
ASSEMBLY BILL NO. 323—ASSEMBLYMEN McCLAIN, PARKS,
CHOWNING, KOIVISTO, GIBBONS, ANDERSON, ARBERRY,
ATKINSON, CLABORN, COLLINS, CONKLIN,
GIUNCHIGLIANI, HARDY, HORNE, MANENDO, MORTENSON,
OHRENSCHALL AND PIERCE

MARCH 14, 2003

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes concerning long-term care provided to persons with dementia. (BDR 38-1194)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 health care; requiring institutional long-term care provided by Medicaid to persons with dementia to be provided within this state; requiring employees of facilities for long-term care to receive education in the care of persons with Alzheimer’s disease; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 422 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 *Institutional long-term care provided by Medicaid to a person*
4 *with any form of dementia, including, without limitation, dementia*
5 *caused by Alzheimer’s disease, must be provided within this state.*
6 **Sec. 2.** NRS 422.240 is hereby amended to read as follows:
7 422.240 1. Money to carry out the provisions of NRS
8 422.001 to 422.410, inclusive, *and section 1 of this act* and
9 422.580, including, without limitation, any federal money allotted to
10 the State of Nevada pursuant to the program *established* to provide



1 Temporary Assistance for Needy Families and the Program for
2 Child Care and Development, must be provided by appropriation by
3 the Legislature from the State General Fund.

4 2. Disbursements for the purposes of NRS 422.001 to 422.410,
5 inclusive, *and section 1 of this act* and 422.580 must be made upon
6 claims duly filed, audited and allowed in the same manner as other
7 money in the State Treasury is disbursed.

8 **Sec. 3.** Chapter 449 of NRS is hereby amended by adding
9 thereto a new section to read as follows:

10 *1. The Board shall establish minimum continuing education*
11 *requirements concerning the care of persons with Alzheimer's*
12 *disease for employees of facilities for skilled nursing, facilities for*
13 *intermediate care and residential facilities for groups. In*
14 *establishing such requirements, the Board shall consider any*
15 *educational requirements imposed on employees who are licensed*
16 *providers of health care to ensure that the continuing education*
17 *requirements established by the Board for those employees do not*
18 *duplicate or conflict with the existing educational requirements*
19 *imposed on those employees.*

20 *2. The administrator of a facility for skilled nursing, a facility*
21 *for intermediate care or a residential facility for groups shall*
22 *ensure that each employee of the facility complies with the*
23 *requirements for continuing education established by the Board*
24 *pursuant to this section.*

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

26 449.070 The provisions of NRS 449.001 to 449.240, inclusive,
27 *and section 3 of this act* do not apply to:

28 1. Any facility conducted by and for the adherents of any
29 church or religious denomination for the purpose of providing
30 facilities for the care and treatment of the sick who depend solely
31 upon spiritual means through prayer for healing in the practice of
32 the religion of the church or denomination, except that such a
33 facility ~~must~~ *shall* comply with all regulations relative to
34 sanitation and safety applicable to other facilities of a similar
35 category.

36 2. Foster homes as defined in NRS 424.014.

37 3. Any medical facility or facility for the dependent operated
38 and maintained by the United States Government or an agency
39 thereof.

40 **Sec. 5.** NRS 449.160 is hereby amended to read as follows:

41 449.160 1. The Health Division may deny an application for
42 a license or may suspend or revoke any license issued under the
43 provisions of NRS 449.001 to 449.240, inclusive, *and section 3 of*
44 *this act* upon any of the following grounds:



