

SENATE BILL NO. 129—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON SENIOR
CITIZENS, VETERANS AND ADULTS WITH SPECIAL NEEDS)

PREFILED FEBRUARY 4, 2011

Referred to Committee on Health and Human Services

SUMMARY—Requires training of certain persons who operate or
work in certain facilities. (BDR 40-155)

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

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

AN ACT relating to public health; requiring certain persons who
operate or work in facilities for intermediate care,
facilities for skilled nursing, agencies to provide personal
care services in the home, facilities for the care of adults
during the day, residential facilities for groups and homes
for individual residential care to complete certain training;
providing penalties; and providing other matters properly
relating thereto.

Legislative Counsel’s Digest:

1 **Section 1** of this bill requires an applicant for a license to operate a facility for
2 intermediate care, a facility for skilled nursing, an agency to provide personal care
3 services in the home, a facility for the care of adults during the day, a residential
4 facility for groups or a home for individual residential care to obtain training to
5 recognize and prevent the abuse of older persons before a license is issued to the
6 applicant and annually thereafter. **Section 1** also requires the holders of licenses to
7 operate, and the administrators and employees of, those facilities, agencies and
8 homes to obtain such training.

9 **Sections 6 and 7** of this bill amend the grounds for which disciplinary action
10 may be taken against a facility, agency or home to include violations of the
11 provisions of **section 1**.

12 **Section 11** of this bill provides that an administrator who is licensed as an
13 administrator of a residential facility for groups or as a nursing facility
14 administrator may be disciplined for failure to comply with the provisions of
15 **section 1**.



* S B 1 2 9 R 1 *

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

1 **Section 1.** Chapter 449 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *An applicant for a license to operate a facility for*
4 *intermediate care, facility for skilled nursing, agency to provide*
5 *personal care services in the home, facility for the care of adults*
6 *during the day, residential facility for groups or home for*
7 *individual residential care must receive training to recognize and*
8 *prevent the abuse of older persons before a license to operate such*
9 *a facility, agency or home is issued to the applicant. If an*
10 *applicant has completed such training within the year preceding*
11 *the date of the application for a license and the application*
12 *includes evidence of the training, the applicant shall be deemed to*
13 *have complied with the requirements of this subsection.*

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

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

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

32 5. *An employee who will provide care to a person in a facility*
33 *for intermediate care, facility for skilled nursing, agency to*
34 *provide personal care services in the home, facility for the care of*
35 *adults during the day, residential facility for groups or home for*
36 *individual residential care must receive training to recognize and*
37 *prevent the abuse of older persons before the employee provides*
38 *care to a person in the facility, agency or home and annually*
39 *thereafter.*



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

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

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

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

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

11 (2) *Facilities for intermediate care, facilities for skilled*
12 *nursing, agencies to provide personal care services in the home,*
13 *facilities for the care of adults during the day, residential facilities*
14 *for groups or homes for individual residential care, as applicable*
15 *for the person receiving the training.*

16 7. *The facility for intermediate care, facility for skilled*
17 *nursing, agency to provide personal care services in the home,*
18 *facility for the care of adults during the day, residential facility for*
19 *groups or home for individual residential care is responsible for*
20 *the costs related to the training required by this section.*

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

30 9. *The holder of a license to operate a facility for*
31 *intermediate care, facility for skilled nursing, agency to provide*
32 *personal care services in the home, facility for the care of adults*
33 *during the day, residential facility for groups or home for*
34 *individual residential care shall ensure that each person who is*
35 *required to comply with the requirements for training pursuant to*
36 *this section complies with such requirements. The Health Division*
37 *may, for any violation of this section, take disciplinary action*
38 *against a facility, agency or home pursuant to NRS 449.160 and*
39 *449.163.*

40 **Sec. 2.** NRS 449.037 is hereby amended to read as follows:

41 449.037 1. The Board shall adopt:

42 (a) Licensing standards for each class of medical facility or
43 facility for the dependent covered by NRS 449.001 to 449.240,
44 inclusive, *and section 1 of this act* and for programs of hospice
45 care.



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

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

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

15 (e) Any other regulations as it deems necessary or convenient to
16 carry out the provisions of NRS 449.001 to 449.240, inclusive ~~(f)~~,
17 *and section 1 of this act.*

18 2. The Board shall adopt separate regulations governing the
19 licensing and operation of:

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

21 (b) Residential facilities for groups,

22 ↪ which provide care to persons with Alzheimer's disease.

