
ASSEMBLY BILL NO. 326—ASSEMBLYMEN BUCKLEY, CONKLIN, MCCLAIN, KOIVISTO, PARKS, ANDERSON, ARBERRY, ATKINSON, CLABORN, COLLINS, GEDDES, GIBBONS, GIUNCHIGLIANI, GRADY, HORNE, LESLIE, MABEY, MANENDO, OCEGUERA, PERKINS, PIERCE, SHERER AND WILLIAMS

MARCH 14, 2003

Referred to Committee on Health and Human Services

SUMMARY—Provides for licensing and regulation of facilities for assisted living. (BDR 40-954)

FISCAL NOTE: Effect on Local Government: Yes.
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 assisted living; providing for the licensing and regulation of facilities for assisted living; providing that certain provisions concerning services provided to aging persons apply to residents of facilities for assisted living; providing that certain provisions concerning property tax assessments for senior citizens apply to residents of facilities for assisted living; authorizing employees of facilities for assisted living to possess and administer controlled substances and dangerous drugs under certain circumstances; providing for the licensure of administrators of facilities for assisted living; providing penalties; 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 449 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.

4 **Sec. 2. 1. “Facility for assisted living” means a facility:**



* A B 3 2 6 *

- 1 (a) *Where senior citizens or persons with disabilities reside in*
2 *individual living units that are:*
3 (1) *Self-contained;*
4 (2) *Located in a building, a complex or a distinct part of a*
5 *building or complex; and*
6 (3) *Occupied privately, and shared only at the election of*
7 *the person who resides in the unit;*
8 (b) *That permits residents of the facility to choose services and*
9 *amenities in a manner that promotes dignity, independence, the*
10 *right to make personal decisions and quality of life;*
11 (c) *That provides access to staff on a 24-hour basis; and*
12 (d) *That provides scheduled and unscheduled assistance and*
13 *services to residents of the facility, including, without limitation:*
14 (1) *Services that assist residents of the facility with their*
15 *activities of daily living and instrumental activities of daily living,*
16 *and the oversight of such services;*
17 (2) *Health care services, including, without limitation, the*
18 *management of medication;*
19 (3) *Social and recreational services;*
20 (4) *Meals;*
21 (5) *Laundry services;*
22 (6) *Transportation; and*
23 (7) *Security services.*
24 2. *“Facility for assisted living” does not include a facility that*
25 *provides ongoing skilled nursing assistance or intensive therapies*
26 *on a 24-hour basis for persons who have complex or unstable*
27 *medical conditions, but includes a facility that provides services to*
28 *persons who:*
29 (a) *Have deficiencies in one or more activities of daily living*
30 *and are no longer able to live without assistance;*
31 (b) *Are physically frail; or*
32 (c) *May have cognitive impairments, may be incontinent, may*
33 *require mobility aids, may require special diets, may require*
34 *monitoring or assistance with medication, or may require frequent*
35 *monitoring of their health conditions.*
36 3. *As used in this section, “senior citizen” means a person*
37 *who is 60 years of age or older.*
38 **Sec. 3.** *A facility for assisted living must not be operated*
39 *except under the supervision of an administrator of a facility for*
40 *assisted living licensed pursuant to the provisions of chapter 654*
41 *of NRS.*
42 **Sec. 4.** *A person who operates a facility for assisted living*
43 *shall:*
44 1. *Post his license to operate the facility for assisted living;*
45 *and*



1 **2. Post the rates for services provided by the facility for**
2 **assisted living,**
3 **in a conspicuous place in the facility for assisted living.**

4 **Sec. 5. If the Health Division suspends or revokes the license**
5 **of a person who operates a facility for assisted living for abuse,**
6 **neglect or isolation of the occupants of the facility, the Health**
7 **Division shall suspend or revoke the license of all facilities for**
8 **assisted living operated by that person. The person who operates**
9 **the facility shall move all the persons who are receiving services in**
10 **the facility for assisted living to other licensed facilities for assisted**
11 **living at his own expense.**

12 **Sec. 6.** NRS 449.001 is hereby amended to read as follows:
13 449.001 As used in this chapter, unless the context otherwise
14 requires, the words and terms defined in NRS 449.0015 to 449.019,
15 inclusive, **and section 2 of this act** have the meanings ascribed to
16 them in those sections.

