclusive.

Sec. 10. 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 the Authority or 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, 449 or 449B of NRS ~~[.]~~ ***or the chapter consisting of sections 135 to 169, 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 Governor's Technology Office within the Office of the Governor established for use of the equipment or services of the Office pursuant to NRS 242.181.

Sec. 11. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 12 to 22, inclusive, of this act.

Sec. 12. ***"Authority" means the Nevada Health Authority.***

Sec. 13. ***"Director" means the Director of the Authority.***

Sec. 14. ***"Psychiatric residential treatment facility" means a facility, other than a hospital, that provides a range of psychiatric services to treat residents under the age of 21 years on an inpatient basis under the direction of a physician.***

Sec. 15. ***For the purposes of this chapter, a person or a state or local government or agency thereof shall be deemed to be operating a facility or business without a license or registration if the person, government or agency:***

1. Engages in an activity for which a license or registration is required by the provisions of this chapter or advertises, markets, solicits or offers to perform such an activity; and

2. Does not hold the required license or registration in active and valid form.

Sec. 16. ***1. Except as otherwise provided in subsections 6 and 7 and section 17 of this act, each psychiatric residential treatment facility shall, when applying for a license or renewing a license, file with the Administrator of the Division a surety bond in the amount prescribed by regulation of the Director, as developed by the Division, which must be not less than $150,000 and not more than $500,000.***

2. A bond filed pursuant to this section must be executed by the psychiatric residential treatment facility as principal and by a surety company as surety. The bond must be payable to the

Division and must be conditioned to provide indemnification to the Division for any costs incurred by the Division as a result of:

(a) The appointment of temporary management to oversee the operation of the psychiatric residential treatment facility pursuant to NRS 449.163;

(b) The suspension or revocation of the license of the psychiatric residential treatment facility, including, without limitation, costs to ensure the safe transfer of residents and to take control of medical records pursuant to NRS 449.171; or

(c) Any other enforcement action taken against the psychiatric residential treatment facility pursuant to this chapter.

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, but the release does not discharge or otherwise affect any claim filed as a result of any act or failure to act by the psychiatric residential treatment facility while the bond was in effect.

5. A license is suspended by operation of law when the psychiatric residential treatment facility is no longer covered by a surety bond as required by this section or by a substitute for the surety bond pursuant to section 17 of this act. The Administrator of the Division shall give the psychiatric residential treatment facility 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. Failure to file another surety bond or substitute for the surety bond within 30 days after the date on which the psychiatric residential treatment facility ceased to be covered by a surety bond or a substitute for the surety bond constitutes grounds for revoking the license.

6. The Administrator of the Division may exempt a psychiatric residential treatment facility 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 psychiatric residential treatment facility.

7. The requirement of filing a surety bond set forth in this section does not apply to a psychiatric residential treatment facility that is operated and maintained by the State of Nevada or an agency thereof.

Sec. 17. *1. As a substitute for the surety bond required by section 16 of this act, a psychiatric residential treatment facility*

may deposit with any bank or trust company authorized to do business in this State, upon approval from the Administrator of the Division:

(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 16 of this act. With the approval of the Administrator of the Division, the depositor may substitute other suitable obligations for those deposited, which must be assigned to the Division and are negotiable only upon approval by the Administrator of the 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 16 of this act and must state that the amount may not be withdrawn except by direct and sole order of the Administrator of the Division.

Sec. 18. *1. Upon admitting a resident who is less than 18 years of age to a home operated by a provider of rehabilitative residential mental health care or to a psychiatric residential treatment facility, the provider or facility, as applicable, shall provide to the parent, legal guardian or legal custodian of the resident written notice that the placement of the resident is intended to be temporary in nature and is not a permanent placement.*

2. To maintain the placement of a resident who is less than 18 years of age at a home operated by a provider of rehabilitative residential mental health care or at a psychiatric residential treatment facility, the parent, legal guardian or legal custodian of the resident must provide a written agreement to assume all legal responsibility for the resident if:

(a) The resident is released by the home or facility, as applicable; or

(b) The license of the provider or facility is suspended or revoked.

3. The Division shall develop and the Director shall adopt any regulations necessary to carry out the provisions of this section.

Sec. 19. ***1. A provider of rehabilitative residential mental health care or a psychiatric residential treatment facility shall ensure that, not later than 3 school days after a resident who is less than 18 years of age or who is otherwise eligible to enroll in a public school in this State, and who has not received a high school diploma or its equivalent, is admitted to a home operated by the provider or to the facility, as applicable, the resident is enrolled in:***

(a) A public school, including, without limitation, a charter school;

(b) An alternative program for the education of pupils at risk of dropping out of school operated by the board of trustees of a school district pursuant to NRS 388.537;

(c) A program of independent study established pursuant to NRS 389.155 for pupils who have been suspended or expelled from school;

(d) A program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive;

(e) Any program of instruction offered pursuant to the provisions of NRS 388.550;

(f) A challenge school, as defined in NRS 388D.305; or

(g) Any other program of instruction that is approved by the Administrator of the Division, in consultation with the Department of Education, if necessary to provide the resident with access to education.

2. The provisions of this section must not be construed to:

(a) Require the board of trustees of a school district, the governing body of a charter school or the operator of any program described in subsection 1 to admit a resident where such admission is not otherwise required by law; or

(b) Otherwise abrogate any authority of the board of trustees of a school district, the governing body of a charter school or the operator of any program described in subsection 1 under title 34 of NRS or any other relevant law.

Sec. 20. ***1. Not later than the close of business on the next business day after an incident described in this subsection occurs, a psychiatric residential treatment facility shall report to the Division:***

(a) The suspected or confirmed abuse, neglect or exploitation of a resident by staff, a visitor, another resident or any other person;

(b) A serious injury to a resident that causes significant impairment to the resident or requires hospitalization or other medical intervention;

(c) The death of a resident from any cause, including, without limitation, a death that is expected or unexplained;

(d) The use of restraint or seclusion on a resident in violation of state or federal law, including, without limitation, 42 C.F.R. §§ 483.350 to 483.376, inclusive, or any injury to a resident that occurs during the use of restraint or seclusion;

(e) A resident leaving the psychiatric residential treatment facility without authorization, unless the resident is located before a report must be made pursuant to this section;

(f) An error concerning medication that results in an adverse reaction or other harm or requires a medical evaluation;

(g) A crime committed on the premises of the psychiatric residential treatment facility;

(h) An incident on the premises of the psychiatric residential treatment facility or involving a resident of the psychiatric residential treatment facility that requires a response by law enforcement to maintain safety;

(i) An environmental emergency that disrupts operations or threatens the safety of residents and staff, including, without limitation, a natural disaster, fire, utility failure or structural damage that constitutes such an environmental emergency;

(j) An attempted suicide by a resident;

(k) An allegation of sexual abuse or sexual harassment of a child within the meaning of the standards adopted pursuant to the Prison Rape Elimination Act, 34 U.S.C. §§ 30305 et seq., or any standards adopted pursuant thereto; or

(l) The operator or any member of the staff being reported to the National Practitioner Data Bank for any reason.

2. The Division:

(a) Shall establish a process for collecting and investigating reports made pursuant to this section to:

(1) Ensure the safety of residents of psychiatric residential treatment facilities;

(2) Address potential abuse, neglect and exploitation at psychiatric residential treatment facilities; and

(3) Maintain appropriate oversight of psychiatric residential treatment facilities; and

(b) May collaborate with the Office of the Medicaid Inspector General created by NRS 422.101 in performing the duties described in paragraph (a) to streamline reporting requirements for psychiatric residential treatment facilities.

3. The Division may develop and the Director may adopt any regulations necessary to carry out the provisions of this section.

4. As used in this section, "abuse," "exploitation" and "neglect" have the meanings ascribed to those terms in NRS 449.210.

Sec. 21. ***1. On or before January 31 of each year, the Division shall:***

(a) Compile a report concerning psychiatric residential treatment facilities in this State. The report must include, without limitation:

(1) For each psychiatric residential treatment facility that held a license during the immediately preceding year:

(I) The name and location of the psychiatric residential treatment facility;

(II) Whether the psychiatric residential treatment facility was subject to disciplinary action or other enforcement action during the immediately preceding year and, if so, whether the action resulted in a plan of correction, the imposition of a sanction pursuant to NRS 449.163, the suspension or revocation of the license or a settlement agreement;

(III) To the extent that data is available, the average number of children served by the psychiatric residential treatment facility, the average age and the range of ages of those children and the average length of stay at the psychiatric residential treatment facility; and

(IV) To the extent that data is available, the sources of payment received by the psychiatric residential treatment facility for services, including, without limitation, Medicaid, Medicare, private insurance, the TRICARE program, as established pursuant to 32 C.F.R. § 199.17, and cash payment;

(2) The number and type of complaints received by the Division concerning psychiatric residential treatment facilities during the immediately preceding year;

(3) The average time between when the Division received a complaint described in subparagraph (2) and when the Division responded to the complaint, in aggregate and disaggregated based on the severity or risk level of the violations alleged by the complaint;

(4) The number of psychiatric residential treatment facilities referred by the Administrator of the Division pursuant to NRS 449.240 for criminal prosecution during the immediately preceding year and the number of those referrals that were denied by a district attorney or the Attorney General; and

(5) A summary of any barriers experienced by the Division in ensuring the safety and quality of care provided by psychiatric residential treatment facilities.

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the Joint Interim Standing Committee on Health and Human Services; and

(2) In odd-numbered years, the next regular session of the Legislature.

2. The Division may request from a psychiatric residential treatment facility any information necessary to compile the report required by this section. The psychiatric residential treatment facility shall provide to the Division any information so requested.

3. The Division shall develop and the Director shall adopt any regulations necessary to carry out the requirements of this section.

4. Any personally identifiable information concerning a person who receives services from a psychiatric residential treatment facility or his or her family that is provided to the Division pursuant to this section or the regulations adopted pursuant thereto is confidential and may only be published in aggregated form or in a manner which does not disclose the identity of the person to whom the information relates.

Sec. 22. ***The Division:***

1. Shall report to the National Practitioner Data Bank concerning disciplinary action taken pursuant to this chapter where required by federal law;

2. May report to the National Practitioner Data Bank or any other public or private registry or data bank concerning disciplinary action taken pursuant to this chapter where the Division determines that such reporting is in the interest of protecting the health or safety of the public in this State or any other jurisdiction; and

3. Shall publish on an Internet website maintained by the Division any disciplinary action reported to the National Practitioner Data Bank or any other public or private registry or data bank pursuant to this section.

Sec. 23. NRS 449.001 is hereby amended to read as follows:

449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.0195, inclusive, ***and sections 12, 13 and 14 of this act*** have the meanings ascribed to them in those sections.

Sec. 24. NRS 449.0032 is hereby amended to read as follows:

449.0032 "Division" means the Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority.

Sec. 25. NRS 449.0151 is hereby amended to read as follows:

449.0151 "Medical facility" includes:

1. A surgical center for ambulatory patients;
2. A freestanding birthing center;
3. An independent center for emergency medical care;
4. An agency to provide nursing in the home;
5. A facility for intermediate care;
6. A facility for skilled nursing;
7. A facility for hospice care;
8. A hospital;
9. A psychiatric hospital;
10. A facility for the treatment of irreversible renal disease;
11. A rural clinic;
12. A nursing pool;
13. A facility for modified medical detoxification;
14. A facility for refractive surgery;
15. A mobile unit;
16. A community triage center; ~~[and]~~
17. A rural emergency hospital ~~[.]~~ ***; and***
18. A psychiatric residential treatment facility.

Sec. 26. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, ***and sections 15 to 22, inclusive, of this act,*** unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 27. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, ***and sections 15 to 22, inclusive, of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.
2. Foster homes as defined in NRS 424.014.
3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 28. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The ~~[Board]~~ ***Division shall develop and the Director*** shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, ***and sections 15 to 22, inclusive, of this act*** and for programs of hospice care.

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

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

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

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

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

(g) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive ~~[.]~~ ***, and sections 15 to 22, inclusive, of this act.***

2. The ~~[Board]~~ ***Division shall develop and the Director*** shall adopt separate regulations governing the licensing and operation of:

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

(b) Residential facilities for groups,

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

3. The ~~[Board]~~ ***Division shall develop and the Director*** shall adopt separate regulations for:

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

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

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

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

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

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

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

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

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

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

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

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

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

7. The ~~[Board]~~ ***Division shall develop and the Director*** shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The ~~[Board]~~ ***Director*** shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the

amount that will be charged for those services throughout the resident's stay at the facility.

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

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

(2) Contain a sleeping area or bedroom; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. The ~~[Board]~~ ***Division shall, if it determines necessary, develop and the Director*** shall, if ~~[it]~~ ***the Director*** determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

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

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

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

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

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

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

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

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

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

11. The ~~[Board]~~ ***Division shall develop and the Director*** shall adopt regulations applicable to providers of community-based living arrangement services which:

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

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

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

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

12. The ~~[Board]~~ ***Division shall develop and the Director*** shall adopt separate regulations governing the licensing and operation of freestanding birthing centers. Such regulations must:

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

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

13. If the regulations adopted pursuant to this section require a physical examination to be performed on a patient or the medical history of a patient to be obtained before or after the patient is admitted to a hospital, those regulations must authorize a certified nurse-midwife to perform such a physical examination or obtain

such a medical history before or after a patient is admitted to a hospital for the purpose of giving birth.

14. The ~~[Board]~~ ***Division shall develop and the Director*** shall adopt regulations governing the licensing and operation of providers of rehabilitative residential mental health care, which must include, without limitation, separate requirements for providers providing such care to minors and providers providing such care to adults.

15. As used in this section:

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

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

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

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

Sec. 29. NRS 449.0303 is hereby amended to read as follows:

449.0303 The ~~[Board]~~ ***Division may develop and the Director*** may adopt regulations requiring the licensing of a facility other than those required to be licensed pursuant to NRS 449.029 to 449.2428, inclusive, ***and sections 15 to 22, inclusive, of this act*** if the:

1. Facility provides any type of medical care or treatment; and

2. Regulation is necessary to protect the health of the general public.

Sec. 30. NRS 449.0304 is hereby amended to read as follows:

449.0304 1. The ~~[Board]~~ ***Division shall develop and the Director*** shall adopt regulations authorizing an employee of a residential facility for groups 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;

(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 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 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. 31. NRS 449.0305 is hereby amended to read as follows:

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

2. The ~~[Board]~~ ***Division shall develop and the Director*** shall adopt:

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

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

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

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

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

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

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

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

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

➥ A person who violates the provisions of this subsection is liable for a civil penalty to be recovered by the Attorney General in the name of the ~~[Board]~~ ***Division*** for the first offense of not more than $10,000 and for a second or subsequent offense of not less than $10,000 nor more than $20,000. Unless otherwise required by federal law, the ~~[Board]~~ ***Division*** shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and sections 12 to 22, inclusive, of this act,*** 449.435 to 449.531, inclusive, and chapter 449A of NRS and to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards.

5. This section does not apply to:

(a) A medical facility that is licensed pursuant to NRS 449.029 to 449.2428, inclusive, ***and sections 15 to 22, inclusive, of this act*** on October 1, 1999; or

(b) A senior living community referral agency.

6. As used in this section:

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

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

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

Sec. 32. NRS 449.0307 is hereby amended to read as follows:

449.0307 The Division may:

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

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

dependent or facility which is required by the regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed which may have information pertinent to the complaint.

3. Employ such professional, technical and clerical assistance as it deems necessary to carry out the provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ ***, and sections 15 to 22, inclusive, of this act.***

Sec. 33. NRS 449.0308 is hereby amended to read as follows:

449.0308 1. Except as otherwise provided in this section, the Division may charge and collect from a medical facility, facility for the dependent or facility which is required by the regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed or a person who operates such a facility without a license issued by the Division the actual costs incurred by the Division for the enforcement of the provisions of NRS 449.029 to 449.2428, inclusive, ***and sections 15 to 22, inclusive, of this act,*** including, without limitation, the actual cost of conducting an inspection or investigation of the facility.

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]~~ ***Director*** charges a fee pursuant to NRS 449.050 or 449.089; 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 NRS 449.029 to 449.2428, inclusive, ***and sections 15 to 22, inclusive, of this act*** and the regulations adopted pursuant thereto.

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

Sec. 34. NRS 449.040 is hereby amended to read as follows:

449.040 Any person, state or local government or agency thereof desiring a license under the provisions of NRS 449.029 to 449.2428, inclusive, ***and sections 15 to 22, 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 type of facility to be operated.

3. The location of the facility.

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

5. The number of beds authorized by the Director ~~[of the Nevada Health Authority]~~ or, if such authorization is not required, the number of beds the facility will contain.

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

7. Such other information as may be required by the Division for the proper administration and enforcement of NRS 449.029 to 449.2428, inclusive ~~[.]~~ ***, and sections 15 to 22, inclusive, of this act.***

8. 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 facility for which 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 institution for which application is made.

9. Evidence satisfactory to the Division of the ability of the applicant to comply with the provisions of NRS 449.029 to 449.2428, inclusive, ***and sections 15 to 22, inclusive, of this act*** and the standards and regulations adopted by the ~~[Board.]~~ ***Director.***

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

Sec. 35. NRS 449.050 is hereby amended to read as follows:

449.050 1. Each application for a license must be accompanied by such fee as may be ~~[determined]~~ ***prescribed*** by ~~[regulation of the Board.]~~ ***regulations developed by the Division and adopted by the Director.*** The ~~[Board]~~ ***Director*** 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.

2. The fee imposed by the ~~[Board]~~ ***Director*** for a facility for transitional living for released offenders must be based on the type of facility that is being licensed and must be calculated to produce the revenue estimated to cover the costs related to the license, but in no case may a fee for a license exceed the actual cost to the Division of issuing or renewing the license.

3. If an application for a license for a facility for transitional living for released offenders is denied, any amount of the fee paid pursuant to this section that exceeds the expenses and costs incurred by the Division must be refunded to the applicant.

Sec. 36. 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, and agency to provide nursing in the home shall, when applying for a license or renewing a license, file with the Administrator of the Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority a surety bond:

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

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

(c) If the facility, agency 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 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 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 Developmental Disability determines has suffered property damage as a result of any act or failure to act by the facility, agency 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 Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority, 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 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 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 Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority shall give the facility, agency 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 Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority 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 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. 37. 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 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 Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority:

(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 Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority, 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 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. 38. NRS 449.080 is hereby amended to read as follows:

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

(a) Applicant is in full compliance with the provisions of NRS 449.029 to 449.2428, inclusive ~~[;]~~ ***, and sections 15 to 22, inclusive, of this act;***

(b) Applicant is in substantial compliance with the standards and regulations adopted by the ~~[Board;]~~ ***Director of the Authority;***

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

(d) Facility conforms to the applicable zoning regulations,

➥ the Division shall issue the license to the applicant.

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

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

Sec. 39. NRS 449.087 is hereby amended to read as follows:

449.087 1. A licensee must obtain the approval of the Division to amend his or her license to operate a facility before the addition of any of the following services:

(a) The intensive care of newborn babies.

(b) The treatment of burns.

(c) The transplant of organs.

(d) The performance of open-heart surgery.

(e) A center for the treatment of trauma.

2. The Division shall approve an application to amend a license to allow a facility to provide any of the services described in subsection 1 if:

(a) The applicant satisfies the requirements contained in NRS 449.080;

(b) The Division determines on the basis of the standards adopted by the ~~[Board]~~ ***Director*** pursuant to subsection 4 that there

are an adequate number of cases in the community to be served to support amending the license to add the service; and

(c) The Division determines that the applicant satisfies any other standards adopted by the ~~[Board]~~ ***Director*** pursuant to subsection 4.

3. The Division may revoke its approval if the licensee fails to maintain substantial compliance with the standards adopted by the ~~[Board]~~ ***Director*** pursuant to subsection 4 for the provision of such services, or with any conditions included in the written approval of the Director issued pursuant to the provisions of NRS 439A.100 or 439A.102.

4. The ~~[Board]~~ ***Division shall develop and the Director*** shall ~~[:]~~ ***adopt:***

(a) ~~[Adopt standards]~~ ***Standards*** which have been adopted by appropriate national organizations to be used by the Division in determining whether there are an adequate number of cases in the community to be served to support amending the license of a licensee to add a service pursuant to this section; and

(b) ~~[Adopt such]~~ ***Such*** other standards as ~~[it deems]~~ ***the Division and Director*** necessary for determining whether to approve the provision of services pursuant to this section.

Sec. 40. 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, ***and sections 15 to 22, inclusive, of this act*** expires 1 year after the date on which it was issued. Such a license may be renewed annually 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, ***and sections 15 to 22, inclusive, of this act,*** or the standards and regulations adopted by the ~~[Board;]~~ ***Director of the Authority;***

(b) Obtained the approval of the Director of the Department of 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 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 provider of rehabilitative residential mental health care, 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, provider, 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 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, 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 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. 41. 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, and sections 15 to 22, inclusive, of this act expires 1 year after the date on which it was issued. Such a license may be renewed annually 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, and sections 15 to 22, inclusive, of this act or the standards and regulations adopted by the Director of the Authority;

(b) Obtained the approval of the Director of the Department of 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 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 provider of rehabilitative residential

mental health care, 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, provider, program, pool or home is in compliance with the provisions of NRS ~~[449.115]~~ ***449.119*** to 449.125, inclusive, and 449.174.

3. Each reapplication for 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, 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 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. 42. NRS 449.091 is hereby amended to read as follows:

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

(a) Is in operation at the time of the adoption of standards and regulations pursuant to the provisions of NRS 449.029 to 449.2428, inclusive, ***and sections 15 to 22, inclusive, of this act*** and the Division determines that the facility requires a reasonable time under the particular circumstances within which to comply with the standards and regulations; or

(b) Has failed to comply with the standards or regulations and the Division determines that the facility is in the process of making

the necessary changes or has agreed to make the changes within a reasonable time.

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

Sec. 43. NRS 449.0925 is hereby amended to read as follows:

449.0925 1. The ~~[Board]~~ ***Division shall develop and the Director*** shall ~~[:~~

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

~~[(1)]~~ ***(a)*** Designate the types of facilities to which the requirements for training apply; and

~~[(2)]~~ ***(b)*** 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]~~ ***2. The Division shall review*** the required topics for training established pursuant to ~~[subparagraph (2) of]~~ paragraph ~~[(a)]~~ ***(b) of subsection 1*** at least annually ***.*** ~~[and]~~ ***The Division shall develop and the Director shall adopt regulations to*** revise those topics when necessary to address new issues that impact health and safety at the designated facilities.