- 1 (a) Violation by the applicant or the licensee of any of the
- 2 provisions of NRS 439B.410 or 449.001 to 449.245, inclusive, *and*
- 3 *section 3 of this act* or of any other law of this state or of the
- 4 standards, rules and regulations adopted thereunder.
- 5 (b) Aiding, abetting or permitting the commission of any illegal
- 6 act.
- 7 (c) Conduct inimical to the public health, morals, welfare and
- 8 safety of the people of the State of Nevada in the maintenance and
- 9 operation of the premises for which a license is issued.
- 10 (d) Conduct or practice detrimental to the health or safety of the
- 11 occupants or employees of the facility.
- 12 (e) Failure of the applicant to obtain written approval from the
- 13 Director of the Department of Human Resources as required by
- 14 NRS 439A.100 or as provided in any regulation adopted pursuant to
- 15 this chapter, if such approval is required.
- 16 2. In addition to the provisions of subsection 1, the Health
- 17 Division may revoke a license to operate a facility for the dependent
- 18 if, with respect to that facility, the licensee that operates the facility,
- 19 or an agent or employee of the licensee:
- 20 (a) Is convicted of violating any of the provisions of
- 21 NRS 202.470;
- 22 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
- 23 244.360, 244.3603 or 268.4124; or
- 24 (c) Is ordered by the appropriate governmental agency to correct
- 25 a violation of a building, safety or health code or regulation but fails
- 26 to correct the violation.
- 27 3. The Health Division shall maintain a log of any complaints
- 28 that it receives relating to activities for which the Health Division
- 29 may revoke the license to operate a facility for the dependent
- 30 pursuant to subsection 2.
- 31 4. On or before February 1 of each odd-numbered year, the
- 32 Health Division shall submit to the Director of the Legislative
- 33 Counsel Bureau a written report setting forth, for the previous
- 34 biennium:
- 35 (a) Any complaints included in the log maintained by the Health
- 36 Division pursuant to subsection 3; and
- 37 (b) Any disciplinary actions taken by the Health Division
- 38 pursuant to subsection 2.
- 39 **Sec. 6.** NRS 449.163 is hereby amended to read as follows:
- 40 449.163 1. If a medical facility or facility for the dependent
- 41 violates any provision related to its licensure, including any
- 42 provision of NRS 439B.410, 449.001 to 449.240, inclusive, *and*
- 43 *section 3 of this act* or any condition, standard or regulation adopted
- 44 by the Board, the Health Division in accordance with the regulations
- 45 adopted pursuant to NRS 449.165 may:



- 1 (a) Prohibit the facility from admitting any patient until it
2 determines that the facility has corrected the violation;
- 3 (b) Limit the occupancy of the facility to the number of beds
4 occupied when the violation occurred, until it determines that the
5 facility has corrected the violation;
- 6 (c) Impose an administrative penalty of not more than \$1,000
7 per day for each violation, together with interest thereon at a rate not
8 to exceed 10 percent per annum; and
- 9 (d) Appoint temporary management to oversee the operation of
10 the facility and to ensure the health and safety of the patients of the
11 facility, until:
 - 12 (1) It determines that the facility has corrected the violation
13 and has management which is capable of ensuring continued
14 compliance with the applicable statutes, conditions, standards and
15 regulations; or
 - 16 (2) Improvements are made to correct the violation.
- 17 2. If the facility fails to pay any administrative penalty imposed
18 pursuant to paragraph (c) of subsection 1, the Health Division may:
 - 19 (a) Suspend the license of the facility until the administrative
20 penalty is paid; and
 - 21 (b) Collect court costs, reasonable attorney's fees and other
22 costs incurred to collect the administrative penalty.
- 23 3. The Health Division may require any facility that violates
24 any provision of NRS 439B.410, 449.001 to 449.240, inclusive, *and*
25 *section 3 of this act* or any condition, standard or regulation adopted
26 by the Board, to make any improvements necessary to correct the
27 violation.
- 28 4. Any money collected as administrative penalties pursuant to
29 this section must be accounted for separately and used to protect the
30 health or property of the residents of the facility in accordance with
31 applicable federal standards.
- 32 **Sec. 7.** NRS 654.170 is hereby amended to read as follows:
 - 33 654.170 1. The Board shall issue a numbered license, in such
34 form as it may prescribe, to each applicant who meets the
35 requirements of NRS 654.150 or 654.155 and shall affix its official
36 seal to the license.
 - 37 2. Each license issued by the Board pursuant to this chapter
38 expires 2 years after the last day of the calendar month in which it
39 was issued and may be renewed on or before that date biennially.
 - 40 3. Any licensed nursing facility administrator or administrator
41 of a residential facility for groups may renew his license by applying
42 for renewal in the manner prescribed by the Board, submitting the
43 statement required pursuant to NRS 654.145 and paying the renewal
44 fee fixed by the Board.