17 **Sec. 7.** NRS 449.0045 is hereby amended to read as follows:
18 449.0045 “Facility for the dependent” includes a facility for the
19 treatment of abuse of alcohol or drugs, halfway house for recovering
20 alcohol and drug abusers, facility for the care of adults during the
21 day, ~~or~~ residential facility for groups ~~or~~ **or facility for assisted**
22 **living.**

23 **Sec. 8.** NRS 449.017 is hereby amended to read as follows:
24 449.017 1. Except as otherwise provided in subsection 2,
25 “residential facility for groups” means an establishment that
26 furnishes food, shelter, assistance and limited supervision to an
27 aged, infirm, mentally retarded or handicapped person.

- 28 2. The term does not include:
29 (a) An establishment which provides care only during the day;
30 (b) A natural person who provides care for no more than two
31 persons in his own home;
32 (c) A natural person who provides care for one or more persons
33 related to him within the third degree of consanguinity or affinity;
34 (d) A halfway house for recovering alcohol and drug abusers;

- 35 ~~or~~
36 (e) **A facility for assisted living; or**
37 (f) A facility funded by a division or program of the Department
38 of Human Resources.

39 **Sec. 9.** NRS 449.030 is hereby amended to read as follows:
40 449.030 1. No person, state or local government or agency
41 thereof may operate or maintain in this state any medical facility or
42 facility for the dependent without first obtaining a license therefor as
43 provided in NRS 449.001 to 449.240, inclusive ~~or~~, **and sections 2**
44 **to 5, inclusive, of this act.**



1 2. Unless licensed as a facility for hospice care, a person, state
2 or local government or agency thereof shall not operate a program
3 of hospice care without first obtaining a license for the program
4 from the Board.

5 **Sec. 10.** NRS 449.0305 is hereby amended to read as follows:

6 449.0305 1. Except as otherwise provided in subsection 5, a
7 person must obtain a license from the Board to operate a business
8 that provides referrals to residential facilities for groups ~~[]~~ *or to*
9 *facilities for assisted living.*

10 2. The Board shall adopt:

11 (a) Standards for the licensing of businesses that provide
12 referrals to residential facilities for groups ~~[]~~ *or to facilities for*
13 *assisted living;*

14 (b) Standards relating to the fees charged by such businesses;

15 (c) Regulations governing the licensing of such businesses; and

16 (d) Regulations establishing requirements for training the
17 employees of such businesses.

18 3. A licensed nurse, social worker, physician or hospital, or a
19 provider of geriatric care who is licensed as a nurse or social worker
20 ~~[]~~ may provide referrals to residential facilities for groups *or to*
21 *facilities for assisted living* through a business that is licensed
22 pursuant to this section. The Board may, by regulation, authorize a
23 public guardian or any other person it determines appropriate to
24 provide referrals to residential facilities for groups *or to facilities*
25 *for assisted living* through a business that is licensed pursuant to
26 this section.

27 4. A business that is licensed pursuant to this section or an
28 employee of such a business shall not:

29 (a) Refer a person to a residential facility for groups *or to a*
30 *facility for assisted living* that is not licensed.

31 (b) Refer a person to a residential facility for groups *or to a*
32 *facility for assisted living* that is owned by the same person who
33 owns the business.