~~[2.]~~ ***3.*** 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.]~~ ***4.*** The administrator or other person in charge of a facility to which the regulations adopted pursuant to subsection 1 apply shall:

(a) Ensure that each unlicensed caregiver at the facility 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 facility where appropriate;

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

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

Sec. 44. NRS 449.094 is hereby amended to read as follows:

449.094 1. The ~~[Board]~~ ***Division shall develop and the Director*** shall ~~[establish]~~ ***adopt*** minimum continuing education requirements concerning the care of persons with any form of dementia, including, without limitation, dementia caused by Alzheimer's disease, for each person who is:

(a) Employed by a facility for skilled nursing, facility for intermediate care or residential facility for groups which provides care to persons with any form of dementia; and

(b) Licensed or certified by an occupational licensing board.

2. In ~~[establishing]~~ ***developing*** continuing education requirements pursuant to subsection 1, the ~~[Board]~~ ***Division*** shall consider any other educational requirements imposed on such employees to ensure that the continuing education requirements ~~[established]~~ ***adopted*** by the ~~[Board]~~ ***Director*** do not duplicate or conflict with the existing educational requirements imposed on those employees.

3. The administrator of a facility for skilled nursing, facility for intermediate care or residential facility for groups which provides care to persons with any form of dementia, including, without limitation, dementia caused by Alzheimer's disease, shall ensure that each employee of the facility who is required to comply with the requirements for continuing education ~~[established]~~ ***adopted*** by the ~~[Board]~~ ***Director*** pursuant to this section complies with such requirements.

Sec. 45. NRS 449.101 is hereby amended to read as follows:

449.101 1. A medical facility, facility for the dependent or facility which is otherwise required by regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed and any employee or independent contractor of such a facility shall not discriminate in the admission of, or the provision of services to, a patient or resident 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 patient or resident or any person with whom the patient or resident associates.

2. A medical facility, facility for the dependent or facility which is otherwise required by regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed 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 NRS 449.0302 and meet any other requirements prescribed by regulations of the ~~[Board;]~~ ***Director;*** and

(b) Post prominently in the facility and include on any Internet website used to market the facility the following statement:

> [Name of facility] 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. In addition to the statement prescribed by subsection 2, a facility for skilled nursing, facility for intermediate care or residential facility for groups shall post prominently in the facility and include on any Internet website used to market the facility:

(a) Notice that a patient or resident who has experienced prohibited discrimination may file a complaint with the Division; and

(b) The contact information for the Division.

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

(a) Require a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed or an employee or independent contractor thereof to take or refrain from taking any action in violation of reasonable medical standards; or

(b) Prohibit a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed 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. 46. NRS 449.102 is hereby amended to read as follows:

449.102 A medical facility, facility for the dependent or facility which is otherwise required by regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed shall:

1. Maintain the confidentiality of personally identifiable information concerning the sexual orientation of a patient or resident, whether the patient or resident is transgender or has undergone gender-affirming surgery and the human immunodeficiency virus status of the patient or resident and take

reasonable actions to prevent the unauthorized disclosure of such information;

2. Prohibit employees or independent contractors of the facility who are not performing a physical examination or directly providing care to a patient or resident from being present during any portion of the physical examination or care, as applicable, during which the patient or resident is fully or partially unclothed without the express permission of the patient or resident or the authorized representative of the patient or resident;

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

4. Allow a patient or resident to refuse to be examined, observed or treated by an employee or independent contractor of the facility for a purpose that is primarily educational rather than therapeutic.

Sec. 47. NRS 449.103 is hereby amended to read as follows:

449.103 1. Except as otherwise provided in subsection 3, to enable an agent or employee of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed who is described in subsection 2 to more effectively treat patients or care for residents, as applicable, the ~~[Board]~~ ***Division shall develop and the Director*** shall ~~[, by regulation, require]~~ ***adopt regulations requiring*** such a facility to conduct training relating specifically to cultural competency for any agent or employee of the facility who is described in subsection 2 so that such an agent or employee may better understand patients or residents who have different cultural backgrounds, including, without limitation, patients or residents 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.]~~ ***Division and the Director.***

➥ The ~~[Board shall]~~ ***regulations must*** set forth ~~[by regulation]~~ the frequency with which a medical facility, facility for the dependent or other facility 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 a

medical facility, facility for the dependent or facility which is otherwise required by regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed who:

(a) Provides clinical, administrative or support services and has direct patient 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. A medical facility, facility for the dependent or other facility 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 a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed pursuant to subsection 1 must be provided through a course or program that is approved by the ~~[Nevada Health]~~ Authority.

5. The Office of Minority Health and Equity of the Department of Human Services shall:

(a) Establish and maintain a list of the courses and programs that are approved for training relating to cultural competency pursuant to subsection 4. The Office shall make the most current list available on the Internet website of the Office.

(b) Ensure that the list established and maintained pursuant to paragraph (a) is distributed to each medical facility, facility for the dependent or other facility which is required to conduct training relating specifically to cultural competency pursuant to subsection 1.

6. A medical facility, facility for the dependent or other facility which is required to conduct training specifically relating to cultural competency may apply to the ~~[Nevada Health]~~ Authority to provide a course or program on cultural competency that is not approved by the Authority pursuant to subsection 4. Any such request must be approved or denied by the Authority not later than 10 business days after the receipt of the application.

7. On or before October 1 of each year, the ~~[Nevada Health]~~ Authority shall report the average length of time within which the Authority approved a course of program or training relating to cultural competency in the immediately preceding year pursuant to subsection 4 or 6, as applicable, to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing

Committee on Health and Human Services and the Joint Interim Standing Committee on Commerce and Labor.

8. As used in this section:

(a) "Direct patient contact" means direct contact with a patient or resident of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed which is in person or using telephone, electronic mail, telehealth or other electronic means, except that the term does not include incidental contact.

(b) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 48. NRS 449.104 is hereby amended to read as follows:

449.104 The ~~[Board]~~ ***Division shall develop and the Director*** shall adopt regulations that require a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed to:

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

2. Adapt electronic records to reflect the gender identities or expressions of patients or residents with diverse gender identities or expressions, including, without limitation:

(a) If the facility is a medical facility, adapting health records to meet the medical needs of patients or residents with diverse sexual orientations and gender identities or expressions, including, without limitation, integrating information concerning sexual orientation and gender identity or expression into electronic systems for maintaining health records; and

(b) If the facility is a facility for the dependent or other residential facility, adapting electronic records to include:

(1) The preferred name and pronoun and gender identity or expression of a resident; and

(2) Any other information prescribed by ~~[regulation of the Board.]~~ ***regulations developed by the Division and adopted by the Director.***

Sec. 49. NRS 449.119 is hereby amended to read as follows:

449.119 ~~["Facility,]~~ ***As used in NRS 449.119 to 449.125, inclusive, unless the context otherwise requires, "facility,*** hospital, agency, program or home" means 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 provider of rehabilitative residential mental health care, 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. 50. NRS 449.121 is hereby amended to read as follows:

449.121 1. Except as otherwise provided in subsection 2, the provisions of NRS ~~[449.115]~~ ***449.119*** to 449.125, inclusive, and 449.174 do not apply to any facility for the treatment of alcohol or other substance use disorders.

2. A facility for the treatment of alcohol or other substance use disorders must comply with the requirements of NRS ~~[449.115]~~ ***449.119*** to 449.125, inclusive, and 449.174 if the facility for the treatment of alcohol or other substance use disorders provides residential services to children.

Sec. 51. NRS 449.131 is hereby amended to read as follows:

449.131 1. Any authorized member or employee of the Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of NRS 449.029 to 449.245, inclusive ~~[.]~~ ***, and sections 15 to 22, inclusive, of this act.***

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

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

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

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

3. ~~[The Chief Medical Officer or a designee of the Chief Medical Officer]~~ ***An authorized member or employee of the Division*** shall enter and inspect at least annually each building or the premises of a residential facility for groups, each building operated by a provider of community-based living arrangement services in which such services are provided and each building

operated by a provider of rehabilitative residential mental health care in which such care is provided to ensure compliance with standards for health and sanitation.

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

5. An authorized member or employee of the Division shall enter and inspect at least annually each building or premises of a psychiatric residential treatment facility where services are provided and each building or premises operated by the holder of a license to operate a psychiatric residential treatment facility where services are provided to residents. As part of such an inspection, the authorized member or employee of the Division may enter and inspect any other building or premises operated by the holder of the license.

Sec. 52. NRS 449.132 is hereby amended to read as follows:

449.132 Every medical facility, facility for the dependent or facility which is required by the regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed may be inspected at any time, with or without notice, as often as is necessary by:

1. The Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority 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 Human Services to investigate complaints made against the facility.

Sec. 53. NRS 449.134 is hereby amended to read as follows:

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

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

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

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

Sec. 54. NRS 449.142 is hereby amended to read as follows:

449.142 "Health facility" means a medical facility, a facility for the dependent that is a provider of services under Medicaid or a facility which is required by the regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed.

Sec. 55. NRS 449.160 is hereby amended to read as follows:

449.160 1. Except as otherwise provided in NRS 449.1887 and 449.1918, the Division may deny an application for a license or registration or may suspend or revoke any license or registration issued under the provisions of NRS 449.029 to 449.2428, inclusive, ***and sections 15 to 22, inclusive, of this act*** upon any of the following grounds:

(a) Violation by the applicant, registrant or licensee of any of the provisions of NRS 439B.410, 442.010, 449.029 to 449.245, inclusive, ***and sections 15 to 22, inclusive, of this act*** or NRS 449A.100 to 449A.124, inclusive, and 449A.270 to 449A.286, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

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

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

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

(e) Failure of the applicant to obtain written approval from the Director of the Department of Human Services as required by NRS 439A.100 or 439A.102 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and sections 12 to 22, inclusive, of this act*** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required, including, without limitation, the closure or conversion of any hospital in a county whose population is 100,000 or more that is owned by the licensee without approval pursuant to NRS 439A.102.

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

(g) Violation of the provisions of NRS 458.112.

(h) Failure to comply with the provisions of NRS 449A.170 to 449A.192, inclusive, and any regulation adopted pursuant thereto.

(i) Violation of the provisions of NRS 629.260.

(j) The applicant, registrant or licensee, any person with an ownership or control interest in the applicant, registrant or licensee or any officer, director, administrator or managing employee of the applicant, registrant or licensee has:

(1) Been the subject of one or more disciplinary, civil or criminal actions in any jurisdiction that have been reported to, or are required to be reported to, the National Practitioner Data Bank and the Administrator of the Division determines that those actions indicate that the applicant, registrant or licensee is not qualified to safely provide the services to which the license or registration applies; or

(2) Been sanctioned by, excluded from participation in Medicaid by or had his or her participation in Medicaid terminated by the Medicaid Division of the Authority or the Office of the Medicaid Inspector General created by NRS 422.101 or otherwise prohibited from participating in Medicaid for fraud, other criminal activity or clinical misconduct.

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

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

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

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

3. ***In addition to any other action that may be taken pursuant to this chapter, the Division may prohibit a person from:***

(a) Being licensed or registered pursuant to this chapter for not more than 7 years after any action described in paragraph (j) of subsection 1; or

(b) Holding an ownership or control interest in, or serving as an officer, director, administrator or managing employee of, a licensee or registrant for not more than 7 years after any action described in paragraph (j) of subsection 1.

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

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

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

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

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

~~[4.]~~ ***5.*** 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;]~~ ***4;*** and

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

6. As used in this section, "person with an ownership or control interest" means a person who:

(a) Has an ownership interest totaling 5 percent or more in an applicant or licensee;

(b) Has an indirect ownership interest equal to 5 percent or more in an applicant or licensee;

(c) Has a combination of direct and indirect ownership interests equal to 5 percent or more in an applicant or licensee;

(d) Owns an interest of 5 percent or more in any mortgage, deed of trust, note or other obligation secured by the applicant or licensee if that interest equals at least 5 percent of the value of the property or assets of the applicant or licensee;

(e) Is an officer or director of an applicant or licensee that is organized as a corporation; or

(f) Is a partner in an applicant or licensee that is organized as a partnership.

Sec. 56. NRS 449.163 is hereby amended to read as follows:

449.163 1. Except as otherwise provided in NRS 449.1887 and 449.1918, in addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410, 442.010 or 449.029 to 449.2428, inclusive, ***and sections 15 to 22, inclusive, of this act,*** or any condition, standard or regulation adopted by the ~~[Board,]~~ ***Director,*** the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

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

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

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

(d) 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

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

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

(2) Improvements are made to correct the violation.

2. If an off-campus location of a hospital fails to obtain a national provider identifier that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital in violation of NRS 449.1818, the Division may impose against the hospital an administrative penalty of not more than $10,000 for each day of such failure, together with interest thereon at a rate not to exceed 10 percent per annum, in addition to any other action authorized by this chapter.

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

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

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

4. Except as otherwise provided in NRS 449.1887 and 449.1918, the Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and sections 15 to 22, inclusive, of this act*** or any condition, standard or regulation adopted by the ~~[Board]~~ ***Director*** to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 or subsection 2 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and sections 12 to 22, inclusive, of this act,*** 449.435 to 449.531, inclusive, and chapter

449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 57. NRS 449.165 is hereby amended to read as follows:

449.165 The ~~[Board]~~ ***Division shall develop and the Director*** shall adopt regulations establishing the criteria for the imposition of each sanction prescribed by NRS 449.163. 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 by a medical facility, facility for the dependent or a facility which is required by the regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed causes harm or the risk of harm to more than one person.

Sec. 58. NRS 449.167 is hereby amended to read as follows:

449.167 1. If the Division receives notification from the ~~[Nevada Health]~~ Authority pursuant to NRS 439.5895 that a medical facility licensed pursuant to this chapter is not in compliance with the requirements of subsection 4 of NRS 439.589, the Division may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative penalty in the amount prescribed by NRS 449.163.

2. The Division shall not suspend or revoke a license for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 59. NRS 449.170 is hereby amended to read as follows:

449.170 1. When the Division intends to deny, suspend or revoke a license or registration, or impose any sanction prescribed by NRS 449.163, 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 or registration pursuant to this section and NRS 233B.127 or impose any sanction prescribed by NRS 449.163, 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 ***developed by the Division and*** adopted by the ~~[Board.]~~ ***Director.***

3. Upon receiving notice of an appeal, the Division shall hold a hearing pursuant to regulations ***developed by the Division and*** adopted by the ~~[Board.]~~ ***Director.***

4. The ~~[Board]~~ ***Division shall develop and the Director*** shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 60. NRS 449.170 is hereby amended to read as follows:

449.170 1. ~~[When]~~ ***Except as otherwise provided in subsection 2, when*** the Division intends to deny, suspend or revoke a license or registration, or impose any sanction prescribed by NRS 449.163, 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.

2. Notice ***pursuant to subsection 1*** is not required if the Division finds that the ~~[public]~~ health ~~[requires immediate action.]~~ ***, safety or welfare of the public or any person served by the applicant, licensee or registrant is at risk of imminent or continued harm.*** In that case, it may order a summary suspension of a license or registration pursuant to this section and NRS 233B.127 or impose any sanction prescribed by NRS 449.163, pending proceedings for revocation or other action.

~~[2.]~~ ***3.*** If a person wants to contest the action of the Division, the person must file an appeal pursuant to regulations developed by the Division and adopted by the Director. ***Except in the case of a summary suspension or the imposition of a sanction pending further proceedings pursuant to subsection 2, the effective date of the action is stayed upon receipt of the appeal until a hearing is held pursuant to subsection 4 and a decision is rendered.***

~~[3.]~~ ***4.*** Upon receiving notice of an appeal, the Division shall hold a hearing pursuant to regulations developed by the Division and adopted by the Director.

~~[4.]~~ ***5.*** The Division shall develop and the Director shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 61. NRS 449.171 is hereby amended to read as follows:

449.171 1. If the Division suspends the license of a medical facility, a facility for the dependent or a facility which is required by the regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed pursuant to the provisions of this chapter, or if a facility 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 medical records of the facility.

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 medical records obtained pursuant to subsection 1.

(b) Share medical records obtained pursuant to subsection 1 with law enforcement agencies in this State and other governmental entities which have authority to license the facility or to license the owners or employees of the facility.

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

3. The ~~[Board]~~ ***Division shall develop and the Director*** shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations for contracting with a person to maintain any medical records under the control of the Division pursuant to subsection 1 and for payment by the facility of the cost of maintaining medical records.

Sec. 62. NRS 449.1845 is hereby amended to read as follows:

449.1845 1. The administrator of a residential facility for groups shall:

(a) Annually cause a qualified provider of health care to conduct a physical examination of each resident of the facility;

(b) Annually conduct an assessment of the history of each resident of the facility, which must include, without limitation, an assessment of the condition and daily activities of the resident during the immediately preceding year; and

(c) Cause a qualified provider of health care to conduct an assessment of the condition and needs of a resident of the facility to determine whether the resident meets the criteria prescribed in paragraph (a) of subsection 2:

(1) Upon admission of the resident to the facility; and

(2) If a physical examination, assessment of the history of the resident or the observations of the administrator or staff of the facility, the family of the resident or another person who has a relationship with the resident indicate that:

(I) The resident may meet those criteria; or

(II) The condition of the resident has significantly changed.

2. If, as a result of an assessment conducted pursuant to paragraph (c) of subsection 1, the provider of health care determines that the resident:

(a) Suffers from dementia to an extent that the resident may be a danger to himself or herself or others if the resident is not placed in a secure unit or a facility that assigns not less than one staff member for every six residents, any residential facility for groups in which the resident is placed must meet the requirements prescribed by the ~~[Board]~~ ***Director*** pursuant to subsection 2 of NRS 449.0302 for the licensing and operation of residential facilities for groups which provide care to persons with Alzheimer's disease or other severe dementia.

(b) Does not suffer from dementia as described in paragraph (a), the resident may be placed in any residential facility for groups.

3. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 63. NRS 449.203 is hereby amended to read as follows:

449.203 1. A hospital licensed pursuant to NRS 449.029 to 449.2428, inclusive, ***and sections 15 to 22, inclusive, of this act*** may submit to the Division proof that the hospital is certified as a comprehensive or primary stroke center by the Joint Commission, its successor organization or an equivalent organization approved by the Division. Upon receiving proof that a hospital is certified as a comprehensive or primary stroke center, the Division shall include the hospital on the list established pursuant to subsection 2.

2. On or before July 1 of each year, the Division shall post a list of the hospitals designated as comprehensive or primary stroke centers on an Internet website maintained by the Division.

3. If a hospital wishes to be included as a comprehensive or primary stroke center on the list established pursuant to subsection 2, the hospital must annually resubmit the proof required pursuant to this section.

4. The Division may remove a hospital from the list established pursuant to subsection 2 if the certificate recognizing the hospital as a comprehensive or primary stroke center issued by the Joint Commission, its successor organization or an equivalent organization, as applicable, is suspended or revoked.

5. A hospital that is not included on the list established pursuant to subsection 2 as a comprehensive or primary stroke center shall not represent, advertise or imply that the hospital is designated as a comprehensive or primary stroke center.

6. A hospital that is included on the list established pursuant to subsection 2 as a comprehensive or primary stroke center shall report to the Stroke Registry all consensus measures prescribed by the Paul Coverdell National Acute Stroke Registry of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Joint Commission, the American Heart Association and the American Stroke Association.

7. The provisions of this section do not prohibit a hospital that is licensed pursuant to NRS 449.029 to 449.2428, inclusive, ***and sections 15 to 22, inclusive, of this act*** from providing care to a victim of stroke if the hospital does not have a designation as a comprehensive or primary stroke center.

8. The ~~[Board]~~ ***Division may develop and the Director*** may adopt regulations to carry out the provisions of this section and to designate hospitals with similar certifications which are recognized by the Joint Commission, its successor organization or an equivalent organization.

9. As used in this section, "Stroke Registry" means the Stroke Registry established pursuant to NRS 439.5295.

Sec. 64. NRS 449.2035 is hereby amended to read as follows:

449.2035 1. A hospital licensed pursuant to NRS 449.029 to 449.2428, inclusive, ***and sections 15 to 22, inclusive, of this act*** may submit to the Division proof that the hospital is accredited as a STEMI receiving center. Upon receiving proof that a hospital is accredited as a STEMI receiving center, the Division shall include the hospital on the list established pursuant to subsection 2.

2. On or before July 1 of each year, the Division shall post a list of all hospitals designated as STEMI receiving centers on an Internet website maintained by the Division.

3. If a hospital wishes to be included as a STEMI receiving center on the list established pursuant to subsection 2, the hospital must annually resubmit the proof required pursuant to this section.

4. The Division may remove a hospital from the list established pursuant to subsection 2 if the accreditation recognizing the hospital as a STEMI receiving center is suspended or revoked.

5. A hospital that is not included on the list established pursuant to subsection 2 shall not represent, advertise or imply that the hospital is designated as a STEMI receiving center.

6. The provisions of this section do not prohibit a hospital that is licensed pursuant to NRS 449.029 to 449.2428, inclusive, ***and sections 15 to 22, inclusive, of this act*** from providing care to a victim of a heart attack if the hospital does not have a designation as a STEMI receiving center.

7. The ~~[Board]~~ ***Division may develop and the Director*** may adopt regulations to carry out the provisions of this section and to designate hospitals with accreditations similar to those required for designation as a STEMI receiving center.

8. As used in this section:

(a) "STEMI" means a myocardial infarction as indicated by an abnormal elevation of the ST segment of an electrocardiogram that is administered to a patient.

(b) "STEMI receiving center" means a hospital that is accredited by the Society of Cardiovascular Patient Care, in conjunction with the initiative developed by the American Heart Association known as the "Mission: Lifeline initiative," or an equivalent organization approved by the Division, as having met specific standards of performance in the receipt and treatment of a patient with STEMI.

