

## SENATE BILL NO. 149—SENATOR KIECKHEFER

FEBRUARY 18, 2013

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to inspections of certain medical facilities and offices. (BDR 40-841)

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 the Health Division of the Department of Health and Human Services to extend the period between periodic inspections under certain circumstances; requiring the Health Division to reduce certain fees for certain facilities and offices regulated by the Health Division; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law authorizes the Health Division of the Department of Health and  
 2 Human Services to charge and collect a fee for a license to operate a medical  
 3 facility or facility for the dependent in this State and to charge and collect a fee for  
 4 a permit which authorizes certain facilities and offices to offer to patients the  
 5 service of general anesthesia, conscious sedation or deep sedation. Existing law  
 6 also authorizes the Health Division to inspect and investigate such facilities to  
 7 ensure that the facilities are in compliance with certain federal and state laws,  
 8 regulations and standards. Furthermore, existing law requires facilities and offices  
 9 that offer patients the service of general anesthesia, conscious sedation or deep  
 10 sedation and surgical centers for ambulatory patients to be inspected annually by  
 11 the Health Division. (NRS 449.0307, 449.050, 449.080, 449.089, 449.131, 449.132,  
 12 449.435-449.448) If a medical facility or facility for the dependent passes a  
 13 periodic inspection by the Health Division that is required by existing law, **section**  
 14 **2** of this bill requires the Health Division: (1) to conduct the next consecutive  
 15 periodic inspection of the facility after the expiration of a period which is equal to  
 16 one and one-half times the usual period between inspections that is required by  
 17 state law or which is equal to the period that is required by federal law or  
 18 regulation, whichever is shorter; and (2) to reduce by 25 percent the fee for the next  
 19 consecutive renewal of the license of the facility. **Section 3** of this bill sets forth  
 20 similar provisions for a surgical center for ambulatory patients, an office of a  
 21 physician or a facility which is required to obtain a permit to offer patients the  
 22 service of general anesthesia, conscious sedation or deep sedation.



\* S B 1 4 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 the provisions set forth as sections 2 and 3 of this act.

3       **Sec. 2. 1.** *Notwithstanding any other provision of this*  
4 *chapter and except as otherwise provided in this section, if a*  
5 *medical facility or facility for the dependent passes a periodic*  
6 *inspection by the Health Division required by this chapter:*

7       (a) *The Health Division shall conduct the next consecutive*  
8 *periodic inspection of the facility after the expiration of a period*  
9 *which is equal to one and one-half times the period between*  
10 *inspections that is otherwise required by state law or regulation or*  
11 *which is equal to the period between inspections that is required*  
12 *by federal law or regulation, whichever is shorter; and*

13       (b) *Notwithstanding the length of the period of the inspection*  
14 *required pursuant to paragraph (a), the Health Division shall*  
15 *reduce by 25 percent the amount of the fee charged by the Health*  
16 *Division for the next consecutive renewal of the license of the*  
17 *facility pursuant to NRS 449.089.*

18       2. *The provisions of this section do not apply to an inspection*  
19 *of a medical facility or facility for the dependent if:*

20       (a) *The inspection is conducted upon the receipt of an*  
21 *application for a license or upon the receipt of a complaint*  
22 *pursuant to NRS 449.0307;*

23       (b) *The inspection is conducted to allow the facility to correct*  
24 *any deficiencies discovered during a previous inspection;*

25       (c) *The inspection is conducted after a change is made to the*  
26 *license of the facility, including, without limitation, a change in*  
27 *the person who is licensed to operate or maintain the facility or in*  
28 *the ownership of the facility;*

29       (d) *The facility has had a substantiated complaint filed against*  
30 *it since the last periodic inspection of the facility; or*

31       (e) *The inspection is conducted pursuant to NRS 449.131 or*  
32 *449.132.*

33       3. *The Health Division shall establish by regulation the*  
34 *manner in which to determine whether a medical facility or*  
35 *facility for the dependent passes a periodic inspection for the*  
36 *purposes of subsection 1.*

37       4. *The provisions of this section do not exempt any medical*  
38 *facility or facility for the dependent from compliance with any*  
39 *applicable federal law or regulation governing the inspection or*  
40 *investigation of such facilities.*

41       **Sec. 3. 1.** *Notwithstanding any other provision of this*  
42 *chapter and except as otherwise provided in this subsection, if an*



1 *office of a physician or a facility which is required to obtain a*  
2 *permit pursuant to NRS 449.442 or a surgical center for*  
3 *ambulatory patients passes a periodic inspection by the Health*  
4 *Division required by this chapter:*