34 A person who violates the provisions of this subsection is liable for
35 a civil penalty to be recovered by the Attorney General in the name
36 of the State Board of Health for the first offense of not more than
37 \$10,000 and for a second or subsequent offense of not less than
38 \$10,000 nor more than \$20,000. Unless otherwise required by
39 federal law, the State Board of Health shall deposit all civil penalties
40 collected pursuant to this section into a separate account in the State
41 General Fund to be used for the enforcement of this section and the
42 protection of the health, safety, well-being and property of
43 ~~[residences]~~ *residents* of residential facilities for groups ~~[]~~ *and*
44 *residents of facilities for assisted living.*



1 5. This section does not apply to a medical facility that is
2 licensed pursuant to NRS 449.001 to 449.240, inclusive, *and*
3 *sections 2 to 5, inclusive, of this act* on October 1, 1999.

4 **Sec. 11.** NRS 449.037 is hereby amended to read as follows:

5 449.037 1. The Board shall adopt:

6 (a) Licensing standards for each class of medical facility or
7 facility for the dependent covered by NRS 449.001 to 449.240,
8 inclusive, *and sections 2 to 5, inclusive, of this act* and for
9 programs of hospice care.

10 (b) Regulations governing the licensing of such facilities and
11 programs.

12 (c) Regulations governing the procedure and standards for
13 granting an extension of the time for which a natural person may
14 provide certain care in his home without being considered a
15 residential facility for groups pursuant to NRS 449.017. The
16 regulations must require that such grants are effective only if made
17 in writing.

18 (d) Regulations establishing a procedure for the indemnification
19 by the Health Division, from the amount of any surety bond or other
20 obligation filed or deposited by a facility for refractive laser surgery
21 pursuant to NRS 449.068 or 449.069, of a patient of the facility who
22 has sustained any damages as a result of the bankruptcy of or any
23 breach of contract by the facility.

24 (e) Any other regulations as it deems necessary or convenient to
25 carry out the provisions of NRS 449.001 to 449.240, inclusive ~~§~~,
26 *and sections 2 to 5, inclusive, of this act.*

27 2. The Board shall adopt separate regulations governing the
28 licensing and operation of:

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

30 (b) Residential facilities for groups,
31 which provide care to persons with Alzheimer's disease.

32 3. The Board shall adopt separate regulations for:

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

35 (b) The licensure of facilities for refractive laser surgery which
36 take into consideration the unique factors of operating such a
37 facility.

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

41 4. The Board shall require that the practices and policies of
42 each medical facility or facility for the dependent provide
43 adequately for the protection of the health, safety, and physical,
44 moral and mental well-being of each person accommodated in the
45 facility.



1 5. The Board shall establish minimum qualifications for
2 administrators and employees of residential facilities for groups. In
3 establishing the qualifications, the Board shall consider the related
4 standards set by nationally recognized organizations which accredit
5 such facilities.

6 6. *The Board shall establish minimum qualifications for*
7 *administrators and employees of facilities for assisted living. In*
8 *establishing the qualifications, the Board shall consider the*
9 *related standards set by nationally recognized organizations which*
10 *accredit such facilities.*

11 7. The Board shall adopt separate regulations regarding the
12 assistance which may be given pursuant to NRS 453.375 and
13 454.213 to an ultimate user of controlled substances or dangerous
14 drugs by employees of residential facilities for groups ~~and~~ *and by*
15 *employees of facilities for assisted living.* The regulations must
16 require at least the following conditions before such assistance may
17 be given:

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

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

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

24 (1) Addresses possession and assistance in the administration
25 of the medication; and

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

29 (d) The prescribed medication is not administered by injection
30 or intravenously.

31 (e) The employee has successfully completed training and
32 examination approved by the Health Division regarding the
33 authorized manner of assistance.