Sec. 65. NRS 449.209 is hereby amended to read as follows:

449.209 1. In addition to the requirements and prohibitions set forth in NRS 449.0305, and notwithstanding any exceptions set forth in that section, a licensed medical facility or an employee of such a medical facility 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 licensed medical facility 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 a licensed medical facility or an employee of such a medical facility violates the provisions of subsection 1, the licensed medical facility is liable for a civil penalty to be recovered by the Attorney General in the name of the ~~[Board]~~ ***Division*** 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]~~ ***Division*** 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]~~ ***Division*** shall:

(a) Establish and maintain a system to track violations of this section and NRS 449.0305. 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, "licensed medical facility" means:

(a) A medical facility that is required to be licensed pursuant to NRS 449.029 to 449.2428, inclusive ~~[.]~~ ***, and sections 15 to 22, inclusive, of this act.***

(b) A facility for the dependent that is required to be licensed pursuant to NRS 449.029 to 449.2428, inclusive ~~[.]~~ ***, and sections 15 to 22, inclusive, of this act.***

(c) A facility that provides medical care or treatment and is required by regulation ~~[of the Board]~~ to be licensed pursuant to NRS 449.0303.

Sec. 66. NRS 449.210 is hereby amended to read as follows:

449.210 1. In addition to the payment of the amount required by NRS 449.0308 and any civil penalty imposed pursuant to subsection 4, a person who operates a medical facility, facility for the dependent or a facility which is required by the regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed without a license issued by the Division is guilty of a misdemeanor.

2. If the Division believes that a person is operating a medical facility, facility for the dependent or a facility which is required by the regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed without such a license, the Division may issue an order to cease and desist the operation of the facility. 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 a medical facility, facility for the dependent or a facility which is required by the regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed 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 NRS 449.220.

4. Upon a showing by the Division that a person is operating a medical facility, facility for the dependent or a facility which is required by the regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0303 to be licensed without a license, a court of competent jurisdiction may:

(a) Enjoin the person from operating the facility.

(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 NRS 449.001 to 449.430, inclusive, ***and sections 12 to 22, inclusive, of this act*** and to protect the health, safety, well-being and property of the patients

and residents of facilities in accordance with applicable state and federal standards.

Sec. 67. NRS 449.210 is hereby amended to read as follows:

449.210 1. In addition to the payment of the amount required by NRS 449.0308 and any civil penalty imposed pursuant to subsection ~~[4,]~~ ***5,*** a person who operates a medical facility, ***a*** facility for the dependent or a facility which is required by the regulations adopted pursuant to NRS 449.0303 to be licensed without a license issued by the Division is guilty of ~~[a misdemeanor.]~~ ***:***

(a) A category B felony and shall be punished as provided in subsection 2, if a patient or resident of the unlicensed facility dies or experiences substantial bodily harm as a result of a knowing act or omission by the facility;

(b) A category C felony and shall be punished as provided in NRS 193.130, if a patient or resident of the unlicensed facility who is a vulnerable person experiences abuse, neglect or exploitation, as substantiated by the Division or a law enforcement agency, as a result of a knowing act or omission by the facility; or

(c) A gross misdemeanor in all other circumstances.

2. ***A person who is guilty of a category B felony pursuant to subsection 1 shall be punished 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 $25,000, or by both fine and imprisonment.***

3. If the Division believes that a person is operating a medical facility, ***a*** facility for the dependent or a facility which is required by the regulations adopted pursuant to NRS 449.0303 to be licensed without such a license, the Division may issue an order to cease and desist the operation of the facility. 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.]~~ ***4.*** If a person does not voluntarily cease operating a medical facility, ***a*** facility for the dependent or a facility which is required by the regulations adopted pursuant to NRS 449.0303 to be licensed without a license or apply for licensure within 30 days after the date of service of the order pursuant to subsection ~~[2,]~~ ***3,*** the Division may bring an action in a court of competent jurisdiction pursuant to NRS 449.220.

~~[4.]~~ ***5.*** Upon a showing by the Division that a person is operating a medical facility, ***a*** facility for the dependent or a facility which is required by the regulations adopted pursuant to NRS 449.0303 to be licensed without a license, a court of competent jurisdiction may:

(a) Enjoin the person from operating the facility.

(b) Impose a civil penalty on the operator to be recovered by the Division of not more than ~~[$10,000]~~ ***$20,000*** for the first offense or not less than ~~[$10,000]~~ ***$20,000*** or more than ~~[$25,000]~~ ***$45,000*** for a second or subsequent offense.

~~[5.]~~ ***6.*** Unless otherwise required by federal law, the Division shall deposit all civil penalties collected pursuant to paragraph (b) of subsection ~~[4]~~ ***5*** into a separate account in the State General Fund to be used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, and sections 12 to 22, inclusive, of this act and to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards.

7. The Division shall maintain on an Internet website of the Division a list of persons who have received an order pursuant to subsection 3 to cease and desist from operating a medical facility, a facility for the dependent or a facility which is required by the regulations adopted pursuant to NRS 449.0303 to be licensed without such a license and have not voluntarily ceased operating the facility without a license or applied for a license within 30 days after the date of service of the order. The list must include, for each such person:

(a) The name of the person;

(b) The name and location of the unlicensed facility; and

(c) A copy of the order served pursuant to subsection 3.

8. If the Division determines that it is necessary to protect the safety and welfare of the public, the Division may provide public notice of the operation of a medical facility, a facility for the dependent or a facility which is required by the regulations adopted pursuant to NRS 449.0303 to be licensed without a license. Such public notice may be provided in any form, including, without limitation, publication in a newspaper.

9. The Division shall maintain a record of each location or which the Division investigated an allegation that a facility was operating without a license and determined that a license was not required. The record must include the address of the location, date of the determination and a brief description of the services the Division found to be provided at the location. Any record maintained pursuant to this subsection is confidential, except that the Division shall, upon the request of the local government in whose jurisdiction the location is situated, provide the record to the local government with any personally identifiable information of a person receiving services at the location redacted.

10. If the Division receives three or more complaints within any 12 month period regarding a location described in subsection 9, the Division shall refer the complaints to the local government

in whose jurisdiction the location is situated and any other law enforcement agency that the Division determines has jurisdiction over the location.

11. As used in this section:

(a) "Abuse" means willful:

(1) Infliction of pain or injury on a patient or resident;

(2) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of a patient or resident;

(3) Infliction of psychological or emotional anguish, pain or distress on a patient or resident through any act, including, without limitation:

(I) Threatening, controlling or socially isolating the patient or resident;

(II) Disregarding the needs of the patient or resident; or

(III) Harming, damaging or destroying any property of the patient or resident;

(4) Sexual abuse or exploitation of a patient or resident; or

(5) Permitting any of the acts described in subparagraphs (1) to (4), inclusive, to be committed against a patient or resident.

(b) "Exploitation" means any act taken by a person who has the trust and confidence of a patient or resident or any use of the power of attorney or guardianship of a patient or resident to:

(1) Obtain control, through deception, intimidation or undue influence, over the money, assets or property of the patient or resident with the intention of permanently depriving the patient or resident of the ownership, use, benefit or possession of his or her money, assets or property; or

(2) Convert money, assets or property of the patient or resident with the intention of permanently depriving the patient or resident of the ownership, use, benefit or possession of his or her money, assets or property.

(c) "Neglect" means the failure of a person or a manager of a facility who has assumed legal responsibility or a contractual obligation for caring for a patient or resident or who has voluntarily assumed responsibility for his or her care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the patient or resident.

(d) "Undue influence" means the improper use of power or trust in a way that deprives a person of his or her free will and substitutes the objectives of another person. The term does not include the normal influence that one member of a family has over another.

(e) "Vulnerable person" means a person who requires assistance with the activities of daily living or relies on a facility for care because of age, disability or impairment.

Sec. 68. NRS 449.240 is hereby amended to read as follows:

449.240 Except as otherwise provided in NRS 449.1887 and 449.1918, the district attorney of the county in which the facility is located shall, upon application by the ***Administrator of the*** Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ ***, and sections 15 to 22, inclusive, of this act. If the district attorney declines in writing to institute such a prosecution or fails to initiate such a prosecution within 60 days after receiving an application pursuant to this section, the Administrator may apply to the Attorney General to institute and conduct the prosecution.***

Sec. 69. NRS 449.2486 is hereby amended to read as follows:

449.2486 1. A facility for the care of adults during the day shall maintain a copy of:

(a) The license issued to the facility pursuant to NRS 449.029 to 449.2428, inclusive ~~[,]~~ ***, and sections 15 to 22, inclusive, of this act;***

(b) Any summaries of complaints provided to the facility pursuant to subsection ~~[3]~~ ***4*** of NRS 449.160;

(c) The report of any investigation conducted with respect to the complaints; and

(d) The report of any disciplinary action taken against the facility pursuant to NRS 449.160 or 449.163.

2. The information maintained pursuant to subsection 1 must be provided in the form prescribed pursuant to subsection 3:

(a) To each patient or the patient's legal representative, at or before the time of admission.

(b) To a prospective patient or the prospective patient's legal representative, upon request, who is considering admission of the patient to the facility.

(c) In the case of disciplinary action taken pursuant to NRS 449.160 or 449.163, to all patients admitted to the facility and their legal representatives. Notice of disciplinary action must be provided to the legal representatives of all patients admitted to the facility within 3 working days after receipt by the facility.

3. The Division shall develop a standard form for reporting the information required to be provided pursuant to subsection 2. The information reported on the form must include all required information for the 12-month period ending on the last day of the month immediately preceding the month in which the information is provided.

4. The Division shall inform persons seeking information concerning facilities for the care of adults during the day of their right to information pursuant to this section.

Sec. 70. NRS 449.2488 is hereby amended to read as follows:

449.2488 1. The ~~[Nevada Health]~~ Authority shall develop a brochure and website to assist persons who are 55 years of age or older in determining the appropriate level of care and type of housing that they require to meet their individual needs. The brochure and website must include, without limitation:

(a) The various types of housing and levels of care that are available to persons who are 55 years of age or older, including, without limitation, residential facilities for groups, facilities for intermediate care and facilities for skilled nursing, distinguishing the varying degree of services that are offered by the different types of facilities;

(b) Whether individual facilities accept payment through Medicaid or Medicare for the level of care and type of housing that the facilities provide;

(c) The manner in which a person may obtain information concerning whether the facility has ever been found to have violated the provisions of this chapter; and

(d) Such other information as the ~~[Nevada Health]~~ Authority deems to be beneficial to persons who are 55 years of age or older in determining the appropriate level of care and type of housing that they require to meet their individual needs.

2. As used in this section:

(a) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

(b) "Medicare" has the meaning ascribed to it in NRS 439B.130.

Sec. 71. NRS 449.260 is hereby amended to read as follows:

449.260 As used in NRS 449.250 to 449.430, inclusive:

1. ~~[~~"Authority" means the Nevada Health Authority, acting through its appropriate divisions.

~~2.]~~ "Community mental health center" means a facility providing services for the prevention or diagnosis of mental illness, or care and treatment of patients with mental illness, or rehabilitation of such persons, which services are provided principally for persons residing in a particular community in or near which the facility is situated.

~~[3.]~~ *2.* "Construction" includes the construction of new buildings, modernization, expansion, remodeling and alteration of existing buildings, and initial equipment of such buildings, including medical transportation facilities, and includes architects' fees, but excludes the cost of off-site improvements and, except with respect to public health centers, the cost of the acquisition of the land.

~~[4.]~~ ***3.*** "Facility for persons with intellectual disabilities" means a facility specially designed for the diagnosis, treatment, education, training or custodial care of persons with intellectual disabilities, including facilities for training specialists and sheltered workshops for persons with intellectual disabilities, but only if such workshops are part of facilities which provide or will provide comprehensive services for persons with intellectual disabilities.

~~[5.]~~ ***4.*** "Federal Act" means 42 U.S.C. §§ 291 to 291o-l, inclusive, and 300k to 300t, inclusive, and any other federal law providing for or applicable to the provision of assistance for health facilities.

~~[6.]~~ ***5.*** "Federal agency" means the federal department, agency or official designated by law, regulation or delegation of authority to administer the Federal Act.

~~[7.]~~ ***6.*** "Health facility" includes a public health center, hospital, facility for hospice care, facility for persons with intellectual disabilities, community mental health center, and other facility to provide diagnosis, treatment, care, rehabilitation, training or related services to persons with physical or mental impairments, including diagnostic or diagnostic and treatment centers, rehabilitation facilities and nursing homes, as those terms are defined in the Federal Act, and such other facilities for which federal aid may be authorized under the Federal Act, but, except for facilities for persons with intellectual disabilities, does not include any facility furnishing primarily domiciliary care.

~~[8.]~~ ***7.*** "Nonprofit health facility" means any health facility owned and operated by a corporation or association, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or natural person.

~~[9.]~~ ***8.*** "Public health center" means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics and administrative offices operated in connection with public health centers.

Sec. 72. NRS 449.442 is hereby amended to read as follows:

449.442 1. An office of a physician or a facility that provides health care, other than a medical facility, must obtain a permit pursuant to NRS 449.443 before offering to a patient a service of general anesthesia, conscious sedation or deep sedation. An office of a physician or a facility that provides health care, other than a medical facility, which operates at more than one location must obtain a permit for each location where a service of general anesthesia, conscious sedation or deep sedation is offered.

2. To offer to a patient a service of general anesthesia, conscious sedation or deep sedation in this State, an office of a physician or a facility that provides health care, other than a medical

facility, must maintain current accreditation by a nationally recognized organization approved by the ~~[Board.]~~ ***Director.*** Upon receiving an initial permit, the office or facility shall, within 6 months after obtaining the permit, submit proof to the Division of accreditation by such an organization.

3. If an office of a physician or a facility that provides health care, other than a medical facility, fails to maintain current accreditation or if the accreditation is revoked or is otherwise no longer valid, the office or facility shall immediately cease offering to patients a service of general anesthesia, conscious sedation or deep sedation.

Sec. 73. NRS 449.444 is hereby amended to read as follows:

449.444 1. The holder of a permit issued pursuant to NRS 449.443 may annually submit to the Division, on a form prescribed by the Division and accompanied by the appropriate fee, an application for renewal of the permit before the date on which the permit expires. The application must include proof satisfactory to the Division that the office or facility maintains current accreditation by a nationally recognized organization approved by the ~~[Board.]~~ ***Director.***

2. Upon receipt of an application for renewal and the accompanying fee, the Division may renew a permit.

Sec. 74. NRS 449.445 is hereby amended to read as follows:

449.445 1. To operate in this State, a surgical center for ambulatory patients must maintain current accreditation by a nationally recognized organization approved by the ~~[Board.]~~ ***Director.*** Upon initial licensure, a surgical center for ambulatory patients shall, within 6 months after obtaining its license, submit proof to the Division of the accreditation of the surgical center by such an organization.

2. Before issuing a license to a surgical center for ambulatory patients, the Division shall conduct an on-site inspection of the surgical center pursuant to NRS 449.446.

3. If a surgical center for ambulatory patients fails to maintain current accreditation or if the accreditation is revoked or is otherwise no longer valid, the surgical center shall immediately cease to operate.

Sec. 75. NRS 449.446 is hereby amended to read as follows:

449.446 1. The Division shall conduct annual and unannounced on-site inspections of each office of a physician or a facility that provides health care, other than a medical facility, which holds a permit issued pursuant to NRS 449.443 and each surgical center for ambulatory patients which holds a license issued pursuant to this chapter.

2. An inspection conducted pursuant to this section must focus on the infection control practices and policies of the surgical center for ambulatory patients, the office or the facility that is the subject of the inspection. The Division may, as it deems necessary, conduct a more comprehensive inspection of a surgical center, office or facility.

3. Upon completion of an inspection, the Division shall:

(a) Compile a report of the inspection, including each deficiency discovered during the inspection, if any; and

(b) Forward a copy of the report to the surgical center for ambulatory patients, the office of the physician or the facility where the inspection was conducted.

4. If a deficiency is indicated in the report, the surgical center for ambulatory patients, the office of the physician or the facility shall correct each deficiency indicated in the report in the manner prescribed by the ~~[Board]~~ ***Director*** pursuant to NRS 449.448.

5. The Division shall annually prepare and submit to the Joint Interim Standing Committee on Health and Human Services and the Legislative Commission a report which includes:

(a) The number and frequency of inspections conducted pursuant to this section;

(b) A summary of deficiencies or other significant problems discovered while conducting inspections pursuant to this section and the results of any follow-up inspections; and

(c) Any other information relating to the inspections as deemed necessary by the Joint Interim Standing Committee on Health and Human Services or the Legislative Commission.

Sec. 76. NRS 449.448 is hereby amended to read as follows:

449.448 1. The ~~[Board]~~ ***Division shall develop and the Director*** shall adopt regulations to carry out the provisions of NRS 449.435 to 449.448, inclusive, including, without limitation, regulations which:

(a) Prescribe the amount of the fee required for applications for the issuance and renewal of a permit pursuant to NRS 449.443 and 449.444.

(b) Prescribe the procedures and standards for the issuance and renewal of a permit.

(c) Identify the nationally recognized organizations approved by the ~~[Board]~~ ***Director*** for the purposes of the accreditation required for the issuance of a:

(1) License to operate a surgical center for ambulatory patients.

(2) Permit for an office of a physician or a facility that provides health care, other than a medical facility, to offer to a

patient a service of general anesthesia, conscious sedation or deep sedation.

(d) Prescribe the procedures and scope of the inspections conducted by the Division pursuant to NRS 449.446.

(e) Prescribe the procedures and time frame for correcting each deficiency indicated in a report pursuant to NRS 449.446.

(f) Prescribe the criteria for the imposition of each sanction prescribed by NRS 449.447, including, without limitation:

(1) Setting forth the circumstances and manner in which a sanction applies;

(2) Minimizing the time between the identification of a violation and the imposition of a sanction; and

(3) Providing for the imposition of incrementally more severe sanctions for repeated or uncorrected violations.

2. The regulations adopted pursuant to this section must require that the practices and policies of each holder of a permit to offer to a patient a service of general anesthesia, conscious sedation or deep sedation and each holder of a license to operate a surgical center for ambulatory patients provide adequately for the protection of the health, safety and well-being of patients.

Sec. 77. NRS 449.450 is hereby amended to read as follows:

449.450 As used in NRS 449.450 to 449.530, inclusive, unless the context otherwise requires:

1. "Admitted health insurer" means an insurer authorized to transact health insurance in this State under a certificate of authority issued by the Commissioner of Insurance.

2. ~~[~~"Authority" means the Nevada Health Authority.

~~3. "Director" means the Director of the Authority.~~

~~4.]~~ "Institution" means any person, place, building or agency which maintains and operates facilities for the diagnosis, care and treatment of human illness and provides beds for inpatient care. The term includes but is not limited to hospitals, convalescent care facilities, nursing care facilities, detoxification centers and all specialized medical health care facilities.

Sec. 78. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 79 and 80 of this act.

Sec. 79. ***"Authority" means the Nevada Health Authority.***

Sec. 80. ***"Director" means the Director of the Authority.***

Sec. 81. NRS 449A.001 is hereby amended to read as follows:

449A.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[449A.007]~~ ***449A.017*** to 449A.081, inclusive, ***and sections 79 and 80 of this act*** have the meanings ascribed to them in those sections.

Sec. 82. NRS 449A.017 is hereby amended to read as follows:

449A.017 "Division" means the Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority.

Sec. 83. NRS 449A.186 is hereby amended to read as follows:

449A.186 1. Except as otherwise provided in this section, a person other than the patient or the representative of the patient who has requested the installation and use of an electronic communication device pursuant to NRS 449A.182 shall not intentionally:

(a) Obstruct, tamper with or destroy the electronic communication device or any recording made by the electronic communication device; or

(b) View or listen to any images or sounds which are displayed, broadcast or recorded by the electronic communication device.

2. The following persons may view or listen to the images or sounds which are displayed, broadcast or recorded by an electronic communication device installed and used pursuant to NRS 449A.182 or temporarily disable or turn off such a device:

(a) A representative of a law enforcement agency who is conducting an investigation;

(b) A representative of the Aging and Disability Services Division of the Department of Human Services or the Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority who is conducting an investigation;

(c) The State Long-Term Care Ombudsman; and

(d) An attorney who is representing the patient or a roommate of the patient and acting within the scope of that representation.

3. A patient or the representative of the patient who has requested the installation and use of an electronic communication device pursuant to NRS 449A.182 may authorize a person other than a person described in subsection 2 to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device. Any such authorization must be made in writing. The patient or representative, as applicable, may provide a copy of the authorization to the facility and the roommate of the patient or the representative of the roommate, if any.

4. A person who temporarily disables or turns off an electronic communication device pursuant to subsection 2 shall ensure that the functions of the electronic communication device are appropriately enabled or turned back on before exiting the living quarters of the patient.

5. A covered facility shall not deny admission to or discharge a patient from the facility or otherwise discriminate or retaliate against a patient because of a decision to request the installation and use of

an electronic communication device in the living quarters of the patient pursuant to NRS 449A.182.

Sec. 84. NRS 449A.192 is hereby amended to read as follows:

449A.192 1. The ~~[State Board of Health]~~ ***Director*** may adopt regulations necessary to carry out the provisions of NRS 449A.170 to 449A.192, inclusive.

2. The provisions of NRS 449A.170 to 449A.192, inclusive, do not apply if an electronic communication device is installed by a law enforcement agency and used solely for a legitimate law enforcement purpose.

Sec. 85. NRS 449A.257 is hereby amended to read as follows:

449A.257 1. A facility where a violation of the provisions of NRS 449A.200 to 449A.263, inclusive, occurs shall report the violation to the Division not later than 24 hours after the violation occurred, or as soon thereafter as the violation is discovered.

2. A facility where a violation occurred shall develop, in cooperation with the Division, a corrective plan to ensure that within 30 calendar days after the violation occurred, appropriate action is taken by the facility to prevent future violations.

3. The Division shall ~~[forward the plan to the Board. The Board shall]~~ review the plan to ensure that it complies with applicable federal law and the statutes and regulations of this state. The ~~[Board]~~ ***Division*** may require appropriate revision of the plan to ensure compliance.

4. If the facility where the violation occurred does not meet the requirements of the plan to the satisfaction of the ~~[Board,]~~ ***Division,*** the ~~[Board]~~ ***Division*** may direct the agency that administers funding for the facility to withhold state funding for the facility until the facility meets the requirements of the plan.