5 *(a) The Health Division shall conduct the next consecutive*  
6 *periodic inspection of the office, facility or surgical center for*  
7 *ambulatory patients after the expiration of a period which is equal*  
8 *to one and one-half times the period between inspections that is*  
9 *otherwise required by state law or regulation, or which is equal to*  
10 *the period between inspections that is required by federal law or*  
11 *regulation, whichever is shorter; and*

12 *(b) Notwithstanding the length of the period of the inspection*  
13 *required pursuant to paragraph (a), the Health Division shall*  
14 *reduce by 25 percent the amount of the fee charged by the Health*  
15 *Division for the next consecutive renewal of:*

16 *(1) A permit issued to the office or facility pursuant to*  
17 *NRS 449.444.*

18 *(2) A license issued to the surgical center for ambulatory*  
19 *patients pursuant to NRS 449.050.*

20 *2. The provisions of this section do not apply to an inspection*  
21 *of an office of a physician or a facility which is required to obtain*  
22 *a permit pursuant to NRS 449.442 or a surgical center for*  
23 *ambulatory patients if:*

24 *(a) The inspection is conducted upon the receipt of an*  
25 *application for a license or permit or upon the receipt of a*  
26 *complaint;*

27 *(b) The inspection is conducted to allow the office, facility or*  
28 *surgical center for ambulatory patients to correct any deficiencies*  
29 *discovered during a previous inspection;*

30 *(c) The inspection is conducted after a change is made to the*  
31 *license or permit of the office, facility or surgical center for*  
32 *ambulatory patients, including, without limitation, a change in the*  
33 *person who has a license or permit to operate or maintain*  
34 *the office, facility or surgical center for ambulatory patients or in*  
35 *the ownership of the office, facility or surgical center for*  
36 *ambulatory patients;*

37 *(d) The office, facility or surgical center for ambulatory*  
38 *patients has had a substantiated complaint filed against it since*  
39 *the last periodic inspection of the facility; or*

40 *(e) The inspection is an unannounced on-site inspection*  
41 *conducted pursuant to NRS 449.446.*

42 *3. The Health Division shall establish by regulation the*  
43 *manner in which to determine whether an office of a physician or*  
44 *a facility which is required to obtain a permit pursuant to*



1 *NRS 449.442 or a surgical center for ambulatory patients passes a*  
2 *periodic inspection for the purposes of subsection 1.*

3 *4. The provisions of this section do not exempt any office of a*  
4 *physician or a facility which is required to obtain a permit*  
5 *pursuant to NRS 449.442 or a surgical center for ambulatory*  
6 *patients from compliance with any applicable federal law or*  
7 *regulation governing the inspection or investigation of such an*  
8 *office, facility or surgical center for ambulatory patients.*

9 **Sec. 4.** NRS 449.0301 is hereby amended to read as follows:  
10 449.0301 The provisions of NRS 449.030 to 449.240,  
11 inclusive, *and section 2 of this act* do not apply to:

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

19 2. Foster homes as defined in NRS 424.014.

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

23 **Sec. 5.** NRS 449.0302 is hereby amended to read as follows:

24 449.0302 1. The Board shall adopt:

25 (a) Licensing standards for each class of medical facility or  
26 facility for the dependent covered by NRS 449.030 to 449.240,  
27 inclusive, *and section 2 of this act* and for programs of hospice  
28 care.

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

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

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

43 (e) ~~Any~~ *Except as otherwise provided in section 2 of this act,*  
44 *any* other regulations as it deems necessary or convenient to carry



1 out the provisions of NRS 449.030 to 449.240, inclusive **H**, and  
2 *section 2 of this act.*

3 2. The Board shall adopt separate regulations governing the  
4 licensing and operation of:

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

6 (b) Residential facilities for groups,

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

8 3. The Board shall adopt separate regulations for:

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

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

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

16 4. The Board shall require that the practices and policies of  
17 each medical facility or facility for the dependent provide  
18 adequately for the protection of the health, safety and physical,  
19 moral and mental well-being of each person accommodated in the  
20 facility.

21 5. In addition to the training requirements prescribed pursuant  
22 to NRS 449.093, the Board shall establish minimum qualifications  
23 for administrators and employees of residential facilities for groups.  
24 In establishing the qualifications, the Board shall consider the  
25 related standards set by nationally recognized organizations which  
26 accredit such facilities.