34 ~~7.7~~ 8. The Board shall, if it determines necessary, adopt
35 regulations and requirements to ensure that each residential facility
36 for groups and its staff *and each facility for assisted living and its*
37 *staff* are prepared to respond to an emergency, including, without
38 limitation:

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

42 (b) The adoption of plans to provide for the evacuation of a
43 residential facility for groups *or a facility for assisted living* in an
44 emergency, including, without limitation, plans to ensure that
45 nonambulatory patients may be evacuated;



1 (c) Educating the residents of residential facilities for groups
2 *and the residents of facilities for assisted living* concerning the
3 plans adopted pursuant to paragraphs (a) and (b); and

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

8 **Sec. 12.** NRS 449.060 is hereby amended to read as follows:

9 449.060 1. Each license issued pursuant to NRS 449.001 to
10 449.240, inclusive, *and sections 2 to 5, inclusive, of this act* expires
11 on December 31 following its issuance and is renewable for 1 year
12 upon reapplication and payment of the fee provided in NRS 449.040
13 and 449.050 unless the Health Division finds, after an investigation,
14 that the facility has not:

15 (a) Satisfactorily complied with the provisions of NRS 449.001
16 to 449.240, inclusive, *and sections 2 to 5, inclusive, of this act* or
17 the standards and regulations adopted by the Board;

18 (b) Obtained the approval of the Director of the Department of
19 Human Resources before undertaking a project, if such approval is
20 required by NRS 439A.100; or

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

22 2. Each reapplication for an agency to provide nursing in the
23 home, a residential facility for intermediate care, a facility for
24 skilled nursing, ~~and~~ a residential facility for groups *or a facility for*
25 *assisted living* must include, without limitation, a statement that the
26 facility or agency is in compliance with the provisions of NRS
27 449.173 to 449.188, inclusive.

28 **Sec. 13.** NRS 449.065 is hereby amended to read as follows:

29 449.065 1. Except as otherwise provided in subsection 6 and
30 NRS 449.067, each facility for intermediate care, facility for skilled
31 nursing, residential facility for groups, *facility for assisted living*
32 and agency to provide nursing in the home shall, when applying for
33 a license or renewing a license, file with the Administrator of the
34 Aging Services Division of the Department of Human Resources a
35 surety bond:

36 (a) If the facility or agency employs less than 7 employees, in
37 the amount of \$10,000;

38 (b) If the facility or agency employs at least 7 but not more than
39 25 employees, in the amount of \$50,000; or

40 (c) If the facility or agency employs more than 25 employees, in
41 the amount of \$100,000.

42 2. A bond filed pursuant to this section must be executed by
43 the facility or agency as principal and by a surety company as
44 surety. The bond must be payable to the Aging Services Division of
45 the Department of Human Resources and must be conditioned to



1 provide indemnification to an older patient who the specialist for the
2 rights of elderly persons determines has suffered property damage as
3 a result of any act or failure to act by the facility or agency to protect
4 the property of the older patient.

5 3. Except when a surety is released, the surety bond must cover
6 the period of the initial license to operate or the period of the
7 renewal, as appropriate.

8 4. A surety on any bond filed pursuant to this section may be
9 released after the surety gives 30 days' written notice to the
10 Administrator of the Aging Services Division of the Department of
11 Human Resources, but the release does not discharge or otherwise
12 affect any claim filed by an older patient for property damaged as a
13 result of any act or failure to act by the facility or agency to protect
14 the property of the older patient alleged to have occurred while the
15 bond was in effect.

16 5. A license is suspended by operation of law when the facility
17 or agency is no longer covered by a surety bond as required by this
18 section or by a substitute for the surety bond pursuant to NRS
19 449.067. The Administrator of the Aging Services Division of the
20 Department of Human Resources shall give the facility or agency at
21 least 20 days' written notice before the release of the surety or the
22 substitute for the surety, to the effect that the license will be
23 suspended by operation of law until another surety bond or
24 substitute for the surety bond is filed in the same manner and
25 amount as the bond or substitute being terminated.