23 3. The Board shall adopt separate regulations for:

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

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

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

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

36 5. ~~(The)~~ *In addition to the training requirements prescribed*
37 *pursuant to section 1 of this act, the* Board shall establish minimum
38 qualifications for administrators and employees of residential
39 facilities for groups. In establishing the qualifications, the Board
40 shall consider the related standards set by nationally recognized
41 organizations which accredit such facilities.

42 6. The Board shall adopt separate regulations regarding the
43 assistance which may be given pursuant to NRS 453.375 and
44 454.213 to an ultimate user of controlled substances or dangerous
45 drugs by employees of residential facilities for groups. The



1 regulations must require at least the following conditions before
2 such assistance may be given:

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

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

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

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

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

14 (d) The prescribed medication is not administered by injection
15 or intravenously.

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

19 7. The Board shall adopt separate regulations governing the
20 licensing and operation of residential facilities for groups which
21 provide assisted living services. The Board shall not allow the
22 licensing of a facility as a residential facility for groups which
23 provides assisted living services and a residential facility for groups
24 shall not claim that it provides "assisted living services" unless:

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

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

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

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

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

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

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

43 (2) The facility is committed to offering high-quality
44 supportive services that are developed by the facility in



1 collaboration with the resident to meet the resident's individual
2 needs;

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (b) The adoption of plans to provide for the evacuation of a
44 residential facility for groups in an emergency, including, without



1 limitation, plans to ensure that nonambulatory patients may be
2 evacuated;

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

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

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

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

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

18 (c) Facilities that provide or arrange for the provision of alcohol
19 and drug abuse programs, in addition to providing a housing and
20 living environment and providing or arranging for the provision of
21 other supportive services.

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

25 11. As used in this section, "living unit" means an individual
26 private accommodation designated for a resident within the facility.

27 **Sec. 3.** NRS 449.060 is hereby amended to read as follows:

28 449.060 1. Each license issued pursuant to NRS 449.001 to
29 449.240, inclusive, *and section 1 of this act* expires on
30 December 31 following its issuance and is renewable for 1 year
31 upon reapplication and payment of all fees required pursuant to
32 NRS 449.050 unless the Health Division finds, after an
33 investigation, that the facility has not:

34 (a) Satisfactorily complied with the provisions of NRS 449.001
35 to 449.240, inclusive, *and section 1 of this act* or the standards and
36 regulations adopted by the Board;

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

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

41 2. Each reapplication for an agency to provide personal care
42 services in the home, an agency to provide nursing in the home, a
43 facility for intermediate care, a facility for skilled nursing, a
44 residential facility for groups or a home for individual residential
45 care must include, without limitation, a statement that the facility,



1 agency or home is in compliance with the provisions of NRS
2 449.173 to 449.188, inclusive.

3 **3. Each reapplication for an agency to provide personal care**
4 **services in the home, a facility for intermediate care, a facility for**
5 **skilled nursing, a facility for the care of adults during the day, a**
6 **residential facility for groups or a home for individual residential**
7 **care must include, without limitation, a statement that the holder**
8 **of the license to operate, and the administrator or other person in**
9 **charge and employees of, the facility, agency or home are in**
10 **compliance with the provisions of section 1 of this act.**

11 **Sec. 4.** NRS 449.070 is hereby amended to read as follows:

12 449.070 The provisions of NRS 449.001 to 449.240, inclusive,
13 **and section 1 of this act** do not apply to:

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

21 2. Foster homes as defined in NRS 424.014.

22 3. Any medical facility or facility for the dependent operated
23 and maintained by the United States Government or an agency
24 thereof.

25 **Sec. 5.** NRS 449.140 is hereby amended to read as follows:

26 449.140 1. Money received from licensing medical facilities
27 and facilities for the dependent must be forwarded to the State
28 Treasurer for deposit in the State General Fund.

29 2. The Health Division shall enforce the provisions of NRS
30 449.001 to 449.245, inclusive, **and section 1 of this act** and may
31 incur any necessary expenses not in excess of money appropriated
32 for that purpose by the State or received from the Federal
33 Government.

