

INFORMATIONAL STATEMENT FOR ADOPTED PERMANENT REGULATION PER NRS 233B.066

LCB FILE NO. R105-24

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 654.

1. A clear and concise explanation of the need for the adopted regulation.

The purpose of the proposed regulation is to facilitate the operation of SB 260 (2023 Session) that authorized Senior Living Community Referral Agencies to refer clients or patients to Nevada's long term care facilities and to collect payment for the referral . New language was added to:

- Sec. 2 - NEW LANGUAGE - Defines "senior living community"*
- Sec. 3 - NEW LANGUAGE - Defines "senior living community referral agency"*
- Sec. 4 - NEW LANGUAGE - Sets out list of documents that must be obtained at least once annually by an administrator from a senior living community referral agency that has contracted with the administrator's facility*
- Sec. 5 - AMENDS NAC 654.010 – Conforming language*
- Sec. 6. - AMENDS NAC 654.1515 – Changes reference to the national database to conform to the present title for the database, namely the National Practitioner Data Bank*
- Sec. 7 - AMENDS NAC 654.210 – Defines terms and conditions under which a paid referral may be made to and accepted by an administrator of a long term care facility and creates new cause for disciplinary action where an administrator accepts a resident or patient into a facility where the administrator knows or should know that the facility is unable to provide adequate care to the resident or patient*
- Sec. 8 - AMENDS NAC 654.220 - Changes reference to the national database to conform to the present title for the database, namely the National Practitioner Data Bank*

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent via e-mail to all of the Board's licensees who maintain an e-mail address with the Board, totaling 432. The Board also sent a copy of the proposed regulations, notice of workshop and notice of intent to act upon the regulation to representatives for two Senior Living Community Referral Agencies who had indicated interest in the regulation and who had taken part in the development of the final language. The documents were also posted at the following locations:

- Nevada State Board of Examiners for Long Term Care Administrators, 3157 N. Rainbow Blvd. #313, Las Vegas, Nevada
- Nevada State Library & Archives, 100 Stewart St., Carson City

- Office of the Attorney General, Grant Sawyer Bldg., 555 E. Washington Avenue, Las Vegas, NV 89101
- Office of the Attorney General, 100 N. Carson Street, Carson City, NV 89701
- Legislative Building, 401 South Carson St., Carson City

Text of the proposed regulation may also be inspected online at <http://beltca.nv.gov> or <http://leg.state.nv.us/register/2024Register/R105-24P.pdf>.

The proposed revisions were discussed in an open and public meetings on September 27, 2023, December 6, 2023, January 24, 2024, and May 15, 2024. Between the January 24, 2024 meeting and the May 15, 2024 meeting, Board staff and legal counsel met with and extensively negotiated with affected small businesses and their legal counsel. Board staff and legal counsel and affected small businesses and their legal counsel produced and worked through seven drafts of the regulation language to reach compromise language agreeable to all involved. On June 12, 2024, the Board held a workshop on the consensus language of the regulation.

On August 7, 2024, the Board conducted a hearing regarding the final language of the proposed regulation. No written comments were submitted prior to the hearing, and no member of the public attended or spoke at the hearing. At the conclusion of the hearing, the Board announced its final determinations regarding the language of the regulation.

Because there were no written comments or testimony received by the Board at the June 12, 2024 workshop or the August 7, 2024 regulation hearing, there are no public responses to summarize, and, therefore, no summary of public responses was prepared or can be made available to the public.

3. The number of persons who:

- (a) Attended the June 12, 2024 Workshop – 0**
Testified at the June 12, 2024 Workshop – 0
- (b) Attended the August 7, 2024 Hearing – 0**
Testified at the august 7, 2024 Hearing - 0
- (c) Submitted written statements for the June 12, 2024 Workshop – 0**
Submitted written comments for the August 7, 2024 Hearing – 0

4. For each person identified in subparagraph (b) and (c) above, see attached for the following information that was provided to the Chiropractic Physicians’ Board:

Because there were no written comments or testimony received by the Board at the June 12, 2024 workshop or the August 7, 2024 regulation hearing, there are no public responses to summarize, and, therefore, no summary of public responses was prepared or can be made available to the public.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were received via appearances at the various public meetings from some licensees and from representatives of several of the Senior Living Community Referral Agencies. Between the January 24, 2024 meeting and the May 15, 2024 meeting, Board staff and legal counsel met with and extensively negotiated with affected small businesses and their legal counsel. Board staff and legal counsel and affected small businesses and their legal counsel produced and worked through seven drafts of the regulation language to reach compromise language agreeable to all involved. On June 12, 2024, the Board held a workshop on the consensus language of the regulation., and because the language was agreed upon by all involved, there was no testimony provided at the workshop.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted on August 7, 2024 with no changes because the final language of LCB File No. R105-24 already included the changes, additions, and amendments negotiated by the Board's counsel and representatives for the affected Senior Living Community Referral Agencies.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects on regulated businesses.

(1) Adverse: This regulation will have minimal adverse effects on Nevada small businesses, which effect will be the gathering and storing of some paperwork to facilitate the referrals that will be made incident to the regulation.

(2) Beneficial: This regulation will be beneficial to small businesses that make referrals to Nevada's long term care facilities by authorizing payment for such referrals enabled by SB 260 (2023 Session) where the previous regulations prohibited such paid referrals.

(b) Both immediate and long-term effects on regulated businesses.

(1) Direct: These regulations will be a direct effect on referral businesses and long-term care facilities when the proposed regulations are removed and/or revised.

(2) Indirect: The indirect effect is unknowable at this time.

(c) Both adverse and beneficial effects on the Nevada public.

(1) Adverse: This regulation will have no adverse effects on the Nevada public.

(2) Beneficial: This regulation will be beneficial to the Nevada public who will now be able to access Senior Living Community Referral Agencies for referrals to Nevada's long-term care where such access may have previously not been available because the Senior Living Community Referral Agencies could not

charge referral fees under the Board's prior regulations.

(d) Both immediate and long-term effects on the Nevada public.

(1) Direct: These regulations will have a direct effect on patients and clients who might seek referrals through Senior Living Community Referral Agencies.

(2) Indirect: The indirect effect is unknowable at this time.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The Board is not aware of any similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

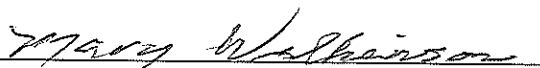
This proposed regulation is not required by federal law.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulations do not recommend new or increased fees.

This Informational Statement was prepared by Mary Wilkinson, Executive Director, and is accurate and complete.

Signed this 20th day of August, 2024.


Mary Wilkinson
Executive Director
Nevada State Board of Examiners for Long
Term Care Administrators