26 6. The Administrator of the Aging Services Division of the
27 Department of Human Resources may exempt a residential facility
28 for groups *or a facility for assisted living* from the requirement of
29 filing a surety bond pursuant to this section if the Administrator
30 determines that the requirement would result in undue hardship to
31 the residential facility for groups ~~or~~ *or the facility for assisted*
32 *living.*

33 **Sec. 14.** NRS 449.067 is hereby amended to read as follows:

34 449.067 1. As a substitute for the surety bond required
35 pursuant to NRS 449.065, a facility for intermediate care, a facility
36 for skilled nursing, a residential facility for groups *, a facility for*
37 *assisted living* and an agency to provide nursing in the home may
38 deposit with any bank or trust company authorized to do business in
39 this state, upon approval from the Administrator of the Aging
40 Services Division of the Department of Human Resources:

41 (a) An obligation of a bank, savings and loan association, thrift
42 company or credit union licensed to do business in this state;

43 (b) Bills, bonds, notes, debentures or other obligations of the
44 United States or any agency or instrumentality thereof, or
45 guaranteed by the United States; or



1 (c) Any obligation of this state or any city, county, town,
2 township, school district or other instrumentality of this state, or
3 guaranteed by this state, in an aggregate amount, based upon
4 principal amount or market value, whichever is lower.

5 2. The obligations of a bank, savings and loan association,
6 thrift company or credit union must be held to secure the same
7 obligation as would the surety bond required by NRS 449.065. With
8 the approval of the Administrator of the Aging Services Division,
9 the depositor may substitute other suitable obligations for those
10 deposited, which must be assigned to the Aging Services Division
11 of the Department of Human Resources and are negotiable only
12 upon approval by the Administrator of the Aging Services Division.

13 3. Any interest or dividends earned on the deposit accrue to the
14 account of the depositor.

15 4. The deposit must be an amount at least equal to the surety
16 bond required by NRS 449.065 and must state that the amount may
17 not be withdrawn except by direct and sole order of the
18 Administrator of the Aging Services Division.

19 **Sec. 15.** NRS 449.070 is hereby amended to read as follows:
20 449.070 The provisions of NRS 449.001 to 449.240, inclusive,
21 *and sections 2 to 5, inclusive, of this act* do not apply to:

22 1. Any facility conducted by and for the adherents of any
23 church or religious denomination for the purpose of providing
24 facilities for the care and treatment of the sick who depend solely
25 upon spiritual means through prayer for healing in the practice of
26 the religion of the church or denomination, except that such a
27 facility must comply with all regulations relative to sanitation and
28 safety applicable to other facilities of a similar category.

29 2. Foster homes as defined in NRS 424.014.

30 3. Any medical facility or facility for the dependent operated
31 and maintained by the United States Government or an agency
32 thereof.

33 **Sec. 16.** NRS 449.160 is hereby amended to read as follows:

34 449.160 1. The Health Division may deny an application for
35 a license or may suspend or revoke any license issued under the
36 provisions of NRS 449.001 to 449.240, inclusive, *and sections 2 to*
37 *5, inclusive, of this act* upon any of the following grounds:

38 (a) Violation by the applicant or the licensee of any of the
39 provisions of NRS 439B.410 or 449.001 to 449.245, inclusive, *and*
40 *sections 2 to 5, inclusive, of this act*, or of any other law of this state
41 or of the standards, rules and regulations adopted thereunder.

42 (b) Aiding, abetting or permitting the commission of any illegal
43 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 Human Resources as required by
8 NRS 439A.100 or as provided in any regulation adopted pursuant to
9 this chapter, if such approval is required.

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

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

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

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

21 3. The Health Division shall maintain a log of any complaints
22 that it receives relating to activities for which the Health Division
23 may revoke the license to operate a facility for the dependent
24 pursuant to subsection 2.