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

3 (a) *The* requirements for continuing education adopted by the
4 Board ~~;~~; and

5 (b) *The duties of the administrator set forth in section 3 of this*
6 *act.*

7 **Sec. 8.** NRS 654.170 is hereby amended to read as follows:

8 654.170 1. The Board shall issue a numbered license, in such
9 form as it may prescribe, to each applicant who meets the
10 requirements of NRS 654.150 or 654.155 and shall affix its official
11 seal to the license.

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

15 3. Any licensed nursing facility administrator or administrator
16 of a residential facility for groups may renew his license by applying
17 for renewal in the manner prescribed by the Board and paying the
18 renewal fee fixed by the Board.

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

21 (a) *The* requirements for continuing education adopted by the
22 Board ~~;~~; and

23 (b) *The duties of the administrator set forth in section 3 of this*
24 *act.*

25 **Sec. 9.** NRS 654.190 is hereby amended to read as follows:

26 654.190 1. The Board may, after notice and hearing, impose
27 an administrative fine of not more than \$2,500 on and suspend or
28 revoke the license of any nursing facility administrator or
29 administrator of a residential facility for groups who:

30 (a) Is convicted of a felony, or of any offense involving moral
31 turpitude.

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

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

34 (d) Aids or abets any person in the violation of any of the
35 provisions of NRS 449.001 to 449.240, inclusive, *and section 3 of*
36 *this act* as those provisions pertain to a facility for skilled nursing,
37 facility for intermediate care or residential facility for groups.

38 (e) Violates any regulation of the Board prescribing additional
39 standards of conduct for nursing facility administrators or
40 administrators of residential facilities for groups.

41 2. The Board shall give a licensee against whom proceedings
42 are brought pursuant to this section written notice of a hearing not
43 less than 10 days before the date of the hearing.



1 3. If discipline is imposed pursuant to this section, the costs of
2 the proceeding, including investigative costs and attorney's fees,
3 may be recovered by the Board.

4 **Sec. 10.** The provisions of NRS 354.599 do not apply to any
5 additional expenses of a local government that are related to the
6 provisions of this act.

7 **Sec. 11.** 1. This act becomes effective on July 1, 2003.

8 2. Section 7 of this act expires by limitation on the date on
9 which the provisions of 42 U.S.C. § 666 requiring each state to
10 establish procedures under which the state has authority to withhold
11 or suspend, or to restrict the use of professional, occupational and
12 recreational licenses of persons who:

13 (a) Have failed to comply with a subpoena or warrant relating to
14 a proceeding to determine the paternity of a child or to establish or
15 enforce an obligation for the support of a child; or

16 (b) Are in arrears in the payment for the support of one or more
17 children,
18 are repealed by the Congress of the United States.

19 3. Section 8 of this act becomes effective on the date on which
20 the provisions of 42 U.S.C. § 666 requiring each state to establish
21 procedures under which the state has authority to withhold or
22 suspend, or to restrict the use of professional, occupational and
23 recreational licenses of persons who:

24 (a) Have failed to comply with a subpoena or warrant relating to
25 a proceeding to determine the paternity of a child or to establish or
26 enforce an obligation for the support of a child; or

27 (b) Are in arrears in the payment for the support of one or more
28 children,
29 are repealed by the Congress of the United States.