Sec. 86. NRS 449A.280 is hereby amended to read as follows:

449A.280 A contract between a resident and a residential facility for groups for the delivery of services to the resident must:

1. Be entitled "Service Delivery Contract for Residential Facility for Groups";

2. Be printed in at least 12 point type; and

3. Include, without limitation, the following information in the body of the contract or in a supporting document or attachment:

(a) The name, physical address and mailing address, if different, of the residential facility for groups;

(b) The name and mailing address of every person, partnership, association or corporation which establishes, conducts, manages or operates the residential facility for groups;

(c) The name and address of at least one person who is authorized to accept service on behalf of the parties described in paragraph (b);

(d) A telephone number or the address of the Internet website of:

(1) The Division that the resident or a representative of the resident may use to verify the status of the license of the residential facility for groups; and

(2) Each licensing board or other regulatory body that has issued a license to a provider of health care or other person required to be licensed who provides services to residents at the residential facility for groups that the resident or a representative of the resident may use to verify the status of the license of the provider of health care or other person;

(e) The duration of the contract;

(f) The manner in which the contract may be modified, amended or terminated;

(g) The base rate to be paid by the resident and a description of the services to be provided as part of the base rate;

(h) A fee schedule outlining the cost of any additional services;

(i) Any additional fee to be paid by the resident pursuant to the fee schedule and a description of any additional services to be provided as part of that fee, either directly by the residential facility for groups or by a third-party provider of services under contract with the facility;

(j) A statement affirming the freedom of the resident to receive services from a provider of services with whom the residential facility for groups does not have a contractual arrangement, which may also disclaim liability on the part of the residential facility for groups for any such services;

(k) The procedures and requirements for billing and payment under the contract;

(l) A statement detailing the criteria and procedures for admission, management of risk and termination of residency;

(m) The obligations of the resident in order to maintain residency and receive services, including, without limitation, compliance with the annual physical examination and assessment required by NRS 449.1845;

(n) A description of the process of the residential facility for groups for resolving the complaints of residents and contact information for the Aging and Disability Services Division of the Department of Human Services and the Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority;

(o) The name and mailing address of any representative of the resident, if applicable; and

(p) Contact information for:

(1) The State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125;

(2) The Nevada Disability Advocacy and Law Center, or its successor organization; or

(3) Other resources for legal aid or mental health assistance, as appropriate.

Sec. 87. NRS 449A.548 is hereby amended to read as follows:

449A.548 The ~~[Board]~~ ***Division*** shall prescribe a standardized Provider Order for Life-Sustaining Treatment form, commonly known as a POLST form, which:

1. Is uniquely identifiable and has a uniform color;
2. Provides a means by which to indicate whether the patient has made an anatomical gift pursuant to NRS 451.500 to 451.598, inclusive;
3. Gives direction to a provider of health care or health care facility regarding the use of emergency care and life-sustaining treatment;
4. Is intended to be honored by any provider of health care who treats the patient in any health-care setting, including, without limitation, the patient's residence, a health care facility or the scene of a medical emergency; and
5. Includes such other features and information as the ~~[Board]~~ ***Division*** may deem advisable.

Sec. 88. NRS 449A.581 is hereby amended to read as follows:

449A.581 The ~~[Board]~~ ***Director*** may adopt such regulations as ~~[it]~~ ***the Director*** determines to be necessary or advisable to carry out the provisions of NRS 449A.500 to 449A.581, inclusive.

Sec. 89. Chapter 449B of NRS is hereby amended by adding thereto the provisions set forth as sections 90 and 91 of this act.

Sec. 90. ***"Authority" means the Nevada Health Authority.***

Sec. 91. ***"Director" means the Director of the Authority.***

Sec. 92. NRS 449B.010 is hereby amended to read as follows:

449B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449B.015 to 449B.050, inclusive, ***and sections 90 and 91 of this act*** have the meanings ascribed to them in those sections.

Sec. 93. NRS 449B.030 is hereby amended to read as follows:

449B.030 "Division" means the Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority.

Sec. 94. NRS 449B.105 is hereby amended to read as follows:

449B.105 1. Except as otherwise provided in NRS 449B.120, a person must obtain a license from the ~~[Board]~~ ***Division*** 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]~~ ***Director*** 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 NRS 449B.300 to 449B.340, inclusive.

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]~~ ***Division*** 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]~~ ***Division*** 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 NRS 449B.010 to 449B.495, inclusive, ***and sections 90 and 91 of this act*** and to protect the health, safety, well-being and property of the persons served by the employment agencies.

Sec. 95. NRS 449B.115 is hereby amended to read as follows:

449B.115 The provisions of NRS 449B.010 to 449B.495, inclusive, ***and sections 90 and 91 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. 96. NRS 449B.125 is hereby amended to read as follows:

449B.125 1. The ~~[Board]~~ ***Director*** 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 NRS 449B.260.

(d) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449B.010 to 449B.495, inclusive ~~[.]~~ ***, and sections 90 and 91 of this act.***

2. The ~~[Board]~~ ***Director*** 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. 97. NRS 449B.130 is hereby amended to read as follows:

449B.130 1. The ~~[Board]~~ ***Director*** 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. 98. NRS 449B.150 is hereby amended to read as follows:

449B.150 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]~~ ***Director*** charges a fee pursuant to NRS 449B.160 and 449B.210; 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. 99. NRS 449B.155 is hereby amended to read as follows:

449B.155 Any person, state or local government or agency thereof desiring a license under the provisions of NRS 449B.010 to 449B.495, inclusive, ***and sections 90 and 91 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 NRS 449B.010 to 449B.495, inclusive, ***and sections 90 and 91 of this act*** and ~~[~~the~~]~~ ***all applicable*** standards and regulations ***.*** ~~[~~adopted by the Board.~~]~~

Sec. 100. NRS 449B.160 is hereby amended to read as follows:

449B.160 Each application for a license must be accompanied by such fee as may be determined by regulation of the ~~[~~Board.~~]~~ ***Director.*** The ~~[~~Board~~]~~ ***Director*** 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. 101. NRS 449B.185 is hereby amended to read as follows:

449B.185 1. Except as otherwise provided in subsection 6 and NRS 449B.190, 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 Health Care Purchasing and

Compliance Division of the ~~[Nevada Health]~~ Authority 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 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 Developmental Disability 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 Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority, 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 NRS 449B.190. The Administrator of the Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority 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. 102. NRS 449B.190 is hereby amended to read as follows:

449B.190 1. As a substitute for the surety bond required pursuant to NRS 449B.185, 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 Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority:

(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 449B.185. With the approval of the Administrator of the Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority, 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 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 449B.185 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. 103. NRS 449B.200 is hereby amended to read as follows:

449B.200 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 NRS 449B.010 to 449B.495, inclusive ~~[.]~~ ***, and sections 90 and 91 of this act;*** and

(b) Substantial compliance with ~~[the]~~ ***all applicable*** 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. 104. NRS 449B.210 is hereby amended to read as follows:

449B.210 1. Each license to operate an agency to provide personal care services in the home issued pursuant to NRS 449B.010 to 449B.495, inclusive, ***and sections 90 and 91 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 NRS 449B.160 unless the Division finds, after an investigation, that the agency has not satisfactorily complied with the provisions of NRS 449B.010 to 449B.495, inclusive, ***and sections 90 and 91 of this act*** or ~~[the]~~ ***any applicable*** 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 NRS 449B.300 to 449B.340, inclusive, and 449B.440; 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 NRS 449B.225.

3. Each reapplication for an agency to provide personal care services in the home 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 449B.160.

Sec. 105. NRS 449B.220 is hereby amended to read as follows:

449B.220 1. The ~~[Board]~~ ***Director*** 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. 106. NRS 449B.260 is hereby amended to read as follows:

449B.260 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 NRS 449B.125 and meet any other requirements prescribed by regulations of the ~~[Board;]~~ ***Director;*** 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. 107. NRS 449B.280 is hereby amended to read as follows:

449B.280 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]~~ ***Director*** 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.]~~ ***Director.***

➥ The ~~[Board]~~ ***Director*** 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 ~~[Nevada Health]~~ Authority.

5. The Office of Minority Health and Equity of the Department of 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 ~~[Nevada Health]~~ Authority to provide a course or program on cultural competency that is not approved by the Authority pursuant to subsection 4. Any such request must be approved or denied by the Authority 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. 108. NRS 449B.290 is hereby amended to read as follows:

449B.290 The ~~[Board]~~ ***Director*** 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.]~~ ***Director.***

Sec. 109. NRS 449B.360 is hereby amended to read as follows:

449B.360 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 Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority 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 Human Services to investigate complaints made against the agency to provide personal care services in the home.

Sec. 110. NRS 449B.400 is hereby amended to read as follows:

449B.400 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 NRS 449B.010 to 449B.495, inclusive, ***and sections 90 and 91 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 NRS 449B.010 to 449B.495, inclusive, ***and sections 90 and 91 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. 111. NRS 449B.410 is hereby amended to read as follows:

449B.410 1. In addition to the payment of the amount required by NRS 449B.150, if an agency to provide personal care services in the home violates any provision related to its licensure, including any provision of NRS 449B.010 to 449B.495, inclusive, ***and sections 90 and 91 of this act,*** or any ***applicable*** condition, standard or regulation ***,*** ~~[adopted by the Board,]~~ the Division, in accordance with the regulations adopted pursuant to NRS 449B.415, 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 NRS 449B.010 to 449B.495, inclusive, ***and sections 90 and 91 of this act,*** or any ***applicable*** 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 NRS 449B.010 to 449B.495, inclusive, ***and sections 90 and 91 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. 112. NRS 449B.415 is hereby amended to read as follows:

449B.415 The ~~[Board]~~ ***Director*** shall adopt regulations establishing the criteria for the imposition of each sanction prescribed by NRS 449B.410. 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 NRS 449B.010 to 449B.495, inclusive, ***and sections 90 and 91 of this act*** causes harm or the risk of harm to more than one person.

Sec. 113. NRS 449B.420 is hereby amended to read as follows:

449B.420 1. When the Division intends to deny, suspend or revoke a license, or impose any sanction prescribed by NRS 449B.410, 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 NRS 449B.410, 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.]~~ ***Director.***

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

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

Sec. 114. NRS 449B.430 is hereby amended to read as follows:

449B.430 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]~~ ***Director*** 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. 115. NRS 449B.440 is hereby amended to read as follows:

449B.440 1. In addition to the grounds listed in NRS 449B.400, 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 NRS 449B.340, continued to employ a person who has been convicted of a crime listed in paragraph (a).

2. In addition to the grounds listed in NRS 449B.400, 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 NRS 449B.340, 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. 116. NRS 449B.480 is hereby amended to read as follows:

449B.480 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]~~ ***Division*** 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]~~ ***Division*** 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]~~ ***Division*** 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. 117. NRS 449B.495 is hereby amended to read as follows:

449B.495 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 NRS 449B.010 to 449B.495, inclusive ~~[.]~~ ***, and sections 90 and 91 of this act.***

Sec. 118. NRS 449B.520 is hereby amended to read as follows:

449B.520 1. The ~~[Board]~~ ***Director*** 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. 119. NRS 449B.540 is hereby amended to read as follows:

449B.540 Any person wishing to obtain a certificate to operate an intermediary service organization pursuant to the provisions of NRS 449B.500 to 449B.795, inclusive, 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 NRS 449B.500 to 449B.795, inclusive.

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 NRS 449B.500 to 449B.795, inclusive, and ~~[the]~~ ***all applicable*** standards and regulations **.** ~~[adopted by the Board.]~~

Sec. 120. NRS 449B.560 is hereby amended to read as follows:

449B.560 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.]~~ ***Director.*** The ~~[Board]~~ ***Director*** 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. 121. NRS 449B.570 is hereby amended to read as follows:

449B.570 1. Except as otherwise provided in subsection 6 and NRS 449B.575, each intermediary service organization shall, when applying for a certificate or renewing a certificate, file with the Administrator of the Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority 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 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 Developmental Disability 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 Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority, 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 NRS 449B.575. The Administrator of the Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority 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. 122. NRS 449B.575 is hereby amended to read as follows:

449B.575 1. As a substitute for the surety bond required pursuant to NRS 449B.570, 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 Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority:

(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 449B.570. With the approval of the Administrator of the Health Care Purchasing and Compliance Division of the ~~[Nevada Health]~~ Authority, 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 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 449B.570 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. 123. NRS 449B.600 is hereby amended to read as follows:

449B.600 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 NRS 449B.500 to 449B.795, inclusive; and

(b) Substantial compliance with ~~[the]~~ ***all applicable*** 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. 124. NRS 449B.620 is hereby amended to read as follows:

449B.620 1. Each certificate to operate an intermediary service organization issued pursuant to NRS 449B.500 to 449B.795, inclusive, expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449B.560 unless the Division finds, after an investigation, that the intermediary service organization has not satisfactorily complied with the provisions of NRS 449B.500 to 449B.795, inclusive, or the ***applicable*** 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 NRS 449B.700 to 449B.750, inclusive.

Sec. 125. NRS 449B.680 is hereby amended to read as follows:

449B.680 1. The ~~[Board]~~ ***Director*** shall adopt regulations governing the certification of intermediary service organizations and

such other regulations as ~~[it]~~ ***the Director*** deems necessary to carry out the provisions of NRS 449B.500 to 449B.795, inclusive.

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 NRS 449B.500 to 449B.795, inclusive.

Sec. 126. NRS 449B.760 is hereby amended to read as follows:

449B.760 1. If an intermediary service organization violates any provision related to its certification, including, without limitation, any provision of NRS 449B.500 to 449B.795, inclusive, or any ***applicable*** condition, standard or regulation ***,*** ~~[adopted by the Board,]~~ the Division, in accordance with the regulations adopted pursuant to NRS 449B.770, may, as it deems appropriate:

(a) Prohibit the intermediary service organization from providing services pursuant to NRS 449B.510 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 NRS 449B.500 to 449B.795, inclusive, or any ***applicable*** 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. 127. NRS 449B.770 is hereby amended to read as follows:

449B.770 The ~~[Board]~~ ***Director*** shall adopt regulations establishing the criteria for the imposition of each sanction prescribed by NRS 449B.760. 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. 128. NRS 449B.780 is hereby amended to read as follows:

449B.780 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 NRS 449B.760, 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 NRS 449B.760, 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.]~~ ***Director.***

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

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

Sec. 129. NRS 451.587 is hereby amended to read as follows:

451.587 1. Each nontransplant anatomical donation organization that procures a human body or part in this State shall:

(a) Be certified by the Division;

(b) Follow the standards and guidelines established by the ~~[State Board]~~ ***Director*** of ***the Nevada*** Health ***Authority*** pursuant to subsection 2; and

(c) Report to the Division, in a manner and frequency prescribed by the ~~[State Board]~~ ***Director*** of ***the Nevada*** Health ~~[,]~~ ***Authority,*** the number and disposition of human bodies or parts procured by the nontransplant anatomical donation organization.

2. The ~~[State Board]~~ ***Director*** of ***the Nevada*** Health ***Authority*** shall:

(a) Adopt regulations that establish standards and guidelines for nontransplant anatomical donation organizations which must be substantially based upon federal laws and regulations relating to the procurement of human bodies and parts, NRS 451.500 to 451.598, inclusive, and the best standards and practices in the industry; and

(b) Adopt any regulations necessary to carry out the provisions of this section, including, without limitation, regulations that establish a fee for an application for the issuance or renewal of a certification as a nontransplant anatomical donation organization.

3. Before adopting or amending any regulation pursuant to subsection 2, the ~~[State Board]~~ ***Director*** of ***the Nevada*** Health ***Authority*** shall seek input from each procurement organization and nontransplant anatomical donation organization in this State.

4. The Division shall:

(a) Collect and analyze information from each nontransplant anatomical donation organization in this State on the number and disposition of human bodies and parts procured by the nontransplant anatomical donation organization and make such information available to the Governor and the Legislature upon request; and

(b) Monitor all nontransplant anatomical donation organizations in this State for compliance with federal and state laws and regulations.

5. A person who engages in the activity of a nontransplant anatomical donation organization without being certified by the Division pursuant to this section or who violates the standards and guidelines adopted by the ~~[State Board]~~ ***Director*** of ***the Nevada*** Health ***Authority*** pursuant to subsection 2 is guilty of a category C felony and shall be punished as provided in NRS 193.130, or by a fine of not more than $50,000, or by both fine and the punishment provided in NRS 193.130.

6. As used in this section:

(a) "Division" means the Health Care Purchasing and Compliance Division of the Nevada Health Authority.

(b) "Nontransplant anatomical donation organization" means a person who engages in the recovery, screening, testing, processing, storage or distribution of human bodies or parts for a purpose other than transplantation, including, without limitation, education, research or the advancement of medical, dental or mortuary science.

Sec. 130. NRS 453.375 is hereby amended to read as follows:

453.375 1. A controlled substance may be possessed and administered by the following persons:

(a) A practitioner.

(b) A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, physician assistant, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(c) A paramedic:

(1) As authorized by regulation of:

(I) The State Board of Health in a county whose population is less than 100,000; or

(II) A county or district board of health in a county whose population is 100,000 or more; and

(2) In accordance with any applicable regulations of:

(I) The State Board of Health in a county whose population is less than 100,000;

(II) A county board of health in a county whose population is 100,000 or more; or

(III) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(d) A respiratory therapist, at the direction of a physician or physician assistant.

(e) An anesthesiologist assistant, at the direction of a supervising anesthesiologist or supervising osteopathic anesthesiologist.

(f) A medical student, student in training to become a physician assistant or anesthesiologist assistant, student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician or physician assistant and:

(1) In the presence of a physician, physician assistant or a registered nurse; or

(2) Under the supervision of a physician, physician assistant or a registered nurse if the student is authorized by the college or

school to administer the substance outside the presence of a physician, physician assistant or nurse.

➥ A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(g) An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.

(h) Any person designated by the head of a correctional institution.

(i) A veterinary technician at the direction of his or her supervising veterinarian.

(j) In accordance with applicable regulations of the ~~[State Board]~~ ***Director*** of ***the Nevada*** Health ~~[,]~~ ***Authority,*** an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(k) In accordance with applicable regulations of the State Board of Pharmacy, an animal control officer, a wildlife biologist or an employee designated by a federal, state or local governmental agency whose duties include the control of domestic, wild and predatory animals.

(l) A person who is enrolled in a training program to become a paramedic, respiratory therapist or veterinary technician if the person possesses and administers the controlled substance in the same manner and under the same conditions that apply, respectively, to a paramedic, respiratory therapist or veterinary technician who may possess and administer the controlled substance, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(m) A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

2. As used in this section:

(a) "Accredited college of medicine" means:

(1) A medical school that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations; or

(2) A school of osteopathic medicine, as defined in NRS 633.121.

(b) "Anesthesiologist assistant" means a person who holds a license issued pursuant to NRS 630.2683 or 633.4254 or a temporary license issued pursuant to NRS 630.2685 or 633.4262.

Sec. 131. NRS 454.213 is hereby amended to read as follows:

454.213 1. Except as otherwise provided in NRS 454.217, a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS or an anesthesiologist assistant, at the direction of his or her supervising physician or supervising anesthesiologist or supervising osteopathic anesthesiologist, as applicable, or a licensed dental hygienist or expanded function dental assistant acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A holder of a license to engage in radiation therapy and radiologic imaging issued pursuant to chapter 653 of NRS, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(o) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(p) In accordance with applicable regulations of the ~~[State Board]~~ ***Director*** of ***the Nevada*** Health ~~[,]~~ ***Authority,*** an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(r) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with:

(I) Except where modified by the State Board of Health pursuant to sub-subparagraph (III), the version of "Standards for Immunization Practices" recommended by the National Vaccine Advisory Committee of the United States Department of Health and Human Services that was in effect on January 1, 2025;

(II) Except where modified by the State Board of Health pursuant to sub-subparagraph (III), the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention in effect on January 1, 2025; and

(III) Any modifications to the standards and recommendations listed in sub-subparagraphs (I) and (II) or any additional standards or recommendations as the State Board of Health may prescribe pursuant to subsection 2.

(s) A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

(t) A person who is enrolled in a training program to become a physician assistant or anesthesiologist assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist or veterinary technician or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to chapter 653 of NRS if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant or anesthesiologist assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist, veterinary technician or person licensed to engage in radiation therapy and radiologic imaging who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(u) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

2. The State Board of Health may, by regulation, modify any standard or recommendation described in subparagraph (3) of paragraph (r) of subsection 1 or adopt such additional standards and recommendations for the administration of immunizations by registered pharmacists as the Board deems necessary.

3. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 132. 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 chapter 449B of NRS, upon the ~~[State Board of Health;]~~ ***Health Care Purchasing and Compliance Division of the Nevada Health Authority;***

(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. 133. NRS 41.485 is hereby amended to read as follows:

41.485 1. Except as otherwise provided in subsection 2, a volunteer of a charitable organization is immune from liability for civil damages as a result of an act or omission:

(a) Of an agent of the charitable organization; or

(b) Concerning services the volunteer performs for the charitable organization that are not supervisory in nature and are not part of any duties or responsibilities the volunteer may have as an officer, director or trustee of the charitable organization, unless the act is intentional, willful, wanton or malicious.

2. This section does not restrict the liability of a charitable organization for the acts or omissions of a volunteer performing services on its behalf.

3. As used in this section:

(a) "Agent" means an officer, director, trustee or employee, whether or not compensated, or a volunteer ***.*** ~~[,]~~

(b) "Charitable organization" means a nonprofit corporation, association or organization, a recovery house for persons recovering from alcohol or other substance use disorders or a licensed medical facility ***,*** ~~[or]~~ facility for the dependent ~~[,]~~ ***or facility for the detention of children,*** but does not include a fire department, law enforcement agency or auxiliary thereof ***.*** ~~[.]~~

(c) ***"Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.***

(d) "Facility for the detention of children" has the meaning ascribed to it in section 140 of this act.

(e) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(f) "Recovery house for persons recovering from alcohol or other substance use disorders" has the meaning ascribed to it in NRS 278.02374 **.** ~~[; and~~

~~(d)]~~ ***(g)*** "Volunteer" means an officer, director, trustee or other person who performs services without compensation, other than reimbursement for actual and necessary expenses on behalf of or to benefit a charitable organization.

Sec. 134. Title 5 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 135 to 169, inclusive, of this act.

