

ASSEMBLY BILL NO. 165—ASSEMBLYMAN HAMBRICK

PREFILED FEBRUARY 13, 2017

Referred to Committee on Commerce and Labor

SUMMARY—Provides for the licensure of health services executives. (BDR 54-566)

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

~

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

AN ACT relating to long-term care; providing for the licensure of certain persons as health services executives; authorizing the holder of such a license to perform the functions of an administrator of a residential facility for groups and a nursing facility administrator; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Board of Examiners for Long-Term Care
2 Administrators to license and regulate two classes of licensees: administrators of
3 residential facilities for groups and nursing facility administrators. (NRS 654.150,
4 654.155) This bill additionally provides for the licensure and regulation of health
5 services executives, who have the powers and duties prescribed for both existing
6 types of administrators. **Section 4** of this bill prescribes the requirements for
7 licensure as a health services executive. **Section 9** of this bill authorizes the Board
8 to establish by regulation the fee to apply for such a license.

9 **Sections 4, 16 and 17** of this bill provide that a licensed health services
10 executive has the rights and duties of an administrator of a residential facility for
11 groups and a nursing facility administrator. **Sections 7 and 10-13** of this bill make
12 conforming changes so that existing provisions relating to nursing facility
13 administrators and administrators of residential facilities for groups also apply to
14 health services executives. **Section 14** of this bill provides that certain provisions
15 governing the reinstatement of the suspended license of an administrator of a
16 residential facility for groups do not apply to a health services executive. **Section**
17 **15** of this bill authorizes a health services executive to serve as the administrator for
18 a veterans’ home.

19 Existing law provides for the appointment to the Board of two nursing facility
20 administrators and two administrators of residential facilities for groups. (NRS
21 654.060) **Section 6** of this bill authorizes a health services executive who acts as
22 either a nursing facility administrator or the administrator of a residential facility



* A B 1 6 5 *

23 for groups to serve as a member of the Board in the capacity in which he or she is
24 acting.
25 Existing law requires the Board to maintain, for each type of licensee, separate
26 registers of applicants for licensure and licensed persons. (NRS 654.130) **Section 8**
27 of this bill makes this requirement applicable to persons who apply for or are
28 licensed as health services executives.

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

1 **Section 1.** Chapter 654 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2.** *“Health services executive” means a person who is*
4 *licensed as such pursuant to this chapter.*

5 **Sec. 3.** *“Licensee” means a person who is licensed pursuant*
6 *to this chapter as an administrator of a residential facility for*
7 *groups, a nursing facility administrator or a health services*
8 *executive.*

9 **Sec. 4. 1.** *Each applicant for licensure as a health services*
10 *executive pursuant to this chapter must:*

11 *(a) Submit with the application:*

12 *(1) Evidence of having satisfied the requirements of the*
13 *National Association of Long Term Care Administrator Boards*
14 *for qualification as a health services executive;*

15 *(2) A complete set of fingerprints and written permission*
16 *authorizing the Board to forward the fingerprints to the Central*
17 *Repository for Nevada Records of Criminal History for submission*
18 *to the Federal Bureau of Investigation for its report; and*

19 *(3) A fee to cover the actual cost of obtaining the report*
20 *from the Federal Bureau of Investigation.*

21 *(b) Meet such other standards and qualifications as the Board*
22 *may from time to time establish.*

23 *(c) Submit all other information required to complete the*
24 *application.*

25 **2.** *Except as otherwise provided by specific statute, a licensed*
26 *health services executive has the powers and duties of a*
27 *licensed administrator of a residential facility for groups and a*
28 *licensed nursing facility administrator.*

29 **Sec. 5.** NRS 654.010 is hereby amended to read as follows:

30 654.010 As used in this chapter, unless the context otherwise
31 requires, the words and terms defined in NRS 654.015 to 654.031,
32 inclusive, *and sections 2 and 3 of this act* have the meanings
33 ascribed to them in those sections.



1 **Sec. 6.** NRS 654.060 is hereby amended to read as follows:

2 654.060 The Governor shall appoint:

3 1. Two members who are *licensees serving as* nursing facility
4 administrators.

5 2. One member who is *a licensee serving as* an administrator
6 of a residential facility for groups with less than seven clients.

7 3. One member who is *a licensee serving as* an administrator
8 of a residential facility for groups with seven or more clients.

9 4. One member who is a member of the medical or
10 paramedical professions.