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

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

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

33 **Sec. 17.** NRS 449.163 is hereby amended to read as follows:

34 449.163 1. If a medical facility or facility for the dependent
35 violates any provision related to its licensure, including any
36 provision of NRS 439B.410, 449.001 to 449.240, inclusive, *and*
37 *sections 2 to 5, inclusive, of this act*, or any condition, standard or
38 regulation adopted by the Board, the Health Division in accordance
39 with the regulations adopted pursuant to NRS 449.165 may:

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

42 (b) Limit the occupancy of the facility to the number of beds
43 occupied when the violation occurred, until it determines that the
44 facility has corrected the violation;



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

4 (d) Appoint temporary management to oversee the operation of
5 the facility and to ensure the health and safety of the patients of the
6 facility, until:

7 (1) It determines that the facility has corrected the violation
8 and has management which is capable of ensuring continued
9 compliance with the applicable statutes, conditions, standards and
10 regulations; or

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

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

14 (a) Suspend the license of the facility until the administrative
15 penalty is paid; and

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

18 3. The Health Division may require any facility that violates
19 any provision of NRS 439B.410, 449.001 to 449.240, inclusive, *and*
20 *sections 2 to 5, inclusive, of this act*, or any condition, standard or
21 regulation adopted by the Board, to make any improvements
22 necessary to correct the violation.

23 4. Any money collected as administrative penalties pursuant to
24 this section must be accounted for separately and used to protect the
25 health or property of the residents of the facility in accordance with
26 applicable federal standards.

27 **Sec. 18.** NRS 449.176 is hereby amended to read as follows:

28 449.176 1. Each applicant for a license to operate a facility
29 for intermediate care, facility for skilled nursing, ~~or~~ residential
30 facility for groups *or facility for assisted living* shall submit to the
31 Central Repository for Nevada Records of Criminal History two
32 complete sets of fingerprints for submission to the Federal Bureau
33 of Investigation for its report.

34 2. The Central Repository for Nevada Records of Criminal
35 History shall determine whether the applicant has been convicted of
36 a crime listed in paragraph (a) of subsection 1 of NRS 449.188 and
37 immediately inform the administrator of the facility, if any, and the
38 Health Division of whether the applicant has been convicted of such
39 a crime.

40 **Sec. 19.** NRS 449.179 is hereby amended to read as follows:

41 449.179 1. Except as otherwise provided in subsection 2,
42 within 10 days after hiring an employee or entering into a contract
43 with an independent contractor, the administrator of, or the person
44 licensed to operate, an agency to provide nursing in the home, a



1 facility for intermediate care, a facility for skilled nursing , ~~for~~ a
2 residential facility for groups *or a facility for assisted living* shall:

3 (a) Obtain a written statement from the employee or independent
4 contractor stating whether he has been convicted of any crime listed
5 in NRS 449.188;

6 (b) Obtain an oral and written confirmation of the information
7 contained in the written statement obtained pursuant to
8 paragraph (a);

9 (c) Obtain from the employee or independent contractor two sets
10 of fingerprints and a written authorization to forward the
11 fingerprints to the Central Repository for Nevada Records of
12 Criminal History for submission to the Federal Bureau of
13 Investigation for its report; and

14 (d) Submit to the Central Repository for Nevada Records of
15 Criminal History the fingerprints obtained pursuant to paragraph (c).

16 2. The administrator of, or the person licensed to operate, an
17 agency to provide nursing in the home, a facility for intermediate
18 care, a facility for skilled nursing , ~~for~~ a residential facility for
19 groups *or a facility for assisted living* is not required to obtain the
20 information described in subsection 1 from an employee or
21 independent contractor who provides proof that an investigation of
22 his criminal history has been conducted by the Central Repository
23 for Nevada Records of Criminal History within the immediately
24 preceding 6 months and the investigation did not indicate that the
25 employee or independent contractor had been convicted of any
26 crime set forth in NRS 449.188.

27 3. The administrator of, or the person licensed to operate, an
28 agency to provide nursing in the home, a facility for intermediate
29 care, a facility for skilled nursing , ~~for~~ a residential facility for
30 groups *or a facility for assisted living* shall ensure that the criminal
31 history of each employee or independent contractor who works at
32 the agency or facility is investigated at least once every 5 years. The
33 administrator or person shall:

34 (a) If the agency or facility does not have the fingerprints of the
35 employee or independent contractor on file, obtain two sets of
36 fingerprints from the employee or independent contractor;

37 (b) Obtain written authorization from the employee or
38 independent contractor to forward the fingerprints on file or
39 obtained pursuant to paragraph (a) to the Central Repository for
40 Nevada Records of Criminal History for submission to the Federal
41 Bureau of Investigation for its report; and

42 (c) Submit the fingerprints to the Central Repository for Nevada
43 Records of Criminal History.