27 6. The Board shall adopt separate regulations regarding the  
28 assistance which may be given pursuant to NRS 453.375 and  
29 454.213 to an ultimate user of controlled substances or dangerous  
30 drugs by employees of residential facilities for groups. The  
31 regulations must require at least the following conditions before  
32 such assistance may be given:

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

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

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

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

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

44 (d) The prescribed medication is not administered by injection  
45 or intravenously.



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

4 7. The Board shall adopt separate regulations governing the  
5 licensing and operation of residential facilities for groups which  
6 provide assisted living services. The Board shall not allow the  
7 licensing of a facility as a residential facility for groups which  
8 provides assisted living services and a residential facility for groups  
9 shall not claim that it provides "assisted living services" unless:

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

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

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

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

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

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

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

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

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

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

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

43 (6) The facility is designed to minimize and is operated in a  
44 manner which minimizes the need for its residents to move out of



1 the facility as their respective physical and mental conditions change  
2 over time; and

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

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

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

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

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

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

18 or

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

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

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

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

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

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

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

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

43 (b) Facilities that provide or arrange for the provision of  
44 supportive services for residents of the facility to assist the residents



1 with reintegration into the community, in addition to providing a  
2 housing and living environment; and

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

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

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

12 **Sec. 6.** NRS 449.050 is hereby amended to read as follows:

13 449.050 1. ~~Each~~ ***Except as otherwise provided in section 2***  
14 ***of this act, each*** application for a license must be accompanied by  
15 such fee as may be determined by regulation of the Board. The  
16 Board may, by regulation, allow or require payment of a fee for a  
17 license in installments and may fix the amount of each payment and  
18 the date that the payment is due.

19 2. ~~The~~ ***Except as otherwise provided in section 2 of this act,***  
20 ***the*** fee imposed by the Board for a facility for transitional living for  
21 released offenders must be based on the type of facility that is being  
22 licensed and must be calculated to produce the revenue estimated to  
23 cover the costs related to the license, but in no case may a fee for a  
24 license exceed the actual cost to the Health Division of issuing or  
25 renewing the license.

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

30 **Sec. 7.** NRS 449.131 is hereby amended to read as follows:

31 449.131 1. Any authorized member or employee of the  
32 Health Division may enter and inspect any building or premises at  
33 any time to secure compliance with or prevent a violation of any  
34 provision of NRS 449.030 to 449.245, inclusive.

35 2. The State Fire Marshal or a designee of the State Fire  
36 Marshal shall, upon receiving a request from the Health Division or  
37 a written complaint concerning compliance with the plans and  
38 requirements to respond to an emergency adopted pursuant to  
39 subsection 9 of NRS 449.0302:

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

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

43 ↪ to ensure the safety of the residents of the facility in an  
44 emergency.





1 3. ~~The~~ *Except as otherwise provided in section 2 of this act,*  
2 *the* State Health Officer or a designee of the State Health Officer  
3 shall enter and inspect at least annually each building or the  
4 premises of a residential facility for groups to ensure compliance  
5 with standards for health and sanitation.

6 4. An authorized member or employee of the Health Division  
7 shall enter and inspect any building or premises operated by a  
8 residential facility for groups within 72 hours after the Health  
9 Division is notified that a residential facility for groups is operating  
10 without a license.

11 **Sec. 8.** NRS 449.160 is hereby amended to read as follows:

12 449.160 1. The Health Division may deny an application for  
13 a license or may suspend or revoke any license issued under the  
14 provisions of NRS 449.030 to 449.240, inclusive, *and section 2 of*  
15 *this act* upon any of the following grounds:

16 (a) Violation by the applicant or the licensee of any of the  
17 provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, *and*  
18 *section 2 of this act* or of any other law of this State or of the  
19 standards, rules and regulations adopted thereunder.

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

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

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

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

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

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

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

38 (b) Is ordered to but fails to abate a nuisance pursuant to NRS  
39 244.360, 244.3603 or 268.4124; or

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

43 3. The Health Division shall maintain a log of any complaints  
44 that it receives relating to activities for which the Health Division  
45 may revoke the license to operate a facility for the dependent



1 pursuant to subsection 2. The Health Division shall provide to a  
2 facility for the care of adults during the day:

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

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

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

9 ➔ The facility shall make the information available to the public  
10 pursuant to NRS 449.2486.

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

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

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

19 **Sec. 9.** NRS 449.441 is hereby amended to read as follows:

20 449.441 The provisions of NRS 449.435 to 449.448, inclusive,  
21 *and section 3 of this act* do not apply to an office of a physician or a  
22 facility that provides health care, other than a medical facility, if the  
23 office of a physician or the facility only administers a medication to  
24 a patient to relieve the patient's anxiety or pain and if the  
25 medication is not given in a dosage that is sufficient to induce in a  
26 patient a controlled state of depressed consciousness or  
27 unconsciousness similar to general anesthesia, deep sedation or  
28 conscious sedation.