34 **Sec. 6.** NRS 449.160 is hereby amended to read as follows:

35 449.160 1. The Health Division may deny an application for
36 a license or may suspend or revoke any license issued under the
37 provisions of NRS 449.001 to 449.240, inclusive, **and section 1 of**
38 **this act** upon any of the following grounds:

39 (a) Violation by the applicant or the licensee of any of the
40 provisions of NRS 439B.410 or 449.001 to 449.245, inclusive, **and**
41 **section 1 of this act**, or of any other law of this State or of the
42 standards, rules and regulations adopted thereunder.

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



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

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

6 (e) Failure of the applicant to obtain written approval from the
7 Director of the Department of Health and Human Services as
8 required by NRS 439A.100 or as provided in any regulation adopted
9 pursuant to this chapter, if such approval is required.

10 (f) Failure to comply with the provisions of NRS 449.2486.

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

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

17 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
18 244.360, 244.3603 or 268.4124; or

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

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

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

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

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

33 ➤ The facility shall make the information available to the public
34 pursuant to NRS 449.2486.

35 4. On or before February 1 of each odd-numbered year, the
36 Health Division shall submit to the Director of the Legislative
37 Counsel Bureau a written report setting forth, for the previous
38 biennium:

39 (a) Any complaints included in the log maintained by the Health
40 Division pursuant to subsection 3; and

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

43 **Sec. 7.** NRS 449.163 is hereby amended to read as follows:

44 449.163 1. If a medical facility or facility for the dependent
45 violates any provision related to its licensure, including any



1 provision of NRS 439B.410 or 449.001 to 449.240, inclusive, *and*
2 *section 1 of this act*, or any condition, standard or regulation
3 adopted by the Board, the Health Division, in accordance with the
4 regulations adopted pursuant to NRS 449.165, may:

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

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

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

13 (d) Appoint temporary management to oversee the operation of
14 the facility and to ensure the health and safety of the patients of the
15 facility, until:

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

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

21 2. If a violation by a medical facility or facility for the
22 dependent relates to the health or safety of a patient, an
23 administrative penalty imposed pursuant to paragraph (c) of
24 subsection 1 must be in a total amount of not less than \$1,000 and
25 not more than \$10,000 for each patient who was harmed or at risk of
26 harm as a result of the violation.

27 3. If the facility fails to pay any administrative penalty imposed
28 pursuant to paragraph (c) of subsection 1, the Health Division may:

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

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

33 4. The Health Division may require any facility that violates
34 any provision of NRS 439B.410 or 449.001 to 449.240, inclusive,
35 *and section 1 of this act*, or any condition, standard or regulation
36 adopted by the Board to make any improvements necessary to
37 correct the violation.

38 5. Any money collected as administrative penalties pursuant to
39 this section must be accounted for separately and used to protect the
40 health or property of the residents of the facility in accordance with
41 applicable federal standards.

42 **Sec. 8.** NRS 449.220 is hereby amended to read as follows:

43 449.220 1. The Health Division may bring an action in the
44 name of the State to enjoin any person, state or local government
45 unit or agency thereof from operating or maintaining any facility



1 within the meaning of NRS 449.001 to 449.240, inclusive **[H]**, and
2 *section 1 of this act*:

3 (a) Without first obtaining a license therefor; or

4 (b) After his or her license has been revoked or suspended by
5 the Health Division.

6 2. It is sufficient in such action to allege that the defendant did,
7 on a certain date and in a certain place, operate and maintain such a
8 facility without a license.

9 **Sec. 9.** NRS 449.230 is hereby amended to read as follows:

10 449.230 1. Any authorized member or employee of the
11 Health Division may enter and inspect any building or premises at
12 any time to secure compliance with or prevent a violation of any
13 provision of NRS 449.001 to 449.245, inclusive **[H]**, and *section 1*
14 *of this act*.

15 2. The State Fire Marshal or a designee of the State Fire
16 Marshal shall, upon receiving a request from the Health Division or
17 a written complaint concerning compliance with the plans and
18 requirements to respond to an emergency adopted pursuant to
19 subsection 9 of NRS 449.037:

20 (a) Enter and inspect a residential facility for groups; and

21 (b) Make recommendations regarding the adoption of plans and
22 requirements pursuant to subsection 9 of NRS 449.037,

23 to ensure the safety of the residents of the facility in an
24 emergency.