11 5. One member who is a representative of the general public.

12 This member must not be ~~†~~

13 ~~—(a) A nursing facility administrator or an administrator of a~~
14 ~~residential facility for groups; or~~

15 ~~—(b) The~~ *a licensee or the* spouse or the parent or child, by
16 blood, marriage or adoption, of a ~~{nursing facility administrator or~~
17 ~~an administrator of a residential facility for groups.}~~ *licensee.*

18 **Sec. 7.** NRS 654.110 is hereby amended to read as follows:

19 654.110 1. In a manner consistent with the provisions of
20 chapter 622A of NRS, the Board shall:

21 (a) Develop, impose and enforce standards which must be met
22 by persons to receive licenses as nursing facility administrators, ~~{or}~~
23 administrators of residential facilities for groups ~~†~~ *and health*
24 *services executives.* The standards must be designed to ensure that
25 ~~{nursing facility administrators or persons acting as administrators~~
26 ~~of residential facilities for groups}~~ *licensees* will be persons who are
27 of good character and otherwise suitable, and who, by training or
28 experience in their respective fields of administering health care
29 facilities, are qualified to serve as nursing facility administrators or
30 administrators of residential facilities for groups.

31 (b) Develop and apply appropriate techniques, including
32 examinations and investigations, for determining whether a person
33 meets those standards. The member of the Board who is a
34 representative of the general public shall not participate in
35 preparing, conducting or grading any examination required by the
36 Board.

37 (c) Issue licenses to persons determined, after the application of
38 appropriate techniques, to meet those standards.

39 (d) Revoke or suspend licenses previously issued by the Board
40 in any case if the person holding the license is determined
41 substantially to have failed to conform to the requirements of the
42 standards.

43 (e) Establish and carry out procedures designed to ensure that
44 ~~{persons licensed as nursing facility administrators or administrators~~
45 ~~of residential facilities for groups}~~ *licensees* will, during any period



1 they serve as ~~such,~~ *nursing facility administrators or*
2 *administrators of residential facilities for groups*, comply with the
3 requirements of the standards.

4 (f) Receive, investigate and take appropriate action with respect
5 to any charge or complaint filed with the Board to the effect that any
6 person has failed to comply with the requirements of the standards.
7 Except as otherwise provided in this paragraph, the Board shall
8 initiate an investigation of any charge or complaint filed with the
9 Board within 30 days after receiving the charge or complaint. A
10 complaint may be filed anonymously. If a complaint is filed
11 anonymously, the Board may accept the complaint but may refuse to
12 consider the complaint if anonymity of the complainant makes
13 processing the complaint impossible or unfair to the person who is
14 the subject of the complaint.

15 (g) Conduct a continuing study of:

16 (1) Facilities for skilled nursing, facilities for intermediate
17 care and their administrators; and

18 (2) Residential facilities for groups and their administrators,
19 with a view to the improvement of the standards imposed for the
20 licensing of *nursing facility administrators, administrators of*
21 *residential facilities for groups and health services executives* and
22 of procedures and methods for the enforcement of the standards.

23 (h) Conduct or approve, or both, a program of training and
24 instruction designed to enable all persons to obtain the qualifications
25 necessary to meet the standards set by the Board for qualification as
26 a nursing facility administrator, ~~or~~ an administrator of a
27 residential facility for groups ~~or~~ *or a health services executive*.

28 2. Except as otherwise provided in this section, all records kept
29 by the Board, not otherwise privileged or confidential, are public
30 records.

31 3. Except as otherwise provided in this section and NRS
32 239.0115, a complaint filed with the Board, all documents and other
33 information filed with the complaint and all documents and other
34 information compiled as a result of an investigation conducted to
35 determine whether to initiate disciplinary action against a person are
36 confidential, unless the person submits a written statement to the
37 Board requesting that such documents and information be made
38 public records.

39 4. The charging documents filed with the Board to initiate
40 disciplinary action pursuant to chapter 622A of NRS and all other
41 documents and information considered by the Board when
42 determining whether to impose discipline are public records.

43 5. The Board shall, to the extent feasible, communicate or
44 cooperate with or provide any documents or other information to



1 any other licensing board or any other agency that is investigating a
2 person, including, without limitation, a law enforcement agency.