Sec. 135. ***As used in sections 135 to 169, inclusive, of this act, the words and terms defined in sections 136 to 140, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 136. ***"Authority" means the Nevada Health Authority.***

Sec. 137. ***"Deficiency" means a violation of this chapter, any regulations adopted pursuant thereto or any other applicable law or regulations.***

Sec. 138. ***"Director" means the Director of the Authority.***

Sec. 139. ***"Division" means the Health Care Purchasing and Compliance Division of the Nevada Health Authority.***

Sec. 140. ***1. "Facility for the detention of children" or "facility" means a facility that:***

(a) Is operated by, or pursuant to a contract with, the State or a political subdivision thereof;

(b) Provides secure or nonsecure residential care, supervision, treatment or rehabilitation services for children; and

(c) Houses children who:

(1) Are alleged or have been adjudicated to be in need of supervision or to have committed a delinquent act;

(2) Have been diverted from adjudication;

(3) Have been detained pending adjudication; or

(4) Have been determined to be in need of commitment to an institution for treatment or rehabilitative care.

2. The term includes, without limitation:

(a) A regional facility for the treatment and rehabilitation of children;

(b) A facility, as defined in NRS 63.030; and

(c) Any other detention facility, as defined in NRS 62B.505.

Sec. 141. ***The Division shall enforce the provisions of this chapter 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. 142. *1. A person, state or local government or agency thereof shall not operate or maintain in this State any facility for the detention of children without first obtaining a license therefor as provided in this chapter.*

2. The provisions of this chapter do not apply to any facility for the detention of children that is operated and maintained by the United States Government or an agency thereof.

Sec. 143. *For the purposes of this chapter, a person or a state or local government or agency thereof shall be deemed to be operating a facility for the detention of children without a license if the person, government or agency:*

1. Engages in an activity for which a license is required by the provisions of this chapter or advertises, markets, solicits or offers to perform such an activity; and

2. Does not hold the required license in active and valid form.

Sec. 144. *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 this chapter.*

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 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 this chapter from the Division; and

(b) A list of the crimes 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 of the Legislative Counsel Bureau shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 145. *1. The Division shall develop and the Director shall adopt regulations governing the licensing and operation of facilities for the detention of children. The regulations must include, without limitation:*

(a) Requirements to ensure that a facility complies with all applicable federal requirements;

(b) Requirements to ensure that the physical environment provided by a facility is safe;

(c) Requirements to ensure that each facility has sufficient staff to meet the needs of children at the facility;

(d) Requirements governing health care and behavioral health treatment provided to children at a facility;

(e) Requirements governing the education of children at a facility;

(f) Requirements governing programming at a facility to facilitate the rehabilitation of children at the facility;

(g) Requirements governing the assessment and treatment of children at a facility and the release or discharge of children from a facility;

(h) Requirements governing documentation that must be maintained by a facility;

(i) Procedures for reporting critical incidents to the Division;

(j) A process for the Division to investigate and handle complaints of the abuse or neglect of children at a facility;

(k) Regulations that prescribe the specific types of discrimination prohibited by section 152 of this act; and

(l) Procedures for reporting and posting the results of inspections and investigations pursuant to section 162 of this act.

2. When developing any regulations described in subsection 1, the Division must consult with a diverse group of persons and entities impacted by the regulation of facilities for the detention of children, including, without limitation:

(a) Operators of facilities for the detention of children that are agencies of the State Government or a local government and operators of such facilities that contract with such agencies;

(b) Persons who reside or have resided in facilities for the detention of children;

(c) Families of persons described in paragraph (b);

(d) Organizations that advocate for or represent the legal interests of children involved in the juvenile justice system;

(e) Representatives of juvenile courts in this State and other persons and entities involved in the juvenile justice system;

(f) Professionals in the areas of medicine, mental health and education who have particular expertise in adolescent populations; and

(g) Other appropriate state and local governmental agencies.

Sec. 146. *The Division may:*

1. Upon receipt of an application for a license to operate a facility for the detention of children, conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation, policies and purposes of the applicant. The facility is subject to inspection and approval as to standards for safety from fire, on behalf of the Division, by the State Fire Marshal or a designee of the State Fire Marshal, which may include a local fire agency that meets an industry standard accepted by the State Fire Marshal.

2. Upon receipt of a complaint against a facility for the detention of children, conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation,

policies, procedures and records of that facility, any other facility or any other entity licensed by the Division 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. 147. *Any person, state or local government or agency thereof desiring a license to operate a facility 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 location of the facility.

3. In specific terms, the nature of services to be offered, as defined by regulations developed by the Division and adopted by the Director.

4. The number of beds the facility will contain.

5. The name of the person in charge of the facility.

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

7. 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 facility for which 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 facility for which application is made.

8. Evidence satisfactory to the Division of the ability of the applicant to comply with the provisions of this chapter and the regulations adopted pursuant thereto.

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

Sec. 148. *1. If, after investigation, the Division finds that the:*

(a) Applicant is in full compliance with the provisions of this chapter and substantial compliance with the regulations adopted pursuant to this chapter; and

(b) Facility for the detention of children conforms to the applicable zoning regulations,

↪ the Division shall issue the license to the applicant.

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

Sec. 149. *Each license issued by the Division must be in the form prescribed by the Division and must contain:*

1. The name of the person or entity authorized to operate the licensed facility for the detention of children;

2. The location of the licensed facility for the detention of children; and

3. The number of beds authorized in the facility for the detention of children, the nature of services offered and the service delivery capacity.

Sec. 150. *1. Each license issued pursuant to this chapter expires 1 year after the date on which it was issued. The Division shall renew such a license upon reapplication.*

2. Each reapplication must include, without limitation, a statement that the facility for the detention of children is in compliance with the provisions of sections 155 to 159, inclusive, of this act.

Sec. 151. *1. The Division shall develop and the Director shall adopt regulations prescribing mandatory training for unlicensed caregivers who provide care at facilities for the detention of children. 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.*

2. The Division shall review the required topics for training established pursuant to subsection 1 at least annually. The Division shall develop and the Director shall adopt regulations as necessary to revise those topics when necessary to address new issues that impact health and safety at facilities for the detention of children.

3. 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.

4. The administrator or other person in charge of a facility for the detention of children to which the regulations adopted pursuant to subsection 1 apply shall:

(a) Ensure that each unlicensed caregiver at the facility 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 facility where appropriate;

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

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

Sec. 152. *1. A facility for the detention of children and any employee or independent contractor of such a facility shall not discriminate in the provision of services to a child 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 child or any person with whom the child associates.*

2. A facility for the detention of children shall:

(a) Develop and carry out policies to prevent the specific types of prohibited discrimination described in the regulations adopted pursuant to section 145 of this act and meet any other requirements prescribed by regulations adopted pursuant to this chapter; and

(b) Post prominently in the facility and include on any Internet website used to market the facility the following statement:

> *[Name of facility] 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 a facility for the detention of children or an employee or independent contractor thereof to take or refrain from taking any action in violation of reasonable medical standards; or

(b) Prohibit a facility for the detention of children 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. 153. *A facility for the detention of children shall:*

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

2. Prohibit employees or independent contractors of the facility who are not performing a physical examination or directly providing care to a child from being present during any portion of the physical examination or care, as applicable, during which the child is fully or partially unclothed without the express permission of the child or the authorized representative of the child;

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

4. Allow a child to refuse to be examined, observed or treated by an employee or independent contractor of the facility for a purpose that is primarily educational rather than therapeutic; and

5. Allow the parent or guardian of a child to refuse to allow the child to be subjected to examination, observation or treatment described in subsection 4.

Sec. 154. *1. Except as otherwise provided in subsection 3, to enable an agent or employee of a facility for the detention of children who is described in subsection 2 to more effectively care for children, the Division shall develop and the Director shall adopt regulations requiring such a facility to conduct training relating specifically to cultural competency for any agent or employee of the facility who is described in subsection 2 so that such an agent or employee may better understand children who have different cultural backgrounds, including, without limitation, children 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) Persons with a mental or physical disability; and

(e) Part of any other population that such an agent or employee may need to better understand, as determined by the Division and the Director.

➥ *The regulations must set forth the frequency with which a facility for the detention of children 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 a facility who:

(a) Provides clinical, administrative or support services and has direct child 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. A facility 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 a facility must be provided through a course or program that is approved by the Authority.

5. The Office of Minority Health and Equity of the Department of Human Services shall ensure that the list established and maintained pursuant to NRS 449.103 is distributed to each facility which is required to conduct training relating specifically to cultural competency pursuant to subsection 1.

6. A facility may apply to the Authority to provide a course or program on cultural competency that is not approved by the Authority pursuant to subsection 4. The Authority shall approve or deny such a request not later than 10 business days after the receipt of the application.

7. As used in this section:

(a) "Direct child contact" means direct contact with a child at a facility which is in person or using telephone, electronic mail, telehealth or other electronic means, except that the term does not include incidental contact.

(b) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 155. ***1. Each applicant for a license to operate a facility for the detention of children shall submit:***

(a) 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; and

(b) Written authorization to the Division for the release of any information that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant has

resided within the immediately preceding 5 years to determine whether there has been a substantiated report of child abuse or neglect made against the applicant.

2. The Central Repository for Nevada Records of Criminal History shall:

(a) Determine whether the applicant 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; and

(b) Immediately inform the administrator of the facility for the detention of children, if any, and the Division of whether the applicant has been convicted of such a crime.

3. A person who holds a license to operate a facility for the detention of children shall submit:

(a) To the Central Repository for Nevada Records of Criminal History one complete set of fingerprints for a report required by this section at least once every 5 years after the initial investigation; and

(b) Written authorization to the Division for the release of any information that may be available from the Statewide Central Registry to determine whether there has been a substantiated report of child abuse or neglect made against the person at least once every 5 years after the initial investigation.

Sec. 156. *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 a facility for the detention of children 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 2 of section 155 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 2 of section 155 of this act;

(f) Obtain written authorization from the employee, employee of the temporary employment service or independent contractor for the release of any information that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the employee, employee of the temporary employment service or independent contractor has resided within the immediately preceding 5 years to determine whether there has been a substantiated report of child abuse or neglect made against the employee, employee of the temporary employment service or independent contractor; and

(g) 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, a facility for the detention of children is not required to obtain the information described in subsection 1, other than the information described in paragraph (f) of 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 2 of section 155 of this act.

3. The administrator of, or the person licensed to operate, a facility for the detention of children is not required to obtain the information described in subsection 1, other than the information described in paragraphs (c) and (f) 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, a facility for the detention of children 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 2 of section 155 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 2 of section 155 of this act.

4. The administrator of, or the person licensed to operate, a facility for the detention of children 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 facility:

(a) Except as otherwise provided in subsection 2, is completed as soon as practicable and before the employee, employee of the temporary employment service or independent contractor provides any care or services to a child in the facility without supervision; and

(b) Is completed at least once every 5 years after the date of the initial investigation.

5. The administrator or person 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;

(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; and

(d) Obtain written authorization from the employee, employee of the temporary employment service or independent contractor for the release of any information that may be available from the Statewide Central Registry and any equivalent registry maintained

by a governmental entity in a jurisdiction in which the employee, employee of the temporary employment service or independent contractor has resided within the immediately preceding 5 years to determine whether there has been a substantiated report of child abuse or neglect made against the employee, employee of the temporary employment service or independent contractor.

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 subsection 2 of section 155 of this act and immediately inform the Division and the administrator of, or the person licensed to operate, the facility for the detention of children 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. 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 2 of section 155 of this act, is guilty of a misdemeanor.

Sec. 157. *1. A temporary employment service shall not send an employee to provide services to a facility for the detention of children if the temporary employment service has received notice from a facility that the employee of the temporary employment service is ineligible to provide such services.*

2. A facility that enters into an agreement with a temporary employment service to provide services for the facility 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 facility has been continuously employed by the temporary employment service since the last investigation conducted of the employee pursuant to section 156 of this act; and

(b) Notify the facility if the investigation conducted of an employee of the temporary employment service pursuant to section 156 of this act has not been conducted within the immediately preceding 5 years.

Sec. 158. *1. Each facility for the detention of children shall maintain records of the information concerning its employees, employees of a temporary employment service and independent*

contractors collected pursuant to section 156 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 156 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 facility; 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, a facility 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 155 and 156 of this act to notify a facility and the Division of any subsequent conviction of a person who is required to submit to an investigation pursuant to section 155 or 156 of this act.

Sec. 159. *1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to section 156 of this act, or evidence from any other source, that an employee, employee of a temporary employment service or independent contractor of a facility for the detention of children:*

(a) Has been convicted of a crime listed in subsection 2 of section 155 of this act; or

(b) Has had a substantiated report of abuse or neglect made against him or her,

➥ the administrator of, or the person licensed to operate, the facility 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 facility 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 facility or temporary employment service. The facility 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. A facility that has complied with section 156 of this act may not be held civilly or criminally liable based solely upon the ground that the facility 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.

Sec. 160. *1. Any authorized member or employee of the Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of this chapter.*

2. An authorized member or employee of the Division shall enter and inspect at least annually each building or the premises of a facility for the detention of children to ensure compliance with standards for health and sanitation.

3. An authorized member or employee of the Division shall enter and inspect any building or premises operated by a facility for the detention of children within 72 hours after the Division is notified that a facility is operating without a license.

Sec. 161. *Every facility for the detention of children may be inspected at any time, with or without notice, as often as is necessary by:*

1. The Health Care Purchasing and Compliance Division of the Authority 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 Human Services to investigate complaints made against the facility.

Sec. 162. *1. The Division shall prepare a report of the results of its inspections of facilities for the detention of children regarding compliance with applicable regulations and standards and any investigations of such facilities pursuant to this chapter. The report must include, without limitation:*

(a) Identification of any deficiencies, a determination of whether any such deficiencies affect the health and safety of children for the purposes of sections 164 and 166 of this act; and

(b) The 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.

2. Not later than 30 days after completing an inspection of or an investigation concerning a facility for the detention of children, the Division shall:

(a) Post the report prepared pursuant to subsection 1 on an Internet website maintained by the Division; and

(b) Submit the report prepared pursuant to subsection 1 to the facility and:

(1) If the facility is operated by or under contract with one or more cities, the governing body of each such city;

(2) If the facility is operated by or under contract with one or more counties, the governing body of each such county; or

(3) If the facility is operated by or under contract with the State, to the Director of the Department of Human Services, the Governor and the Juvenile Justice Oversight Commission established by NRS 62B.608.

3. The Division shall submit to the United States Department of Justice the report of any inspection or investigation of a facility that concerns a violation or potential violation of the Prison Rape Elimination Act, 34 U.S.C. §§ 30305 et seq., or any standards adopted pursuant thereto.

4. Any personally identifiable information concerning a child or a person who made a complaint that is contained in a report prepared pursuant to subsection 1 is not a public record. Unless otherwise required by federal law, the Division shall redact such information before posting or providing a report pursuant to this section.

Sec. 163. *1. In addition to any other report required by this chapter, NRS 432B.220 or any other provision of law, the Division shall report the results of any inspection or investigation of a facility for the detention of children:*

(a) That identifies the abuse or neglect, as those terms are defined in section 165 of this act, of a child to the agency which provides child welfare services in the county where the facility is located.

(b) That concern a child who has a developmental disability to the system to protect and advocate the rights of persons with developmental disabilities established pursuant to 42 U.S.C. § 15043.

(c) That indicate a possible violation of the civil rights of a child to the Attorney General, who may refer the matter to the Civil Rights Division of the United States Department of Justice.

(d) That concern the education of children, including, without limitation, the education of children with disabilities, to the Department of Education and the board of trustees of the school district in which the facility is located.

(e) That concern the separation of children from adult inmates or the detention of children who are alleged to have committed a status offense, to the agency designated by the Governor pursuant to 34 U.S.C. § 11133(a)(1) as the sole state agency for supervising the preparation and administration of the plan for carrying out the responsibilities of this State under the Juvenile Justice and Delinquency Prevention Act, 34 U.S.C. §§ 11101 et seq.

2. As used in this section:

(a) "Agency which provides child welfare services" had the meaning ascribed to it in NRS 432B.030.

(b) "Developmental disability" has the meaning ascribed to it in 42 U.S.C. § 15002.

(c) "Status offense" means:

(1) Any act described in NRS 62B.320; or

(2) A delinquent act that is only a violation of the applicable law, regulation or ordinance because of the age of the child who committed the act.

Sec. 164. *A facility for the detention of children shall immediately provide notice of a deficiency affecting the health and safety of a child discovered during the course of an inspection of or investigation concerning the facility conducted by the Division to:*

1. A child at the facility;

2. The parent or legal guardian of the child at the facility; or

3. Any other natural person designated to receive such notice by the parent or guardian of the child.

Sec. 165. *1. Not later than the close of business on the next business day after an incident described in this subsection occurs, a facility for the detention of children shall report the following critical incidents to the Division in the manner prescribed by the regulations adopted pursuant to section 145 of this act:*

(a) The suspected or confirmed abuse, neglect or exploitation of a child by staff, a visitor, another child or any other person;

(b) A serious injury to a child that causes significant impairment to the child or requires hospitalization or other medical intervention;

(c) The death of a child from any cause, including, without limitation, a death that is expected or unexplained;

(d) The use of restraint or seclusion on a child in violation of state or federal law or any injury to a child that occurs during the use of restraint or seclusion;

(e) A child leaving the facility without authorization, unless the child is located before a report must be made pursuant to this section;

(f) An error concerning medication that results in an adverse reaction or other harm or requires a medical evaluation;

(g) A crime committed on the premises of the facility;

(h) An incident on the premises of the facility or involving a child at the facility that requires a response by law enforcement to maintain safety;

(i) An environmental emergency that disrupts operations or threatens the safety of children and staff, including, without limitation, a natural disaster, fire, utility failure or structural damage that constitutes such an environmental emergency;

(j) An attempted suicide by a child;

(k) An allegation of sexual abuse or sexual harassment of a child within the meaning of the standards adopted pursuant to the Prison Rape Elimination Act, 34 U.S.C. §§ 30305 et seq., or any standards adopted pursuant thereto; or

(l) The operator or any member of the staff being reported to the National Practitioner Data Bank for any reason.

2. The Division shall establish a process for collecting and investigating reports made pursuant to this section to:

(a) Ensure the safety of children at facilities;

(b) Address potential abuse, neglect and exploitation at facilities; and

(c) Maintain appropriate oversight of facilities.

3. As used in this section:

(a) "Abuse" means willful:

(1) Infliction of pain or injury on a child;

(2) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of a child;

(3) Infliction of psychological or emotional anguish, pain or distress on a child through any act, including, without limitation:

(I) Threatening, controlling or socially isolating the child;

(II) Disregarding the needs of the child; or

(III) Harming, damaging or destroying any property of the child;

(4) Sexual abuse or exploitation of a child; or

(5) Permitting any of the acts described in subparagraphs (1) to (4), inclusive, to be committed against a child.

(b) "Exploitation" means any act taken by a person who has the trust and confidence of a child or any use of the power of attorney or guardianship of a child to:

(1) Obtain control, through deception, intimidation or undue influence, over the money, assets or property of the child with the intention of permanently depriving the child of the ownership, use, benefit or possession of his or her money, assets or property; or

(2) Convert money, assets or property of the child with the intention of permanently depriving the child of the ownership, use, benefit or possession of his or her money, assets or property.

(c) "Neglect" means the failure of a person or a manager of a facility who has assumed legal responsibility or a contractual obligation for caring for a child or who has voluntarily assumed responsibility for his or her care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the child.

(d) "Undue influence" means the improper use of power or trust in a way that deprives a person of his or her free will and substitutes the objectives of another person. The term does not include the normal influence that one member of a family has over another.

Sec. 166. *1. Not later than 30 days after receiving from the Division a report containing notification of a deficiency pursuant to section 162 of this act, a facility for the detention of children shall submit to the Division a plan of correction which includes, without limitation:*

(a) The steps the facility will take to correct the deficiency; and

(b) The date by which the facility plans to correct the deficiency.

2. Not later than 60 days after receiving from the Division a report containing notification of a deficiency pursuant to section

162 of this act, the governing body of a city, a board of county commissioners or the Director of the Department of Human Services shall:

(a) Consider the report at a public meeting or otherwise publish a response to the report; and

(b) Submit to the Division a written response stating the actions that the governing body, board of county commissioners or Department, as applicable, will take to correct the deficiency.

3. The Division shall post on an Internet website maintained by the Division:

(a) Each plan of correction submitted pursuant to subsection 1; and

(b) Each written response submitted pursuant to paragraph (b) of subsection 2.

4. If the Division identifies the same deficiency in consecutive inspections or investigations or if a facility fails to correct a deficiency that affects the health and safety of children, as determined by the Division pursuant to section 162 of this act, by the date specified pursuant to paragraph (b) of subsection 1, the Division shall:

(a) Provide notice to:

(1) The juvenile court in the judicial district where the facility is located;

(2) The Governor; and

(3) The Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Judiciary; and

(b) Request the Attorney General to bring an action in a court of competent jurisdiction to compel the facility to correct the deficiency.

Sec. 167. *The Division:*

1. Shall report to the National Practitioner Data Bank concerning enforcement action taken pursuant to this chapter where required by federal law;

2. May report to the National Practitioner Data Bank or any other public or private registry or data bank concerning enforcement action taken pursuant to this chapter where the Division determines that such reporting is in the interest of protecting the health or safety of the public in this State or any other jurisdiction; and

3. Shall publish on an Internet website maintained by the Division any enforcement action reported to the National Practitioner Data Bank or any other public or private registry or data bank pursuant to this section.

Sec. 168. *1. The Division may review the personnel files of a facility for the detention of children to determine that each nursing assistant or medication aide - certified employed by the facility has a current certificate.*

2. The Division and any other state agency which regulates facilities shall provide to the State Board of Nursing any information it discovers concerning:

(a) Programs and instructors for training nursing assistants or medication aides - certified which do not comply with the requirements established by the State Board of Nursing.

(b) The failure of a nursing assistant or medication aide - certified to perform consistently at a safe level.

(c) The results of any investigation of a facility if the investigation concerns a nursing assistant, medication aide - certified or instructor or training program for nursing assistants or medication aides - certified.

3. The State Board of Nursing shall investigate any report submitted pursuant to subsection 2 and may revoke approval of a program or instructor if the allegations of the report are true.