25 3. The State Health Officer or a designee of the State Health
26 Officer shall enter and inspect at least annually each building or the
27 premises of a residential facility for groups to ensure compliance
28 with standards for health and sanitation.

29 4. An authorized member or employee of the Health Division
30 shall enter and inspect any building or premises operated by a
31 residential facility for groups within 72 hours after the Health
32 Division is notified that a residential facility for groups is operating
33 without a license.

34 **Sec. 10.** NRS 449.240 is hereby amended to read as follows:

35 449.240 The district attorney of the county in which the facility
36 is located shall, upon application by the Health Division, institute
37 and conduct the prosecution of any action for violation of any
38 provisions of NRS 449.001 to 449.245, inclusive **[H]**, and *section 1*
39 *of this act*.

40 **Sec. 11.** NRS 654.190 is hereby amended to read as follows:

41 654.190 1. The Board may, after notice and a hearing as
42 required by law, impose an administrative fine of not more than
43 \$10,000 for each violation on, recover reasonable investigative fees
44 and costs incurred from, suspend, revoke, deny the issuance or
45 renewal of or place conditions on the license of, and place on



1 probation or impose any combination of the foregoing on any
2 nursing facility administrator or administrator of a residential
3 facility for groups who:

4 (a) Is convicted of a felony relating to the practice of
5 administering a nursing facility or residential facility or of any
6 offense involving moral turpitude.

7 (b) Has obtained his or her license by the use of fraud or deceit.

8 (c) Violates any of the provisions of this chapter.

9 (d) Aids or abets any person in the violation of any of the
10 provisions of NRS 449.001 to 449.240, inclusive, *and section 1 of*
11 *this act*, as those provisions pertain to a facility for skilled nursing,
12 facility for intermediate care or residential facility for groups.

13 (e) Violates any regulation of the Board prescribing additional
14 standards of conduct for nursing facility administrators or
15 administrators of residential facilities for groups, including, without
16 limitation, a code of ethics.

17 (f) Engages in conduct that violates the trust of a patient or
18 resident or exploits the relationship between the nursing facility
19 administrator or administrator of a residential facility for groups and
20 the patient or resident for the financial or other gain of the licensee.

21 2. The Board shall give a licensee against whom proceedings
22 are brought pursuant to this section written notice of a hearing
23 pursuant to NRS 233B.121 and 241.034. A licensee may waive, in
24 writing, his or her right to attend the hearing.

25 3. The Board may compel the attendance of witnesses or the
26 production of documents or objects by subpoena. The Board may
27 adopt regulations that set forth a procedure pursuant to which the
28 Chair of the Board may issue subpoenas on behalf of the Board.
29 Any person who is subpoenaed pursuant to this subsection may
30 request the Board to modify the terms of the subpoena or grant
31 additional time for compliance.

32 4. An order that imposes discipline and the findings of fact and
33 conclusions of law supporting that order are public records.

34 5. The expiration of a license by operation of law or by order
35 or decision of the Board or a court, or the voluntary surrender of a
36 license, does not deprive the Board of jurisdiction to proceed with
37 any investigation of, or action or disciplinary proceeding against, the
38 licensee or to render a decision suspending or revoking the license.

39 **Sec. 12.** 1. Each person who holds a license to operate and
40 each person who is an administrator or employee of a facility for
41 intermediate care, facility for skilled nursing, agency to provide
42 personal care services in the home, facility for the care of adults
43 during the day, residential facility for groups or home for individual
44 residential care on October 1, 2011, and who is required to complete



1 the training required by section 1 of this act shall complete the
2 training on or before October 1, 2012.

3 2. A statement that:

4 (a) The applicant has completed the training required by section
5 1 of this act must be included with an application for a license to
6 operate a facility for intermediate care, facility for skilled nursing,
7 agency to provide personal care services in the home, facility for the
8 care of adults during the day, residential facility for groups or home
9 for individual residential care submitted on or after October 1, 2011;
10 and

11 (b) The holder of a license to operate, and the administrator and
12 employees of, a facility for intermediate care, facility for skilled
13 nursing, agency to provide personal care services in the home,
14 facility for the care of adults during the day, residential facility for
15 groups or home for individual residential care have completed the
16 training required by section 1 of this act must be included with a
17 reapplication submitted for the facility or home on or after
18 October 1, 2012.

19 **Sec. 13.** This act becomes effective on October 1, 2011.