3 **Sec. 8.** NRS 654.130 is hereby amended to read as follows:

4 654.130 The Board shall:

5 1. Maintain ~~{a}~~ separate ~~{register}~~ *registers* of all applications
6 for licensure as a nursing facility administrator , ~~{and a separate~~
7 ~~register of all applications for licensure as}~~ an administrator of a
8 residential facility for groups ~~{}~~ *or a health services executive*.
9 Each register must include:

10 (a) The name, age and place of residence of the applicant.

11 (b) If the register is for:

12 (1) Nursing facility administrators, the name and address of
13 the facility for skilled nursing or facility for intermediate care of
14 which the applicant is to be administrator.

15 (2) Administrators of residential facilities for groups, the
16 name and address of each residential facility for groups of which the
17 applicant is to be administrator.

18 (3) *Health services executives, the name and address of*
19 *each facility for skilled nursing, facility for intermediate care or*
20 *residential facility for groups of which the applicant is to be*
21 *administrator.*

22 (c) The date of the application.

23 (d) The date the application was reviewed and the action taken
24 on the application.

25 (e) The serial number of the license, if any, issued to the
26 applicant.

27 (f) Such other information as the Board may deem pertinent.

28 2. Maintain ~~{a}~~ separate ~~{register}~~ *registers* of all *persons*
29 *licensed pursuant to this chapter as* nursing facility administrators ,
30 ~~{and a separate register of all}~~ administrators of residential facilities
31 for groups ~~{licensed pursuant to this chapter}~~ *or health services*
32 *executives*, showing the status of each license.

33 **Sec. 9.** NRS 654.140 is hereby amended to read as follows:

34 654.140 1. The Board shall prescribe and furnish an
35 application form for the use of all persons who desire to be licensed
36 pursuant to this chapter.

37 2. All applications filed with the Board must be accompanied
38 by all information required to complete the application and the
39 required fee fixed by the Board in an amount not to exceed:

40 (a) For an administrator of a residential facility for groups, \$150.

41 (b) For a nursing facility administrator, \$250.

42 (c) *For a health services executive, the amount prescribed by*
43 *regulation of the Board.*



1 3. The Board may fix and charge an additional fee to cover the
2 cost of administering the examinations if the Board determines that
3 there is not sufficient money from other sources to cover such costs.

4 **Sec. 10.** NRS 654.145 is hereby amended to read as follows:

5 654.145 1. In addition to any other requirements set forth in
6 this chapter:

7 (a) An applicant for the issuance of a license ~~as a nursing~~
8 ~~facility administrator or an administrator of a residential facility for~~
9 ~~groups shall~~ *pursuant to this chapter must* include the social
10 security number of the applicant in the application submitted to the
11 Board.

12 (b) An applicant for the issuance or renewal of a license ~~as a~~
13 ~~nursing facility administrator or an administrator of a residential~~
14 ~~facility for groups shall~~ *pursuant to this chapter must* submit to
15 the Board the statement prescribed by the Division of Welfare and
16 Supportive Services of the Department of Health and Human
17 Services pursuant to NRS 425.520. The statement must be
18 completed and signed by the applicant.

19 2. The Board shall include the statement required pursuant to
20 subsection 1 in:

21 (a) The application or any other forms that must be submitted
22 for the issuance or renewal of the license; or

23 (b) A separate form prescribed by the Board.

24 3. A license ~~as a nursing facility administrator or an~~
25 ~~administrator of a residential facility for groups~~ may not be issued
26 or renewed by the Board if the applicant:

27 (a) Fails to submit the statement required pursuant to subsection
28 1; or

29 (b) Indicates on the statement submitted pursuant to subsection
30 1 that the applicant is subject to a court order for the support of a
31 child and is not in compliance with the order or a plan approved by
32 the district attorney or other public agency enforcing the order for
33 the repayment of the amount owed pursuant to the order.

34 4. If an applicant indicates on the statement submitted pursuant
35 to subsection 1 that the applicant is subject to a court order for the
36 support of a child and is not in compliance with the order or a plan
37 approved by the district attorney or other public agency enforcing
38 the order for the repayment of the amount owed pursuant to the
39 order, the Board shall advise the applicant to contact the district
40 attorney or other public agency enforcing the order to determine the
41 actions that the applicant may take to satisfy the arrearage.

42 **Sec. 11.** NRS 654.170 is hereby amended to read as follows:

43 654.170 1. The Board shall issue a numbered license, in such
44 form as it may prescribe, to each applicant who meets the



1 requirements of NRS 654.150 or 654.155 *or section 4 of this act*
2 and shall affix its official seal to the license.