Sec. 169. *1. On or before January 31 of each year, the Division shall:*

(a) Compile a report concerning facilities for the detention of children in this State. The report must include, without limitation:

(1) For each facility that held a license during the immediately preceding year:

(I) The name and location of the facility;

(II) A description of any deficiencies found during an inspection or investigation of the facility;

(III) Whether the facility was subject to any enforcement action during the immediately preceding year and, if so, whether the action resulted in a plan of correction or settlement agreement;

(IV) To the extent that data is available, the average number of children at the facility, the average age and the range of ages of those children and the average length of stay at the facility;

(2) The number and type of complaints received by the Division concerning facilities during the immediately preceding year;

(3) The average time between when the Division received a complaint described in subparagraph (2) and when the Division responded to the complaint, in aggregate and disaggregated based on the severity or risk level of the violations alleged by the complaint;

(4) A summary of any barriers experienced by the Division in ensuring the safety and quality of care provided by facilities.

(b) Submit the report to the Commission and the Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the Joint Interim Standing Committee on Judiciary; and

(2) In odd-numbered years, the next regular session of the Legislature.

2. The Division may request from a facility any information necessary to compile the report required by this section. The facility shall provide to the Division any information so requested.

3. The Division shall develop and the Director shall adopt any regulations necessary to carry out the requirements of this section.

4. Any personally identifiable information concerning a child at a facility or his or her family that is provided to the Division pursuant to this section or the regulations adopted pursuant thereto is confidential and may only be published in aggregated form or in a manner which does not disclose the identity of the person to whom the information relates.

Sec. 170. 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 chapter 449B of NRS, to the ~~[State Board of Health,]~~ ***Health Care Purchasing and Compliance Division of the Nevada Health Authority,*** 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 or an entity licensed or certified under chapter 449B of NRS, the ~~[State Board of Health,]~~ ***Health Care Purchasing and Compliance Division of the Nevada Health Authority,*** 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. 171. 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, facility or organization governed by NRS 449.122 to 449.125, inclusive, and 449.174, 449B.300 to 449B.340, inclusive, and 449B.440, or 449B.700 to 449B.750, inclusive, ***or sections 155 to 159, 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, 449B.310 or 449B.710 ~~[,]~~ ***or section 156 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. 172. 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) Through the use of the National Incident-Based Reporting System.

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) Through the use of the National Incident-Based Reporting System; 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 and Sexual Assault 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, 127A.340, 424.031, 432A.170, 432B.198, 433B.183, 449.123, 449B.310 and 449B.710 ~~[,]~~ ***and section 156 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 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, 127A.340, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123, 449B.300, 449B.310, 449B.700 or 449B.710 ~~[.]~~ ***or section 156 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. 173. 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 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, 449B, 630 to 641B, inclusive, 641D, 653 or 654 of NRS ~~[,]~~ ***or the chapter consisting of sections 135 to 169, 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. 174. NRS 232.4993 is hereby amended to read as follows:

232.4993 1. The Authority shall administer:

(a) The provisions of chapters 449, 449A, 634B, 640D, 640E, 652, 695I and 695K of NRS ***and the chapter consisting of sections 135 to 169, inclusive, of this act*** and NRS 232.4996 to 232.49969, inclusive, 287.0402 to 287.049, inclusive, and 422.001 to 422.410, inclusive, and 422.580, 439.258, 439.271 to 439.2794, inclusive, 439.581 to 439.597, inclusive, 439.800 to 439.918, inclusive, 439A.200 to 439A.290, inclusive, 439A.350 to 439A.398, inclusive, 439B.600 to 439B.695, inclusive, 439B.800 to 439B.875, inclusive, and 444.003 to 444.430, inclusive, and all other provisions of law relating to the functions of the divisions of the Authority; and

(b) 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.

2. The Governor may delegate functions to the Authority other than those described in NRS 232.49903 to 232.49945, inclusive.

Sec. 175. NRS 232.49933 is hereby amended to read as follows:

232.49933 1. If the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, are repealed by the Federal Government, in whole or in part, the Authority shall prepare a report which includes:

(a) Recommendations for methods to continue carrying out any duties pursuant to the repealed provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, using federal funding or funds appropriated by the Legislature for the then-current biennium, in a manner which ensures that the performance of any duty carried out pursuant to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191,

and any regulations adopted pursuant thereto continues without interruption.

(b) An analysis of existing provisions of the Nevada Revised Statutes to determine whether any provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, should be incorporated into the Nevada Revised Statutes and an assessment of possible sources of funding to carry out such provisions.

2. The Authority shall submit the report required pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Joint Interim Standing Committee on Health and Human Services;

(b) The Interim Finance Committee; and

(c) The next regular session of the Legislature.

3. The ~~[State Board of Health]~~ ***Director*** may adopt regulations which are substantially similar to any provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, which were repealed by the Federal Government.

Sec. 176. 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, 90.703, 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, 127A.160, 127A.230, 127B.370, 127B.750, 127C.420, 127C.870, 127E.120, 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, 178.4715, 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, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 223.250, 226.462, 226.796, 228.270, 228.380, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 232.49925, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.027, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250,

239C.270, 239C.420, 240.007, 240A.260, 241.020, 241.029, 241.030, 241.039, 242.105, 242.1289, 242.129, 244.264, 244.335, 244.3635, 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, 293.57697, 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, 338.1571, 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, 360.889, 360.890, 360.945, 360.950, 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, 398.310, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 422A.6772, 422A.609, 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.2839, 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, ***449.210,*** 449.245, 449A.112, 449B.180, 449B.480, 449B.580, 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, 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, 489.431, 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.248, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640.154, 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, 641A.305, 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.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.480, 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 section 21 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. 177. 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, 90.703, 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, 127A.160, 127A.230, 127B.370, 127B.750, 127C.420, 127C.870, 127E.120, 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, 178.4715, 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, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 223.250, 226.462, 226.796, 228.270, 228.380, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 232.49925, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.027, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 240A.260, 241.020, 241.029, 241.030, 241.039, 242.105, 242.1289, 242.129, 244.264, 244.335, 244.3635, 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, 293.57697, 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, 338.1571, 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, 360.889, 360.890, 360.945, 360.950, 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, 398.310, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 422A.6772, 422A.609, 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.2839, 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, 449.210, 449.245, 449A.112, 449B.180, 449B.480, 449B.580, 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, 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, 489.431, 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.248, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640.154, 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, 641A.305, 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.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.480, 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 ~~[section]~~ ***sections*** 21 ***, 153, 162 and 169*** 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. 178. NRS 433.332 is hereby amended to read as follows:

433.332 1. If a patient in a division facility is transferred to another division facility or to a medical facility, a facility for the dependent ***, a facility for the detention of children*** 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 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) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(b) "Facility for the detention of children" has the meaning ascribed to it in section 140 of this act.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "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. 179. NRS 433B.200 is hereby amended to read as follows:

433B.200 1. If a consumer in a division facility is transferred to another division facility or to a medical facility, a facility for the dependent ***, a facility for the detention of children*** or a physician licensed to practice medicine, the division facility shall forward a copy of the medical records of the consumer, on or before the date the consumer is transferred, to the facility or physician. Except as otherwise required by 42 U.S.C. § 290dd-2, the division facility is not required to obtain the oral or written consent of the consumer to forward a copy of the medical records.

2. As used in this section ~~[, "medical]~~ ***:***

(a) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(b) "Facility for the detention of children" has the meaning ascribed to it in section 140 of this act.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical records" includes a medical history of the consumer, a summary of the current physical condition of the consumer and a discharge summary which contains the information necessary for the proper treatment of the consumer.

Sec. 180. 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, ***a facility for the detention of children,*** 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:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449B.015.

(b) ***"Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.***

(c) "Facility for the detention of children" has the meaning ascribed to it in section 140 of this act.

(d) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(e) "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. 181. NRS 603A.540 is hereby amended to read as follows:

603A.540 1. A person shall not implement a geofence within 1,750 feet of any medical facility, facility for the dependent ***, facility for the detention of children*** or any other person or entity that provides in-person health care services or products for the purpose of:

(a) Identifying or tracking consumers seeking in-person health care services or products;

(b) Collecting consumer health data; or

(c) Sending notifications, messages or advertisements to consumers related to their consumer health data or health care services or products.

2. As used in this section:

(a) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(b) ***"Facility for the detention of children" has the meaning ascribed to it in section 140 of this act.***

(c) "Geofence" means technology that uses coordinates for global positioning, connectivity to cellular towers, cellular data, radio frequency identification, wireless Internet data or any other form of detecting the physical location of a person to establish a virtual boundary with a radius of 1,750 feet or less around a specific physical location.

~~[(c)]~~ ***(d)*** "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 182. NRS 622.540 is hereby amended to read as follows:

622.540 1. A health care licensing board shall adopt regulations that establish a process for prioritizing the review of an application for initial licensure as a provider of health care under the jurisdiction of the health care licensing board if the applicant demonstrates that he or she will provide health care primarily in a historically underserved community. Such regulations:

(a) Must authorize an applicant to demonstrate that he or she will provide health care primarily in a historically underserved community by submitting a letter from an employer that is located in a historically underserved community which states:

(1) That the applicant has accepted an offer of employment from the employer; and

(2) The date on which the applicant intends to commence such employment; and

(b) May prescribe additional ways in which an applicant may demonstrate that he or she will provide health care primarily in a historically underserved community.

2. As used in this section:

(a) "Health care licensing board" means:

(1) A board created by chapter 630, 631, 632 or 633 of NRS.

(2) The State Board of Health with respect to ~~[chapters 634B, 640D, 640E, 652 and]~~ ***chapter*** 653 of NRS.

(3) The Director of the Nevada Health Authority with respect to chapters 634B, 640D, 640E and 652 of NRS.

(b) "Historically underserved community" means:

(1) A census tract:

(I) Designated as a qualified census tract by the Secretary of Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii); or

(II) In which, in the immediately preceding census, at least 20 percent of households were not proficient in the English language;

(2) A public school in this State:

(I) In which 75 percent or more of the enrolled pupils in the school are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.; or

(II) That participates in universal meal service in high poverty areas pursuant to Section 104 of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296; or

(3) Qualified tribal land, as defined in NRS 370.0325.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 183. NRS 622A.120 is hereby amended to read as follows:

622A.120 1. The following regulatory bodies are exempted from the provisions of this chapter:

(a) State Contractors' Board.

(b) Real Estate Commission, Real Estate Administrator and Real Estate Division of the Department of Business and Industry.

(c) Commission of Appraisers of Real Estate.

(d) Commissioner of Mortgage Lending and Division of Mortgage Lending of the Department of Business and Industry.

(e) Commissioner of Financial Institutions and Division of Financial Institutions of the Department of Business and Industry.

(f) ~~[State Board of Health,]~~ Division of Public and Behavioral Health of the Department of Human Services and Health Care Purchasing and Compliance Division of the Nevada Health Authority.

2. Any regulatory body which is exempted from the provisions of this chapter pursuant to subsection 1 may elect by regulation to follow the provisions of this chapter or any portion thereof.

Sec. 184. NRS 629.051 is hereby amended to read as follows:

629.051 1. Except as otherwise provided in this section and in regulations adopted ~~[by the State Board of Health]~~ pursuant to NRS 652.135 with regard to the records of a medical laboratory and unless a longer period is provided by federal law, each custodian of health care records shall retain the health care records of patients as part of the regularly maintained records of the custodian for 5 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. Health care records:

(a) Must, except as otherwise provided in subsections 5 and 6 of NRS 439.589, be created, maintained, transmitted and exchanged electronically as required by subsection 4 of NRS 439.589; and

(b) May be created, authenticated and stored in a health information exchange which meets the requirements of NRS 439.581 to 439.597, inclusive, and the regulations adopted pursuant thereto.

2. A provider of health care shall post, in a conspicuous place in each location at which the provider of health care performs health care services, a sign which discloses to patients that their health care records may be destroyed after the period set forth in subsection 1.

3. When a provider of health care performs health care services for a patient for the first time, the provider of health care shall deliver to the patient a written statement which discloses to the

patient that the health care records of the patient may be destroyed after the period set forth in subsection 1.

4. If a provider of health care fails to deliver the written statement to the patient pursuant to subsection 3, the provider of health care shall deliver to the patient the written statement described in subsection 3 when the provider of health care next performs health care services for the patient.

5. In addition to delivering a written statement pursuant to subsection 3 or 4, a provider of health care may deliver such a written statement to a patient at any other time.

6. A written statement delivered to a patient pursuant to this section may be included with other written information delivered to the patient by a provider of health care.

7. A custodian of health care records shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person who has attained the age of 23 years may be destroyed in accordance with this section for those records which have been retained for at least 5 years or for any longer period provided by federal law.

8. If a health care licensing board receives notification from the Nevada Health Authority pursuant to NRS 439.5895 that a provider of health care to which the health care licensing board has issued a license is not in compliance with the requirements of subsection 4 of NRS 439.589, the health care licensing board may, after notice and the opportunity for a hearing in accordance with the provisions of this title, require corrective action or impose an administrative penalty in an amount not to exceed the maximum penalty that the health care licensing board is authorized to impose for other violations. The health care licensing board shall not suspend or revoke a license for failure to comply with the requirements of subsection 4 of NRS 439.589.

9. The provisions of this section, except for the provisions of paragraph (a) of subsection 1 and subsection 8, do not apply to a pharmacist.

10. The State Board of Health shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the signs and written statements required pursuant to this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

11. As used in this section:

(a) "Health care licensing board" means:

(1) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B, 641C or 641D of NRS.

(2) The Division of Public and Behavioral Health of the Department of Human Services.

(3) The Health Care Purchasing and Compliance Division of the Nevada Health Authority.

(b) "License" has the meaning ascribed to it in NRS 439.5895.

Sec. 185. NRS 629.053 is hereby amended to read as follows:

629.053 1. The State Board of Health ***, the Health Care Purchasing and Compliance Division of the Nevada Health Authority*** and each board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 640, 640A, 640B, 640C, 641, 641A, 641B, 641C or 641D of NRS shall post on its website on the Internet, if any, a statement which discloses that:

(a) Pursuant to the provisions of subsection 7 of NRS 629.051:

(1) The health care records of a person who is less than 23 years of age may not be destroyed; and

(2) The health care records of a person who has attained the age of 23 years may be destroyed for those records which have been retained for at least 5 years or for any longer period provided by federal law; and

(b) Except as otherwise provided in subsection 7 of NRS 629.051 and unless a longer period is provided by federal law, the health care records of a patient who is 23 years of age or older may be destroyed after 5 years pursuant to subsection 1 of NRS 629.051.

2. The State Board of Health shall adopt regulations prescribing the contents of the statements required pursuant to this section.

Sec. 186. 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, 449B.130 and 449B.520.

Sec. 187. NRS 630A.340 is hereby amended to read as follows:

630A.340 The following acts, among others, constitute grounds for initiating disciplinary action or denying the issuance of a license or certificate:

1. Unprofessional conduct.

2. Conviction of:

(a) 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;

(b) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to 616D.440, inclusive;

(c) Any offense involving moral turpitude; or

(d) Any offense relating to the practice of homeopathic medicine or the ability to practice homeopathic medicine or the practice, or the ability to practice, as an advanced practitioner of homeopathy or as a homeopathic assistant.

➥ A plea of nolo contendere to any offense listed in this subsection shall be deemed a conviction.

3. The suspension, modification or limitation of a license or certificate to practice any type of medicine or to perform any type of medical services by any other jurisdiction.

4. The surrender of a license or certificate to practice any type of medicine or to perform any type of medical services or the discontinuance of the practice of medicine while under investigation by any licensing or certifying authority, medical facility, facility for the dependent, ***facility for the detention of children,*** branch of the Armed Forces of the United States, insurance company, agency of the Federal Government or employer.

5. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant.

6. Professional incompetence.

Sec. 188. NRS 630A.390 is hereby amended to read as follows:

630A.390 1. Any person who becomes aware that a person practicing medicine or practicing as an advanced practitioner of homeopathy or as a homeopathic assistant in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a written complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. Any medical society or medical facility ***,*** ~~[or]~~ facility for the dependent ***or facility for the detention of children*** licensed in this State shall report to the Board the initiation and outcome of any disciplinary action against any homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant concerning the

care of a patient or the competency of the homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant.

3. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law relating to controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence.

4. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 189. NRS 631.3485 is hereby amended to read as follows:

631.3485 1. The following acts, among others, constitute unprofessional conduct:

(a) Willful or repeated violations of the provisions of this chapter;

(b) Willful or repeated violations of the regulations of the State Board of Health, ***the Director of the Nevada Health Authority,*** the State Board of Pharmacy or the Board of Dental Examiners of Nevada;

(c) Failure to pay the fees for a license; or

(d) Failure to make the health care records of a patient available for inspection and copying as provided in NRS 629.061, if the dentist, dental hygienist, dental therapist or expanded function dental assistant is the custodian of health care records with respect to those records.

2. As used in this section, "custodian of health care records" has the meaning ascribed to it in NRS 629.016.

Sec. 190. NRS 632.127 is hereby amended to read as follows:

632.127 1. The Board shall supply the Health Care Purchasing and Compliance Division of the Nevada Health Authority upon request with a list of each training program approved by the Board.

2. The Board shall share with each state agency which regulates medical facilities **,** ~~[and]~~ facilities for the dependent ***and facilities for the detention of children*** any information the Board receives concerning disciplinary action taken against nursing assistants or medication aides - certified who work in the facilities.

Sec. 191. 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, genetic counselor, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, anesthesiologist assistant, psychiatrist, psychologist, behavioral health and wellness practitioner, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, certified prevention specialist, 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 ***or facility for the detention of children*** 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 ***or facility for the detention of children*** 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 449B.500.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Human Services or Nevada Health Authority, as applicable.

(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 449B.015.

(b) "Certified prevention specialist" has the meaning ascribed to it in NRS 433.6255.

(c) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028.

(d) "Peer recovery support specialist" has the meaning ascribed to it in NRS 433.627.

(e) "Peer recovery support specialist supervisor" has the meaning ascribed to it in NRS 433.629.

Sec. 192. NRS 633.131 is hereby amended to read as follows:

633.131 1. "Unprofessional conduct" includes:

(a) Knowingly or willfully making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice osteopathic medicine, to practice as a physician assistant or to practice as an anesthesiologist assistant, or in applying for the renewal of a license to practice osteopathic medicine, to practice as a physician assistant or to practice as an anesthesiologist assistant.

(b) Failure of a person who is licensed to practice osteopathic medicine to identify himself or herself professionally by using the term D.O., osteopathic physician, doctor of osteopathy or a similar term.

(c) Directly or indirectly giving to or receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation for sending, referring or

otherwise inducing a person to communicate with an osteopathic physician in his or her professional capacity or for any professional services not actually and personally rendered, except as otherwise provided in subsection 2.

(d) Employing, directly or indirectly, any suspended or unlicensed person in the practice of osteopathic medicine or in practice as a physician assistant or anesthesiologist assistant, or the aiding or abetting of any unlicensed person to practice osteopathic medicine or to practice as a physician assistant or anesthesiologist assistant.

(e) Advertising the practice of osteopathic medicine in a manner which does not conform to the guidelines established by regulations of the Board.

(f) Engaging in any:

(1) Professional conduct which is intended to deceive or which the Board by regulation has determined is unethical; or

(2) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

(g) Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, otherwise than in the course of legitimate professional practice or as authorized by law.

(h) An alcohol or other substance use disorder.

(i) Performing, assisting in or advising an unlawful abortion or the injection of any liquid silicone substance into the human body, other than the use of silicone oil to repair a retinal detachment.

(j) Knowingly or willfully disclosing a communication privileged pursuant to a statute or court order.

(k) Knowingly or willfully disobeying regulations of the State Board of Health, ***the Director of the Nevada Health Authority,*** the State Board of Pharmacy or the State Board of Osteopathic Medicine.

(l) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any prohibition made in this chapter.

(m) Failure of a licensee to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(n) Making alterations to the medical records of a patient that the licensee knows to be false.

(o) Making or filing a report which the licensee knows to be false.

(p) Failure of a licensee to file a record or report as required by law, or knowingly or willfully obstructing or inducing any person to obstruct such filing.

(q) Failure of a licensee to make medical records of a patient available for inspection and copying as provided by NRS 629.061, if the licensee is the custodian of health care records with respect to those records.

(r) Providing false, misleading or deceptive information to the Board in connection with an investigation conducted by the Board.

2. It is not unprofessional conduct:

(a) For persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to practice osteopathic medicine in partnership under a partnership agreement or in a corporation or an association authorized by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association;

(b) For two or more persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to receive adequate compensation for concurrently rendering professional care to a patient and dividing a fee if the patient has full knowledge of this division and if the division is made in proportion to the services performed and the responsibility assumed by each person; or

(c) For a person licensed to practice osteopathic medicine pursuant to the provisions of this chapter to form an association or other business relationship with an optometrist pursuant to the provisions of NRS 636.373.

3. As used in this section, "custodian of health care records" has the meaning ascribed to it in NRS 629.016.

Sec. 193. NRS 633.524 is hereby amended to read as follows:

633.524 1. The Board shall require each holder of a license to practice osteopathic medicine issued pursuant to this chapter to submit to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his or her office or any other facility, excluding any surgical care performed:

(a) At a medical facility as that term is defined in NRS 449.0151; or

(b) Outside of this State.

2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice osteopathic medicine to submit a report to the Board concerning the

occurrence of any sentinel event arising from any surgery described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the ~~[State Board]~~ ***Director*** of ***the Nevada*** Health ***Authority*** for reporting information pursuant to NRS 439.835.

3. Each holder of a license to practice osteopathic medicine shall submit the reports required pursuant to subsections 1 and 2:

(a) At the time the holder of the license renews his or her license; and

(b) Whether or not the holder of the license performed any surgery described in subsection 1. Failure to submit a report or knowingly or willfully filing false information in a report constitutes grounds for initiating disciplinary action pursuant to NRS 633.511.

4. In addition to the reports required pursuant to subsections 1 and 2, the Board shall require each holder of a license to practice osteopathic medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1 within 14 days after the occurrence of the sentinel event. The report must be submitted in the manner prescribed by the Board.

5. The Board shall:

(a) Collect and maintain reports received pursuant to subsections 1, 2 and 4;

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access; and

(c) Submit to the Health Care Purchasing and Compliance Division of the Nevada Health Authority a copy of the report submitted pursuant to subsection 1. The Division shall maintain the confidentiality of such reports in accordance with subsection 6.