29 **Sec. 10.** NRS 449.446 is hereby amended to read as follows:

30 449.446 1. ~~The~~ *Except as otherwise provided in section 3*  
31 *of this act, the* Health Division shall conduct annual and  
32 unannounced on-site inspections of each office of a physician or a  
33 facility that provides health care, other than a medical facility,  
34 which holds a permit issued pursuant to NRS 449.443 and each  
35 surgical center for ambulatory patients which holds a license issued  
36 pursuant to this chapter.

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

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

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



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

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

8 5. The Health Division shall annually prepare and submit to the  
9 Legislative Committee on Health Care and the Legislative  
10 Commission a report which includes:

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

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

16 (c) Any other information relating to the inspections as deemed  
17 necessary by the Legislative Committee on Health Care or the  
18 Legislative Commission.

19 **Sec. 11.** NRS 449.447 is hereby amended to read as follows:

20 449.447 1. If an office of a physician or a facility that  
21 provides health care, other than a medical facility, violates the  
22 provisions of NRS 449.435 to 449.448, inclusive, *and section 3 of*  
23 *this act* or the regulations adopted pursuant thereto, or fails to  
24 correct a deficiency indicated in a report pursuant to NRS 449.446,  
25 the Health Division, in accordance with the regulations adopted  
26 pursuant to NRS 449.448, may take any of the following actions:

27 (a) Decline to issue or renew a permit;

28 (b) Suspend or revoke a permit; or

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

32 2. The Health Division may review a report submitted pursuant  
33 to NRS 630.30665 or 633.524 to determine whether an office of a  
34 physician or a facility is in violation of the provisions of NRS  
35 449.435 to 449.448, inclusive, *and section 3 of this act* or the  
36 regulations adopted pursuant thereto. If the Health Division  
37 determines that such a violation has occurred, the Health Division  
38 shall immediately notify the appropriate professional licensing  
39 board of the physician.

40 3. If a surgical center for ambulatory patients violates the  
41 provisions of NRS 449.435 to 449.448, inclusive, *and section 3 of*  
42 *this act* or the regulations adopted pursuant thereto, or fails to  
43 correct a deficiency indicated in a report pursuant to NRS 449.446,  
44 the Health Division may impose administrative sanctions pursuant  
45 to NRS 449.163.



1       **Sec. 12.** NRS 449.448 is hereby amended to read as follows:  
2       449.448 1. ~~The~~ *Except as otherwise provided in section 3*  
3 *of this act, the* Board shall adopt regulations to carry out the  
4 provisions of NRS 449.435 to 449.448, inclusive, including, without  
5 limitation, regulations which:  
6       (a) Prescribe the amount of the fee required for applications for  
7 the issuance and renewal of a permit pursuant to NRS 449.443 and  
8 449.444.  
9       (b) Prescribe the procedures and standards for the issuance and  
10 renewal of a permit.  
11       (c) Identify the nationally recognized organizations approved by  
12 the Board for the purposes of the accreditation required for the  
13 issuance of a:  
14       (1) License to operate a surgical center for ambulatory  
15 patients.  
16       (2) Permit for an office of a physician or a facility that  
17 provides health care, other than a medical facility, to offer to a  
18 patient a service of general anesthesia, conscious sedation or deep  
19 sedation.  
20       (d) Prescribe the procedures and scope of the inspections  
21 conducted by the Health Division pursuant to NRS 449.446.  
22       (e) Prescribe the procedures and time frame for correcting each  
23 deficiency indicated in a report pursuant to NRS 449.446.  
24       (f) Prescribe the criteria for the imposition of each sanction  
25 prescribed by NRS 449.447, including, without limitation:  
26       (1) Setting forth the circumstances and manner in which a  
27 sanction applies;  
28       (2) Minimizing the time between the identification of a  
29 violation and the imposition of a sanction; and  
30       (3) Providing for the imposition of incrementally more  
31 severe sanctions for repeated or uncorrected violations.  
32       2. The regulations adopted pursuant to this section must require  
33 that the practices and policies of each holder of a permit to offer to a  
34 patient a service of general anesthesia, conscious sedation or deep  
35 sedation and each holder of a license to operate a surgical center for  
36 ambulatory patients provide adequately for the protection of the  
37 health, safety and well-being of patients.  
38       **Sec. 13.** This act becomes effective on July 1, 2013.