3 2. Each license issued by the Board pursuant to this chapter
4 expires 2 years after the last day of the calendar month in which it
5 was issued and may be renewed on or before that date biennially.

6 3. Any ~~licensed nursing facility administrator or administrator~~
7 ~~of a residential facility for groups~~ *licensee* may renew his or her
8 license by applying for renewal in the manner prescribed by the
9 Board, paying the renewal fee fixed by the Board and submitting all
10 information required to complete the renewal.

11 4. The Board shall, as a prerequisite for the renewal of a
12 license, require each holder to comply with:

13 (a) The requirements for continuing education adopted by the
14 Board; and

15 (b) The duties of the administrator set forth in NRS 449.094.

16 **Sec. 12.** NRS 654.190 is hereby amended to read as follows:

17 654.190 1. The Board may, after notice and an opportunity
18 for a hearing as required by law, impose an administrative fine of
19 not more than \$10,000 for each violation on, recover reasonable
20 investigative fees and costs incurred from, suspend, revoke, deny
21 the issuance or renewal of or place conditions on the license of, and
22 place on probation or impose any combination of the foregoing on any
23 any ~~nursing facility administrator or administrator of a residential~~
24 ~~facility for groups~~ *licensee* who:

25 (a) Is convicted of a felony relating to the practice of
26 administering a nursing facility or residential facility or of any
27 offense involving moral turpitude.

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

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

30 (d) Aids or abets any person in the violation of any of the
31 provisions of NRS 449.030 to 449.2428, inclusive, as those
32 provisions pertain to a facility for skilled nursing, facility for
33 intermediate care or residential facility for groups.

34 (e) Violates any regulation of the Board prescribing additional
35 standards of conduct for ~~nursing facility administrators or~~
36 ~~administrators of residential facilities for groups,~~ *licensees*,
37 including, without limitation, a code of ethics.

38 (f) Engages in conduct that violates the trust of a patient or
39 resident or exploits the relationship between the ~~nursing facility~~
40 ~~administrator or administrator of a residential facility for groups~~
41 *licensee* and the patient or resident for the financial or other gain of
42 the licensee.

43 2. If a licensee requests a hearing pursuant to subsection 1, the
44 Board shall give the licensee written notice of a hearing pursuant to



1 NRS 233B.121 and 241.034. A licensee may waive, in writing, his
2 or her right to attend the hearing.

3 3. The Board may compel the attendance of witnesses or the
4 production of documents or objects by subpoena. The Board may
5 adopt regulations that set forth a procedure pursuant to which the
6 Chair of the Board may issue subpoenas on behalf of the Board.
7 Any person who is subpoenaed pursuant to this subsection may
8 request the Board to modify the terms of the subpoena or grant
9 additional time for compliance.

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

12 5. The expiration of a license by operation of law or by order
13 or decision of the Board or a court, or the voluntary surrender of a
14 license, does not deprive the Board of jurisdiction to proceed with
15 any investigation of, or action or disciplinary proceeding against, the
16 licensee or to render a decision suspending or revoking the license.

17 **Sec. 13.** NRS 654.193 is hereby amended to read as follows:

18 654.193 1. If the Board receives a copy of a court order
19 issued pursuant to NRS 425.540 that provides for the suspension of
20 all professional, occupational and recreational licenses, certificates
21 and permits issued to a ~~person who is the holder of a license as a~~
22 ~~nursing facility administrator or an administrator of a residential~~
23 ~~facility for groups,~~ licensee, the Board shall deem the license
24 issued to that person to be suspended at the end of the 30th day after
25 the date on which the court order was issued unless the Board
26 receives a letter issued to the holder of the license by the district
27 attorney or other public agency pursuant to NRS 425.550 stating
28 that the holder of the license has complied with the subpoena or
29 warrant or has satisfied the arrearage pursuant to NRS 425.560.

30 2. The Board shall reinstate a license ~~as a nursing facility~~
31 ~~administrator or an administrator of a residential facility for groups~~
32 that has been suspended by a district court pursuant to NRS 425.540
33 if the Board receives a letter issued by the district attorney or other
34 public agency pursuant to NRS 425.550 to the person whose license
35 was suspended stating that the person whose license was suspended
36 has complied with the subpoena or warrant or has satisfied the
37 arrearage pursuant to NRS 425.560.