6. Except as otherwise provided in NRS 239.0115, a report received pursuant to subsection 1, 2 or 4 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

7. The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

8. In addition to any other remedy or penalty, if a holder of a license to practice osteopathic medicine fails to submit a report or knowingly or willfully files false information in a report submitted

pursuant to this section, the Board may, after providing the holder of a license to practice osteopathic medicine with notice and opportunity for a hearing, impose against the holder of a license an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license to practice osteopathic medicine. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.

9. As used in this section:

(a) "Conscious sedation" has the meaning ascribed to it in NRS 449.436.

(b) "Deep sedation" has the meaning ascribed to it in NRS 449.437.

(c) "General anesthesia" has the meaning ascribed to it in NRS 449.438.

(d) "Sentinel event" has the meaning ascribed to it in NRS 439.830.

Sec. 194. NRS 634.018 is hereby amended to read as follows:

634.018 "Unprofessional conduct" means:

1. Obtaining a certificate upon fraudulent credentials or gross misrepresentation.

2. Procuring, or aiding or abetting in procuring, criminal abortion.

3. Assuring that a manifestly incurable disease can be permanently cured.

4. Advertising, by any form of public communication, a chiropractic practice:

(a) Using grossly improbable statements; or

(b) In any manner that will tend to deceive, defraud or mislead the public.

➥ As used in this subsection, "public communication" includes, but is not limited to, communications by means of television, radio, motion pictures, Internet websites, electronic mail, social media accounts and newspapers, books, periodicals, handbills, letterhead and other printed matter.

5. Willful disobedience of the law, or of the regulations of the State Board of Health ***, the Director of the Nevada Health Authority*** or of the Chiropractic Physicians' Board of Nevada.

6. Conviction of any offense involving moral turpitude, or the conviction of a felony. The record of the conviction is conclusive evidence of unprofessional conduct.

7. Administering, dispensing or prescribing any controlled substance.

8. Conviction or violation of any federal or state law regulating the possession, distribution or use of any controlled substance. The record of conviction is conclusive evidence of unprofessional conduct.

9. Habitual intemperance or excessive use of alcohol or alcoholic beverages, cannabis or any controlled substance.

10. Conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public.

11. Violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the regulations adopted by the Board, or any other statute or regulation pertaining to the practice of chiropractic.

12. Employing, directly or indirectly, any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted, or the aiding or abetting of any unlicensed person to practice chiropractic under this chapter.

13. Malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

14. Solicitation by the licensee or the licensee's designated agent of any person who, at the time of the solicitation, is vulnerable to undue influence, including, without limitation, any person known by the licensee to have recently been involved in a motor vehicle crash, involved in a work-related accident, or injured by, or as the result of the actions of, another person. As used in this subsection:

(a) "Designated agent" means a person who renders service to a licensee on a contract basis and is not an employee of the licensee.

(b) "Solicitation" means the attempt to acquire a new patient through information obtained from a law enforcement agency, medical facility or the report of any other party, which information indicates that the potential new patient may be vulnerable to undue influence, as described in this subsection.

15. Employing, directly or indirectly, any person as a chiropractic assistant unless the person has been issued:

(a) A certificate by the Board pursuant to NRS 634.123, or has applied for such a certificate and is awaiting the determination of the Board concerning the application; or

(b) A temporary certificate by the Board pursuant to NRS 634.124.

16. Aiding, abetting, commanding, counseling, encouraging, inducing or soliciting an insurer or other third-party payor to reduce or deny payment or reimbursement for the care or treatment of a patient, unless such action is supported by:

(a) The medical records of the patient; or

(b) An examination of the patient by the chiropractic physician taking such action.

17. Violating a lawful order of the Board, a lawful agreement with the Board, or any of the provisions of this chapter or any regulation adopted pursuant thereto.

18. Practicing below the standard of care required from a chiropractic physician or chiropractic assistant under the circumstances.

Sec. 195. NRS 634A.170 is hereby amended to read as follows:

634A.170 The Board may refuse to issue or may suspend or revoke any license for any one or any combination of the following causes:

1. Conviction of:

(a) A felony relating to the practice of Oriental medicine;

(b) Any offense involving moral turpitude;

(c) A violation of any state or federal law regulating the possession, distribution or use of any controlled substance, as shown by a certified copy of the record of the court; or

(d) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

2. The obtaining of or any attempt to obtain a license or practice in the profession for money or any other thing of value, by fraudulent misrepresentations;

3. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner;

4. Advertising by means of a knowingly false or deceptive statement;

5. Advertising, practicing or attempting to practice under a name other than one's own;

6. Habitual drunkenness or habitual addiction to the use of a controlled substance;

7. Using any false, fraudulent or forged statement or document, or engaging in any fraudulent, deceitful, dishonest or immoral practice in connection with the licensing requirements of this chapter;

8. Sustaining a physical or mental disability which renders further practice dangerous;

9. Engaging in any dishonorable, unethical or unprofessional conduct which may deceive, defraud or harm the public, or which is unbecoming a person licensed to practice under this chapter;

10. Using any false or fraudulent statement in connection with the practice of Oriental medicine or any branch thereof;

11. Violating or attempting to violate, or assisting or abetting the violation of, or conspiring to violate any provision of this chapter;

12. Being adjudicated incompetent or insane;

13. Advertising in an unethical or unprofessional manner;

14. Obtaining a fee or financial benefit for any person by the use of fraudulent diagnosis, therapy or treatment;

15. Willful disclosure of a privileged communication;

16. Failure of a licensee to designate the nature of his or her practice in the professional use of his or her name by the term doctor of Oriental medicine;

17. Willful violation of the law relating to the health, safety or welfare of the public or of the regulations adopted by the State Board of Health ~~[;]~~ ***or the Director of the Nevada Health Authority;***

18. Administering, dispensing or prescribing any controlled substance, except for the prevention, alleviation or cure of disease or for relief from suffering;

19. Performing, assisting or advising in the injection of any liquid silicone substance into the human body;

20. Performing or supervising the performance of a pelvic examination in violation of NRS 629.085; and

21. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 196. Chapter 634B of NRS is hereby amended by adding thereto a new section to read as follows:

"Director" means the Director of the Nevada Health Authority.

Sec. 197. NRS 634B.010 is hereby amended to read as follows:

634B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 634B.020 to 634B.060, inclusive, ***and section 196 of this act*** have the meanings ascribed to them in those sections.

Sec. 198. NRS 634B.100 is hereby amended to read as follows:

634B.100 1. The Naprapathic Practice Advisory Board is hereby created.

2. The Governor shall appoint to the Advisory Board:

(a) Three members who are licensed as naprapaths in this State or any other state; and

(b) Two members who are representatives of the public.

3. Each member of the Advisory Board:

(a) Must be a resident of this State; and

(b) May not serve more than two consecutive terms.

4. After the initial terms, the members of the Advisory Board must be appointed to terms of 4 years. A member:

(a) Serves until a replacement is appointed; and

(b) May not serve more than two full terms.

5. A vacancy on the Advisory Board must be filled in the same manner as the original appointment for the remainder of the unexpired term.

6. The Governor may remove a member of the Advisory Board for incompetence, neglect of duty, moral turpitude or malfeasance in office.

7. The members of the Advisory Board are not entitled to receive a salary. While engaged in the business of the Advisory Board, each member of the Advisory Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the ~~[State Board of Health.]~~ ***Director.*** The rate must not exceed the rate provided for officers and employees of this State generally.

Sec. 199. NRS 634B.110 is hereby amended to read as follows:

634B.110 1. The Advisory Board shall:

(a) Elect from its members a Chair and any other officers determined necessary by the members of the Advisory Board at the first meeting of each year;

(b) Meet at least two times each year at the call of the Chair of the Advisory Board, or upon the written request of at least three members of the Advisory Board; and

(c) Advise the ~~[Board]~~ ***Director*** on the adoption of regulations pursuant to this chapter.

2. A majority of the members of the Advisory Board constitutes a quorum for the transaction of the business of the Advisory Board.

Sec. 200. NRS 634B.120 is hereby amended to read as follows:

634B.120 The ~~[Board,]~~ ***Director,*** with the advice of the Advisory Board, shall adopt regulations:

1. Governing the licensure of naprapaths and the practice of naprapathy, including, without limitation:

(a) The minimum hours of clinical experience and other minimum qualifications for licensure as a naprapath, in addition to the qualifications prescribed by NRS 634B.200;

(b) Rules of professional conduct for naprapaths;

(c) The requirements to register as a teacher, advisor or supervisor pursuant to subsection 2 of NRS 634B.080, including, without limitation, the fee for such registration;

(d) The requirements for continuing education for the renewal of a license as a naprapath; and

(e) Requirements governing advertising or the use of promotional materials by a naprapath; and

2. Prescribing requirements for the approval of programs of education in naprapathy by the Division, including, without limitation, regulations governing the curriculum for such programs.

Sec. 201. NRS 634B.200 is hereby amended to read as follows:

634B.200 Except as otherwise provided in NRS 634B.210 and 634B.220, an applicant for a license to practice naprapathy must:

1. Be at least 21 years of age;

2. Have a bachelor's degree;

3. Have graduated from a program of education in naprapathy approved by the Division pursuant to the regulations adopted pursuant to subsection 2 of NRS 634B.120;

4. Pass the test prepared or designated by the ~~[Board]~~ ***Director*** pursuant to NRS 634B.250;

5. Submit to the Division an application fee of $500; and

6. Possess any other qualifications required by the ~~[Board]~~ ***Director*** pursuant to NRS 634B.120.

Sec. 202. NRS 634B.220 is hereby amended to read as follows:

634B.220 1. The Division may issue a license by endorsement to practice naprapathy to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice naprapathy in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Division with his or her application:

(a) Proof satisfactory to the Division that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or the state or territory of the United States in which the applicant holds a license to practice naprapathy; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Division to forward the fingerprints in the manner provided in NRS 634B.230;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) An application fee of $500; and

(e) Any other information required by the Division.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice naprapathy pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a license by endorsement to practice naprapathy to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Division to complete the application; or

(b) Ten days after receiving a report on the applicant's background based on the submission of the applicant's fingerprints pursuant to this section,

➥ whichever occurs later.

4. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Division may grant a provisional license authorizing an applicant to practice naprapathy in accordance with regulations adopted by the ~~[Board,]~~ ***Director,*** with the advice of the Advisory Board.

5. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 203. NRS 634B.250 is hereby amended to read as follows:

634B.250 The ~~[Board]~~ ***Director*** shall:

1. Prepare or cause to be prepared a test on the practice of naprapathy which must be passed by an applicant for a license pursuant to NRS 634B.200; or

2. Designate a national examination for that purpose.

Sec. 204. NRS 634B.260 is hereby amended to read as follows:

634B.260 Each license to practice naprapathy issued pursuant to this chapter expires on January 1 of each year and may be renewed if, before the license expires, the licensee submits to the Division:

1. An application on a form prescribed by the Division;

2. Proof of completion of the requirements for continuing education prescribed by the ~~[Board]~~ ***Director*** pursuant to NRS 634B.120; and

3. A renewal fee of $500.

Sec. 205. NRS 634B.700 is hereby amended to read as follows:

634B.700 1. A naprapath is subject to disciplinary action if the naprapath:

(a) Violates any provision of this chapter or any regulation adopted pursuant thereto;

(b) Makes any misrepresentation in obtaining a license;

(c) Has been convicted of a felony relating to the practice of naprapathy;

(d) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(e) Fails to meet the minimum standards prescribed by the ~~[Board;]~~ ***Director;*** or

(f) Commits any other act or omission designated by regulation of the ~~[Board,]~~ ***Director,*** with the advice of the Advisory Board, as grounds for disciplinary action.

2. The ~~[Board,]~~ ***Director,*** with the advice of the Advisory Board, shall adopt regulations governing the procedure for imposing disciplinary action pursuant to this section and the disciplinary actions that may be imposed. Such disciplinary actions may include, without limitation:

(a) The denial, suspension, revocation or refusal to renew a license;

(b) The imposition of limitations on the practice of the naprapath; and

(c) An administrative fine not to exceed $5,000 for each violation.

Sec. 206. NRS 634B.720 is hereby amended to read as follows:

634B.720 1. If the Division receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held pursuant to regulations adopted by the ~~[Board,]~~ ***Director,*** with the advice of the Advisory Board, to consider the contents of the report.

2. The ~~[Board,]~~ ***Director,*** with the advice of the Advisory Board, shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 207. NRS 634B.910 is hereby amended to read as follows:

634B.910 1. If the ~~[Board]~~ ***Director*** or the Division determines that a person has violated or is about to violate any

provision of this chapter or a regulation adopted pursuant thereto, the ~~[Board]~~ ***Director*** or Division may bring an action in a court of competent jurisdiction to enjoin the person from engaging in or continuing the violation.

2. An injunction:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not prohibit the criminal prosecution and punishment of the person who commits the violation.

Sec. 208. NRS 639.2177 is hereby amended to read as follows:

639.2177 1. The Board may issue a license to a facility that is licensed ~~[by the State Board of Health]~~ pursuant to NRS 449.0303 and that meets the requirements set forth by the Board by regulation.

2. The Board shall adopt regulations:

(a) As are necessary for the protection of the public appertaining to the safe and efficient acquisition, possession, storage, handling and administration of controlled substances and dangerous drugs in a facility licensed pursuant to this section.

(b) To set forth the qualifications, authority and duties of a facility licensed pursuant to this section and the owners, employees and contract employees of the facility.

Sec. 209. Chapter 640D of NRS is hereby amended by adding thereto a new section to read as follows:

"Director" means the Director of the Nevada Health Authority.

Sec. 210. NRS 640D.020 is hereby amended to read as follows:

640D.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[640D.030]~~ ***640D.040*** to 640D.070, inclusive, ***and section 209 of this act*** have the meanings ascribed to them in those sections.

Sec. 211. NRS 640D.090 is hereby amended to read as follows:

640D.090 1. The ~~[Board]~~ ***Director*** may adopt such regulations as ~~[it]~~ ***the Director*** deems necessary to carry out the provisions of this chapter. The regulations may include, without limitation, additional:

(a) Standards of training for music therapists;

(b) Requirements for continuing education for music therapists; and

(c) Standards of practice for music therapists.

2. The Division shall:

(a) Enforce the provisions of this chapter and any regulations adopted pursuant thereto, to the extent that money is available for that purpose; and

(b) Maintain a list of:

(1) Applicants for a license;

(2) Licensees; and

(3) Persons whose licenses have been revoked or suspended by the Division.

3. The Division shall, upon request and payment of any fee, provide a copy of a list maintained pursuant to paragraph (b) of subsection 2. A fee charged for providing the copy must not exceed the actual cost incurred by the Division to make the copy.

4. The Division may accept gifts, grants, donations and contributions from any source to assist in carrying out the provisions of this chapter.

Sec. 212. NRS 640D.100 is hereby amended to read as follows:

640D.100 1. The ~~[Board]~~ ***Director*** may establish a Music Therapy Advisory Group consisting of persons familiar with the practice of music therapy to provide the ~~[Board]~~ ***Director*** and the Division with expertise and assistance in carrying out their duties pursuant to this chapter. If a Music Therapy Advisory Group is established, the ~~[Board]~~ ***Director*** must:

(a) Determine the number of members;

(b) Appoint the members;

(c) Establish the terms of the members; and

(d) Determine the duties of the Music Therapy Advisory Group.

2. Members of a Music Therapy Advisory Group established pursuant to subsection 1 serve without compensation.

Sec. 213. NRS 640D.110 is hereby amended to read as follows:

640D.110 1. The Division shall issue a license to practice music therapy to an applicant who:

(a) Is at least 18 years of age;

(b) Is of good moral character; and

(c) Submits to the Division:

(1) A completed application on a form provided by the Division;

(2) Proof that the applicant has successfully completed an academic program approved by the American Music Therapy Association or its successor organization with a bachelor's degree or higher degree in music therapy;

(3) A fee in the amount of $200 or such other amount as prescribed by regulation by the ~~[Board;]~~ ***Director;***

(4) A complete set of fingerprints and written permission authorizing the Division 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; and

(5) Proof that the applicant has passed the examination for board certification offered by the Certification Board for Music Therapists or its successor organization or is certified as a music therapist by that Board or its successor organization.

2. Any increase in the fees imposed pursuant to this section must not exceed the amount necessary for the Division to carry out the provisions of this chapter.

Sec. 214. NRS 640D.130 is hereby amended to read as follows:

640D.130 1. Each license to practice music therapy expires 3 years after the date on which it is issued and may be renewed if, before the license expires, the licensee submits to the Division:

(a) A completed application for renewal on a form prescribed by the Division;

(b) Proof that the applicant has continuously maintained for the previous 3 years his or her certification with and is currently certified as a music therapist by the Certification Board for Music Therapists or its successor organization;

(c) Proof that the applicant has completed not less than 100 units of continuing education approved by the Certification Board for Music Therapists or its successor organization; and

(d) A fee in the amount of $200 or such other amount as prescribed by regulation by the ~~[Board.]~~ ***Director.***

2. Any increase in the fees imposed pursuant to this section must not exceed the amount necessary for the Division to carry out the provisions of this chapter.

Sec. 215. NRS 640D.150 is hereby amended to read as follows:

640D.150 1. A licensee may:

(a) Accept referrals for music therapy services from physicians, psychologists or other medical, developmental or mental health professionals, education professionals, family members, clients or caregivers. Before providing music therapy services to a client for a medical or mental health condition, the licensee shall collaborate with the client's physician, psychologist, primary care provider or mental health professional to review the client's diagnosis, treatment needs and treatment plan.

(b) Conduct a music therapy assessment of a client to collect systematic, comprehensive and accurate information necessary to determine the appropriate type of music therapy services to provide for the client, including, without limitation, information relating to a client's emotional and physical health, social functioning, communication abilities and cognitive skills based upon the client's history and through observation and interaction of the client in music and nonmusic settings.

(c) Develop an individualized treatment plan for the client that identifies the goals, objectives and potential strategies of the music therapy services appropriate for the client using music interventions, which may include, without limitation, music improvisation, receptive music listening, song writing, lyric discussion, music and imagery, music performance, learning through music and movement to music.

(d) If applicable, carry out an individualized treatment plan that is consistent with any other medical, developmental, mental health or education services being provided to the client.

(e) Evaluate and compare the client's response to music therapy and the individualized treatment plan and suggest modifications, as appropriate.

(f) Develop a plan for determining when the provision of music therapy services is no longer needed in collaboration with the client, any physician or other provider of health care or education of the client, any appropriate member of the family of the client and any other appropriate person upon whom the client relies for support.

(g) Minimize any barriers so that the client may receive music therapy services in the least restrictive environment.

(h) Collaborate with and educate the client and the family or caregiver of the client or any other appropriate person about the needs of the client that are being addressed in music therapy and the manner in which the music therapy addresses those needs.

2. Except as otherwise provided by this chapter or a regulation adopted by the ~~[~~Board~~]~~ ***Director*** pursuant to this chapter, a licensee shall comply with the scope of practice of the Certification Board for Music Therapists or its successor organization.

Sec. 216. NRS 640D.160 is hereby amended to read as follows:

640D.160 1. If ***the Director,*** any member of ~~[~~the Board or~~]~~ a Music Therapy Advisory Group or an officer or employee of the Division becomes aware of any ground for initiating disciplinary action against a licensee, the ***Director,*** member, officer or employee must file a written complaint with the Division.

2. As soon as practicable after receiving a complaint, the Division shall:

(a) Forward the complaint to the Certification Board for Music Therapists or its successor organization for investigation of the complaint and request a written report of the findings of such investigation; or

(b) To the extent money is available to do so, conduct an investigation of the complaint to determine whether the allegations in the complaint merit the initiation of disciplinary proceedings against the licensee.

3. The Division shall retain a copy of each complaint filed with the Division pursuant to this section for at least 10 years, including, without limitation, any complaint that is not acted upon.

Sec. 217. Chapter 640E of NRS is hereby amended by adding thereto a new section to read as follows:

"Director" means the Director of the Nevada Health Authority.

Sec. 218. NRS 640E.020 is hereby amended to read as follows:

640E.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[640E.030]~~ ***640E.035*** to 640E.080, inclusive, ***and section 217 of this act*** have the meanings ascribed to them in those sections.

Sec. 219. NRS 640E.060 is hereby amended to read as follows:

640E.060 "Nutrition services" means the performance of acts designated by the ~~[Board]~~ ***Director*** which are within the practice of dietetics.

Sec. 220. NRS 640E.110 is hereby amended to read as follows:

640E.110 1. The ~~[Board]~~ ***Director*** may:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to engage in the practice of dietetics.

(2) Of professional conduct for the practice of dietetics.

(b) Investigate and determine the eligibility of an applicant for a license pursuant to this chapter.

(c) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

2. The ~~[Board]~~ ***Director*** shall adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license pursuant to this chapter.

(b) Standards for the continuing professional competence of licensees. The Division may evaluate licensees periodically for compliance with those standards.

3. The ~~[Board]~~ ***Director*** shall adopt regulations establishing a schedule of reasonable fees and charges for:

(a) Investigating licensees and applicants for a license pursuant to this chapter;

(b) Evaluating the professional competence of licensees;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Division; and

(e) Surveying, evaluating and approving schools and courses of dietetics,

➥ and may collect the fees established pursuant to this subsection.

4. The ~~[Board]~~ ***Director*** may adopt such other regulations as ~~[it]~~ ***the Director*** determines necessary to carry out the provisions of this chapter relating to the practice of dietetics.

Sec. 221. NRS 640E.130 is hereby amended to read as follows:

640E.130 1. The ~~[Board]~~ ***Director*** may establish a Dietitian Advisory Group consisting of persons familiar with the practice of dietetics to provide the ~~[Board]~~ ***Director*** and the Division with expertise and assistance in carrying out their duties pursuant to this chapter. If a Dietitian Advisory Group is established, the ~~[Board]~~ ***Director*** shall:

(a) Determine the number of members;

(b) Appoint the members;

(c) Establish the terms of the members; and

(d) Determine the duties of the Dietitian Advisory Group.

2. Members of a Dietitian Advisory Group established pursuant to subsection 1 serve without compensation.

Sec. 222. NRS 640E.220 is hereby amended to read as follows:

640E.220 1. A license to engage in the practice of dietetics expires 2 years after the date of issuance.