38 **Sec. 14.** NRS 654.195 is hereby amended to read as follows:

39 654.195 1. Except as otherwise provided in subsection 2, the
40 Board may reinstate the license of an administrator of a residential
41 facility for groups that has been suspended by the Board if:

42 (a) A majority of the members of the Board vote in favor of the
43 reinstatement; or

44 (b) The person who held the license reapplies for a license as an
45 administrator of a residential facility for groups pursuant to



1 NRS 654.140 and the Board determines that the person meets the
2 requirements of NRS 654.155.

3 2. The Board may reinstate a license of an administrator of a
4 residential facility for groups that has been suspended pursuant to
5 NRS 425.540 only if the holder of the license complies with the
6 requirements for reinstatement set forth in NRS 654.193.

7 3. In a manner consistent with the provisions of chapter 622A
8 of NRS, the Board may reinstate the license of an administrator of a
9 residential facility for groups that has been revoked by the Board if
10 all of the members of the Board vote in favor of reinstatement.

11 **4. *The provisions of this section do not apply to a license as a***
12 ***health services executive.***

13 **Sec. 15.** NRS 417.147 is hereby amended to read as follows:

14 417.147 1. The Director shall:

15 (a) Appoint an administrator for each veterans' home in this
16 State. Each administrator must be licensed as a nursing facility
17 administrator ***or health services executive*** pursuant to
18 NRS 654.170.

19 (b) Take such other actions as are necessary for the
20 management, maintenance and operation of veterans' homes in this
21 State, including, without limitation, establishing and implementing
22 rules, policies and procedures for such management, maintenance
23 and operation.

24 (c) Apply for federal grants and other sources of money
25 available for establishing veterans' homes. A federal grant must be
26 used only as permitted by the terms of the grant.

27 2. With the advice of the Nevada Veterans Services
28 Commission, the Director shall, on or before April 1 of each
29 calendar year, recommend to the State Board of Examiners a
30 schedule of rates to be charged for occupancy of rooms at each
31 veterans' home in this State during the following fiscal year. The
32 State Board of Examiners shall establish the schedule of rates. In
33 setting the rates, the State Board of Examiners shall consider the
34 recommendations of the Director, but is not bound to follow the
35 recommendations of the Director.

36 3. The first veterans' home that is established in this State must
37 be established at a location in southern Nevada determined to be
38 appropriate by the Interim Finance Committee. The Interim Finance
39 Committee shall give preference to a site that is zoned appropriately
40 for the establishment of a veterans' home, that affords minimum
41 costs of maintenance and that is located in an area where the
42 members of the families of the veterans can easily visit the veterans'
43 home. The site for the construction of the veterans' home in
44 southern Nevada must be:

45 (a) Located in reasonable proximity to:



- 1 (1) A public transportation system;
- 2 (2) Shopping centers; and
- 3 (3) A major hospital that has a center for the treatment of
- 4 trauma which is designated as a level II center by the Administrator
- 5 of the Division of Public and Behavioral Health of the Department
- 6 of Health and Human Services.

7 (b) Not less than 5 acres in area.

8 4. If an additional veterans' home is authorized, it must be

9 established in northern Nevada.

10 **Sec. 16.** NRS 449.186 is hereby amended to read as follows:

11 449.186 A residential facility for groups must not be operated

12 except under the supervision of an administrator of a residential

13 facility for groups *or a health services executive* licensed pursuant

14 to the provisions of chapter 654 of NRS.

15 **Sec. 17.** NRS 449.187 is hereby amended to read as follows:

16 449.187 1. Except as otherwise provided in subsection 2, a

17 facility for skilled nursing or facility for intermediate care licensed

18 pursuant to the provisions of NRS 449.030 to 449.2428, inclusive,

19 may not be operated except under the supervision of a nursing

20 facility administrator *or a health services executive* who is at the

21 facility and licensed under the provisions of chapter 654 of NRS.

22 2. The provisions of subsection 1 do not apply to a facility for

23 intermediate care which limits its care and treatment to those

24 persons with intellectual disabilities or conditions related to

25 intellectual disabilities.

26 **Sec. 18.** This act becomes effective upon passage and approval

27 for the purposes of adopting regulations and performing any other

28 preparatory administrative tasks that are necessary to carry out the

29 provisions of this act, and on January 1, 2018, for all other purposes.