2. The Division may renew a license if the applicant:

(a) Submits a completed written application and the appropriate fee required pursuant to this chapter;

(b) Submits documentation of completion of such continuing training and education as required by regulations adopted by the ~~[Board;]~~ ***Director;***

(c) Has not committed any act which is grounds for disciplinary action, unless the Division determines that sufficient restitution has been made or the act was not substantially related to the practice of dietetics;

(d) Submits information that the credentials of the applicant are in good standing; and

(e) Submits all other information required to complete the renewal.

Sec. 223. NRS 640E.240 is hereby amended to read as follows:

640E.240 1. The ~~[Board]~~ ***Director*** shall adopt regulations establishing reasonable fees for:

(a) The issuance of a license;

(b) The issuance of a provisional license;

(c) The issuance of a temporary license;

(d) The renewal of a license;

(e) The reinstatement of a license which has been suspended or revoked; and

(f) Changing the name on a license.

2. The fees established pursuant to subsection 1 must be set in such an amount as to reimburse the Division for the cost of carrying out the provisions of this chapter, except that no such fee may exceed $250.

Sec. 224. NRS 640E.250 is hereby amended to read as follows:

640E.250 1. Any licensee whose license is revoked by the Division may apply for reinstatement of the license pursuant to regulations adopted by the ~~[Board.]~~ ***Director.***

2. The Division may reinstate the license upon compliance by the licensee with all requirements for reinstatement established by regulations adopted by the ~~[Board]~~ ***Director*** and payment of the applicable fee required pursuant to this chapter.

Sec. 225. NRS 640E.270 is hereby amended to read as follows:

640E.270 1. The Division may deny, refuse to renew, revoke or suspend any license applied for or issued pursuant to this chapter, or take such other disciplinary action against a licensee as authorized by regulations adopted by the ~~[Board,]~~ ***Director,*** upon determining that the licensee:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Relating to the qualifications, functions or duties of a licensee.

(c) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license.

(d) Is guilty of unprofessional conduct, which includes, without limitation:

(1) Impersonating another licensed dietitian.

(2) Permitting or allowing another person to use his or her license to engage in the practice of dietetics.

(3) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee.

(4) Physical, verbal or psychological abuse of a patient.

(5) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(e) Has willfully or repeatedly violated any provision of this chapter.

(f) Is guilty of aiding or abetting any person in violating any provision of this chapter.

(g) Has been disciplined in another state in connection with the practice of dietetics or has committed an act in another state which would constitute a violation of this chapter.

(h) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(i) Has willfully failed to comply with a regulation of the ~~[Board]~~ ***Director*** or a subpoena or order of the Division.

2. In addition to any criminal or civil penalty that may be imposed pursuant to this chapter, the Division may assess against and collect from a licensee all costs incurred by the Division in connection with any disciplinary action taken against the licensee, including, without limitation, costs for investigators and stenographers, attorney's fees and other costs of the hearing.

3. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Division may take disciplinary action pending the appeal of a conviction.

Sec. 226. NRS 640E.290 is hereby amended to read as follows:

640E.290 1. If ***the Director,*** any member of ~~[the Board or]~~ a Dietitian Advisory Group established pursuant to NRS 640E.130 or an officer or employee of the Division becomes aware of any ground for initiating disciplinary action against a licensee, the ***Director,*** member, officer or employee shall file an administrative complaint with the Division.

2. As soon as practical after receiving an administrative complaint, the Division shall:

(a) Notify the licensee in writing of the charges against him or her, accompanying the notice with a copy of the administrative complaint; and

(b) Forward a copy of the complaint to the Commission on Dietetic Registration, or its successor organization, for investigation of the complaint and request a written report of the findings of the investigation or, to the extent money is available to do so, conduct an investigation of the complaint to determine whether the allegations in the complaint merit the initiation of disciplinary proceedings against the licensee.

3. Written notice to the licensee may be served by delivering it personally to the licensee, or by mailing it by registered or certified mail to the last known residential address of the licensee.

4. If the licensee, after receiving a copy of the administrative complaint pursuant to subsection 1, submits a written request, the Division shall furnish the licensee with a copy of each communication, report and affidavit in the possession of the Division which relates to the matter in question.

5. If, after an investigation conducted by the Division or receiving the findings from an investigation of the complaint from the Commission on Dietetic Registration, or its successor organization, the Division determines that the administrative complaint is valid, the Division shall hold a hearing on the charges at such time and place as the Division prescribes. If the Division receives a report pursuant to subsection 5 of NRS 228.420, the hearing must be held within 30 days after receiving the report. If requested by the licensee, the hearing must be held within the county in which the licensee resides.

Sec. 227. NRS 640E.330 is hereby amended to read as follows:

640E.330 1. The Division shall render a decision on any administrative complaint within 60 days after the final hearing thereon. For the purposes of this subsection, the final hearing on a matter delegated to a hearing officer pursuant to NRS 640E.300 is the final hearing conducted by the hearing officer unless the ~~[Board]~~ ***Division*** conducts a hearing with regard to the administrative complaint.

2. The Division shall notify the licensee of its decision in writing by certified mail, return receipt requested. The decision of the Division becomes effective on the date the licensee receives the notice or on the date the Division receives a notice from the United States Postal Service stating that the licensee refused to accept delivery or could not be located.

Sec. 228. Chapter 652 of NRS is hereby amended by adding thereto a new section to read as follows:

"Director" means the Director of the Nevada Health Authority.

Sec. 229. NRS 652.020 is hereby amended to read as follows:

652.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[652.030]~~ ***652.035*** to 652.060, inclusive, ***and section 228 of this act*** have the meanings ascribed to them in those sections.

Sec. 230. NRS 652.072 is hereby amended to read as follows:

652.072 1. A licensed physician may operate a medical laboratory solely in connection with the diagnosis or treatment of the physician's own patients if the medical laboratory complies with the provisions of this section.

2. Each such medical laboratory shall:

(a) Register with the Division.

(b) Comply with the rules and regulations adopted ~~[by the Board]~~ pursuant to NRS 652.130.

(c) Submit to the inspections and tests provided for in subsections 1 and 2 of NRS 652.140.

Sec. 231. 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 pursuant to NRS 176A.230; or

3. Task performed in accordance with the regulations adopted ~~[by the Board]~~ pursuant to NRS 449.0304, 449B.130 or 449B.520.

Sec. 232. NRS 652.090 is hereby amended to read as follows:

652.090 1. An application for a license must be on a form prescribed by the Division and must contain the following information:

(a) The name and location of the laboratory;

(b) The name and proof of identity of the laboratory director;

(c) The name of the owner or owners of the laboratory or, if a corporation, the names of the officers, directors and beneficial owners of 10 percent or more of its shares;

(d) A description of the program and services provided by the laboratory; and

(e) Such other information as the Division may deem necessary or expedient to carry out its powers and duties under this chapter.

2. The ~~[Board]~~ ***Director*** shall adopt regulations to carry out the provisions of subsection 1, including, without limitation, regulations setting forth the acceptable forms of proof of identity that a laboratory director must include in an application pursuant to paragraph (b) of subsection 1.

Sec. 233. NRS 652.100 is hereby amended to read as follows:

652.100 1. All applications for a license or renewal thereof must be accompanied by a reasonable fee in an amount prescribed by the ~~[Board.]~~ ***Director.*** All fees must be paid to the Division and must be deposited with the State Treasurer for credit to the appropriate account of the ~~[State Board of Health.]~~ ***Division.***

2. In addition to the fee required by subsection 1, all applications for the renewal of a license, other than a license to operate a laboratory which only conducts a laboratory 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, must be accompanied by the fee prescribed by the State Board of Health pursuant to NRS 457.240.

3. Claims for per diem and travel expenses and for other expenses of administration of this chapter must be paid as other claims against the State are paid.

Sec. 234. NRS 652.123 is hereby amended to read as follows:

652.123 Regulations adopted by the ~~[Board]~~ ***Director*** pursuant to this chapter may not be more stringent than the provisions of Part 493 of Title 42 of the Code of Federal Regulations, except that the ~~[Board]~~ ***Director*** may adopt regulations which are more stringent relating to:

1. Any laboratory test, other than a test for the detection of the human immunodeficiency virus, classified as a waived test pursuant to the provisions of Part 493 of Title 42 of the Code of Federal Regulations;

2. The qualifications and duties of the personnel of a medical laboratory; and

3. The administrative penalties that may be imposed for violating any of the provisions of this chapter or regulations adopted pursuant thereto.

Sec. 235. NRS 652.125 is hereby amended to read as follows:

652.125 1. The ~~[Board]~~ ***Director*** shall adopt regulations for the certification and licensure of laboratory directors and laboratory personnel who perform technical duties other than the collection of blood.

2. The Division shall, as a prerequisite for the renewal of a certificate or license, require the laboratory director and any laboratory personnel certified by the Division pursuant to this chapter to comply with the requirements for continuing education adopted by the ~~[Board.]~~ ***Director.***

Sec. 236. NRS 652.127 is hereby amended to read as follows:

652.127 1. To qualify for certification as an assistant in a medical laboratory, a person must meet the qualifications established by the ~~[Board]~~ ***Director*** by regulation.

2. The ~~[Board]~~ ***Director*** shall adopt such regulations as necessary to carry out the provisions of this section.

Sec. 237. NRS 652.130 is hereby amended to read as follows:

652.130 1. Except as otherwise provided in NRS 652.127, the ~~[Board,]~~ ***Director,*** with the advice of the Medical Laboratory Advisory Committee, may prescribe and publish rules and regulations relating to:

(a) The education, training and experience qualifications of laboratory directors and technical personnel.

(b) The location and construction of laboratories, including plumbing, heating, lighting, ventilation, electrical services and similar conditions, to ensure the conduct and operation of the laboratory in a manner which will protect the public health.

(c) Sanitary conditions within the laboratory and its surroundings, including the water supply, sewage, the handling of specimens and matters of general hygiene, to ensure the protection of the public health.

(d) The equipment essential to the proper conduct and operation of a laboratory.

(e) The determination of the accuracy of test results produced by a laboratory and the establishment of minimum qualifications therefor.

2. Any regulations adopted by the ~~[Board]~~ ***Director*** pursuant to this section must not require that the laboratory director of 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:

(a) Be a licensed physician; or

(b) Perform duties other than those prescribed in NRS 652.180.

3. Any regulations adopted by the ~~[Board]~~ ***Director*** pursuant to this section that require the laboratory director of a laboratory in which the only tests performed are tests that are classified as waived tests pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations to be a licensed physician must include a licensed optometrist among the types of licensed physicians who are qualified to serve as a laboratory director of such a laboratory.

Sec. 238. NRS 652.135 is hereby amended to read as follows:

652.135 The ~~[Board]~~ ***Director*** shall adopt regulations establishing the length of time that the health care and other regularly maintained records of a medical laboratory must be retained. The regulations must be consistent with the provisions of Part 493 of Title 42 of the Code of Federal Regulations.

Sec. 239. NRS 652.160 is hereby amended to read as follows:

652.160 A Medical Laboratory Advisory Committee to advise the ~~[Board]~~ ***Director*** on matters of policy concerning medical laboratories, qualifications of laboratory directors and personnel and other matters pursuant to the provisions of this chapter is hereby created.

Sec. 240. NRS 652.170 is hereby amended to read as follows:

652.170 1. The ~~[Board]~~ ***Director*** shall appoint the members of the Medical Laboratory Advisory Committee.

2. After the initial terms, members shall serve for 3-year terms.

3. A member may not serve for more than two consecutive terms. Service of 2 or more years in filling an unexpired term constitutes a term.

4. The Advisory Committee is composed of:

(a) Two pathologists, certified in clinical pathology by the American Board of Pathology.

(b) Two medical technologists.

(c) One bioanalyst who is a laboratory director.

(d) One qualified biochemist from the Nevada System of Higher Education.

(e) One licensed physician actively engaged in the practice of clinical medicine in this State.

5. No member of the Advisory Committee may have any financial or business arrangement with any other member which pertains to the business of laboratory analysis.

6. The Chief Medical Officer or a designated representative of the Chief Medical Officer is an ex officio member of the Advisory Committee.

7. If a vacancy occurs in the membership of the Advisory Committee, the Advisory Committee shall submit a letter to the ~~[Board]~~ ***Director*** with a recommendation to fill the existing vacancy. The Advisory Committee shall, at least once per year, determine whether any vacancy in the membership of the Advisory Committee exists.

8. The Advisory Committee shall meet at least once every year.

9. Each member of the Advisory Committee is entitled to receive:

(a) A salary of not more than $60, as fixed by the ~~[Board,]~~ ***Director,*** for each day's attendance at a meeting of the Committee; and

(b) A per diem allowance and travel expenses at a rate fixed by the ~~[Board,]~~ ***Director,*** while engaged in the business of the Committee. The rate must not exceed the rate provided for state officers and employees generally.

10. While engaged in the business of the Committee, each employee of the Committee is entitled to receive a per diem allowance and travel expenses at a rate fixed by the ~~[Board.]~~ ***Director.*** The rate must not exceed the rate provided for state officers and employees generally.

Sec. 241. NRS 652.180 is hereby amended to read as follows:

652.180 A laboratory director shall:

1. Select and supervise all laboratory procedures;

2. Report the findings or results of laboratory tests;

3. Actively participate in the operation of the laboratory to the extent necessary to assure compliance with the provisions of this chapter;

4. Be responsible for the proper performance of all work in the laboratory and of all subordinates; and

5. Retain the health care and other regularly maintained records of the laboratory in accordance with regulations adopted ~~[by the Board]~~ pursuant to NRS 652.135.

Sec. 242. NRS 652.215 is hereby amended to read as follows:

652.215 A licensed professional nurse who is employed by the Division to work in the field of community health may perform specific laboratory procedures prescribed by the ~~[Board]~~ ***Director*** under the supervision of the Chief Medical Officer. The ~~[Board]~~ ***Director*** shall adopt regulations governing the performance of these procedures.

Sec. 243. NRS 652.217 is hereby amended to read as follows:

652.217 1. A licensed nurse who is employed by a medical facility which is licensed pursuant to chapter 449 of NRS may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations if the laboratory director or a person designated by the laboratory director:

(a) Verifies that the nurse is competent to perform the test;

(b) Ensures that the test is performed in accordance with any manufacturer's instructions; and

(c) Validates and verifies the manner in which the test is performed through the use of controls which ensure accurate and reliable results of the test.

2. A licensed nurse described in subsection 1 may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory pursuant to NRS 652.127.

3. Licensed or certified personnel of a laboratory licensed pursuant to this chapter may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations on the premises of an outpatient center of the laboratory or at a patient's residence if the laboratory director or a person designated by the laboratory director:

(a) Verifies that the person is competent to perform the test;

(b) Ensures that the test is performed in accordance with any manufacturer's instructions;

(c) Validates and verifies the manner in which the test is performed through the use of controls which ensure accurate and reliable results of the test; and

(d) Ensures compliance with any requirements for safety adopted by the ~~[Board.]~~ ***Director.***

Sec. 244. NRS 652.220 is hereby amended to read as follows:

652.220 A license may be denied, suspended or revoked if the laboratory, laboratory director or any technical employee of the laboratory:

1. Violates any provision of this chapter;
2. Makes any misrepresentation in obtaining a license;
3. Has been convicted of a felony relating to the position for which the applicant has applied or the licensee has been licensed pursuant to this chapter;
4. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;
5. Is guilty of unprofessional conduct;
6. Knowingly permits the use of the name of a licensed laboratory or its director by an unlicensed laboratory; or
7. Fails to meet the minimum standards prescribed by the ~~[Board.]~~ ***Director.***

Sec. 245. NRS 652.225 is hereby amended to read as follows:

652.225 If the ~~[Board]~~ ***Division*** receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held pursuant to regulations adopted by the ~~[Board]~~ ***Director*** to consider the contents of the report. The ~~[Board]~~ ***Director*** shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 246. NRS 652.228 is hereby amended to read as follows:

652.228 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the ~~[Board,]~~ ***Division,*** all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other document filed by the ~~[Board]~~ ***Division*** to initiate disciplinary action and all documents and information considered by the ~~[Board]~~ ***Division*** when determining whether to impose discipline are public records.

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

Sec. 247. NRS 652.250 is hereby amended to read as follows:

652.250 The operation or maintenance of a laboratory in violation of this chapter is declared to be a public nuisance, and the ~~[Board]~~ ***Division*** may, in addition to other remedies, initiate an action to enjoin such violations or to enjoin the future operation of the laboratory until compliance with the provisions of this chapter is obtained.

Sec. 248. NRS 652.260 is hereby amended to read as follows:

652.260 1. If a person or laboratory violates any of the provisions of this chapter or the regulations adopted pursuant thereto, the Division may, after giving notice and opportunity to be heard:

(a) Impose an administrative penalty of not more than $10,000; and

(b) Require the person or laboratory to take any action necessary to correct the violation.

2. Each act in violation of this chapter or the regulations adopted pursuant thereto constitutes a separate offense.

3. In determining the amount of an administrative penalty to be imposed pursuant to this section, the Division shall consider:

(a) The severity of the violation, including, without limitation:

(1) The probability that death or serious harm to the health or safety of a person may occur as a result of the violation;

(2) The severity of the potential or actual harm that may occur to any person as a result of the violation; and

(3) The extent to which the provisions of this chapter or the regulations adopted pursuant thereto were violated;

(b) Whether the person or laboratory has previously violated the provisions of this chapter or the regulations adopted pursuant thereto; and

(c) Any other facts or circumstances that the Division determines are relevant.

4. If the person or laboratory fails to pay the administrative penalty imposed pursuant to this section after the time for an appeal has expired, the Division may:

(a) Suspend the license of the person or laboratory;

(b) Impose interest on the unpaid administrative penalty at a rate of 10 percent from the date on which the time for an appeal expired until the date the administrative penalty is paid; and

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

5. Except as otherwise provided in this section, all money collected from administrative penalties imposed pursuant to this section must be deposited in the State General Fund.

6. The money collected from such administrative penalties may be accounted for separately and used by the Division to administer and carry out the provisions of this chapter and to protect the health, safety and well-being of patients in accordance with applicable state and federal standards if:

(a) The person or laboratory pays the administrative penalty without exercising the right to a hearing to contest the penalty; or

(b) The administrative penalty is imposed in a hearing conducted by a hearing officer or panel appointed by the Division.

7. The Division may appoint one or more hearing officers or panels and may delegate to those hearing officers or panels the power of the Division to conduct hearings, determine violations and impose the administrative penalties authorized by this section.

8. If money collected from an administrative penalty is deposited in the State General Fund, the Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay court costs, attorney's fees, the costs of an investigation or other costs incurred to collect the administrative penalty.

9. The ~~[Board]~~ ***Director*** may adopt regulations to carry out the provisions of this section.

Sec. 249. 1. Notwithstanding the amendatory provisions of this act, a facility for the detention of children that is operating on January 1, 2028, may continue to operate without obtaining a license pursuant to the chapter consisting of sections 135 to 169, inclusive, of this act until 180 days after the later of January 1, 2028, or the date on which the regulations required by section 145 of this act are approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070.

2. As used in this section, "facility for the detention of children" has the meaning ascribed to it in section 140 of this act.

Sec. 250. 1. A license to operate a psychiatric residential treatment facility that is valid on July 1, 2027, remains valid until its date of expiration unless the license is suspended or revoked before that date of expiration.

2. Any disciplinary or other administrative action taken by the Health Care Purchasing and Compliance Division of the Nevada Health Authority against a psychiatric residential treatment facility that is effective on July 1, 2027, remains in effect after that date until the expiration of the action.

3. Except to the extent that they conflict with the provisions of this act, the provisions of NAC 449.410 to 449.4495, inclusive, continue in effect until amended or repealed.

4. As used in this section, "psychiatric residential treatment facility" has the meaning ascribed to it in section 14 of this act.

Sec. 251. 1. Any authority, duty or responsibility to adopt regulations described in subsection 2 which is ascribed to the State Board of Health by a bill enacted by the Legislature during this session and approved by the Governor is hereby transferred to the Director of the Nevada Health Authority.

2. The provisions of subsection 1 apply to the adoption of any regulations which are to be carried out by the Nevada Health

Authority or any division thereof, except that those provisions do not apply to the adoption of any regulations pursuant to a provision added to chapter 444 of NRS.

Sec. 252. 1. Members of any body for whom the appointing authority is changed by the provisions of this act who are incumbent on the effective date of this section and remain qualified for their positions shall serve the remainder of their terms. Upon the expiration of those terms, the new appointing authority shall appoint a replacement.

2. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

3. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

4. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

5. As soon as practicable after the effective date of this section, the State Board of Health shall transfer the money in any account maintained by the Board pursuant to chapter 449, 449A, 449B, 634B, 640D, 640E or 652 of NRS to the Health Care Purchasing and Compliance Division of the Nevada Health Authority for deposit into an account to be used for the same purpose as the account previously maintained by the Board.

Sec. 253. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or

other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 254. The provisions 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. 255. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 256. NRS 449.0025, 449A.007, 449B.020, 634B.030, 640D.030, 640E.030 and 652.030 are hereby repealed.

Sec. 257. NRS 449.115 and 449.1195 are hereby repealed.

Sec. 258. 1. This section and sections 1 to 9, inclusive, 11, 12, 13, 15, 22, 23, 24, 26 to 40, inclusive, 42 to 48, inclusive, 52, 54, 56 to 59, inclusive, 61 to 66, inclusive, 70 to 133, inclusive, 170, 175, 182 to 186, inclusive, 189, 192 to 248, inclusive, 251, 252, 253 and 256 of this act become effective upon passage and approval.

2. Sections 14, 16 to 21, inclusive, 25, 41, 49, 50, 51, 53, 55, 60, 67, 68, 69, 176, 250, 254 and 257 of this act become effective:

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

(b) On July 1, 2027, for all other purposes.

3. Sections 10, 134 to 169, inclusive, 171 to 174, inclusive, 177 to 181, inclusive, 187, 188, 190, 191, 249 and 255 of this act become effective:

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

(b) On January 1, 2028, for all other purposes.

LEADLINES OF REPEALED SECTIONS

449.0025 "Board" defined.

449.115 Definitions.

449.1195 "Psychiatric residential treatment facility" defined.

449A.007 "Board" defined.

449B.020 "Board" defined.

634B.030 "Board" defined.

640D.030 "Board" defined.

640E.030 "Board" defined.

652.030 “Board” defined.

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