44 4. Upon receiving fingerprints submitted pursuant to this
45 section, the Central Repository for Nevada Records of Criminal



1 History shall determine whether the employee or independent
2 contractor has been convicted of a crime listed in NRS 449.188 and
3 immediately inform the Health Division and the administrator of, or
4 the person licensed to operate, the agency or facility at which the
5 person works whether the employee or independent contractor has
6 been convicted of such a crime.

7 5. The Central Repository for Nevada Records of Criminal
8 History may impose a fee upon an agency or a facility that submits
9 fingerprints pursuant to this section for the reasonable cost of the
10 investigation. The agency or facility may recover from the employee
11 or independent contractor not more than one-half of the fee imposed
12 by the Central Repository. If the agency or facility requires the
13 employee or independent contractor to pay for any part of the fee
14 imposed by the Central Repository, it shall allow the employee or
15 independent contractor to pay the amount through periodic
16 payments.

17 **Sec. 20.** NRS 449.182 is hereby amended to read as follows:

18 449.182 Each agency to provide nursing in the home, facility
19 for intermediate care, facility for skilled nursing, ~~and~~ residential
20 facility for groups *and facility for assisted living* shall maintain
21 accurate records of the information concerning its employees and
22 independent contractors collected pursuant to NRS 449.179, and
23 shall maintain a copy of the fingerprints submitted to the Central
24 Repository for Nevada Records of Criminal History and proof that it
25 submitted two sets of fingerprints to the Central Repository for its
26 report. These records must be made available for inspection by the
27 Health Division at any reasonable time and copies thereof must be
28 furnished to the Health Division upon request.

29 **Sec. 21.** NRS 449.185 is hereby amended to read as follows:

30 449.185 1. Upon receiving information from the Central
31 Repository for Nevada Records of Criminal History pursuant to
32 NRS 449.179, or evidence from any other source, that an employee
33 or independent contractor of an agency to provide nursing in the
34 home, a facility for intermediate care, a facility for skilled nursing,
35 ~~or~~ a residential facility for groups *or a facility for assisted living*
36 has been convicted of a crime listed in paragraph (a) of subsection 1
37 of NRS 449.188, the administrator of, or the person licensed to
38 operate, the agency or facility shall terminate the employment or
39 contract of that person after allowing him time to correct the
40 information as required pursuant to subsection 2.

41 2. If an employee or independent contractor believes that the
42 information provided by the Central Repository is incorrect, he may
43 immediately inform the agency or facility. An agency or facility that
44 is so informed shall give the employee or independent contractor a
45 reasonable amount of time of not less than 30 days to correct the



1 information received from the Central Repository before terminating
2 the employment or contract of the person pursuant to subsection 1.

3 3. An agency or facility that has complied with NRS 449.179
4 may not be held civilly or criminally liable based solely upon the
5 ground that the agency or facility allowed an employee or
6 independent contractor to work:

7 (a) Before it received the information concerning the employee
8 or independent contractor from the Central Repository;

9 (b) During any period required pursuant to subsection 2 to allow
10 the employee or independent contractor to correct that information;

11 (c) Based on the information received from the Central
12 Repository, if the information received from the Central Repository
13 was inaccurate; or

14 (d) Any combination thereof.

15 An agency or facility may be held liable for any other conduct
16 determined to be negligent or unlawful.

17 **Sec. 22.** NRS 449.188 is hereby amended to read as follows:

18 449.188 1. In addition to the grounds listed in NRS 449.160,
19 the Health Division may deny a license to operate a facility for
20 intermediate care, facility for skilled nursing , ~~or~~ residential
21 facility for groups *or facility for assisted living* to an applicant or
22 may suspend or revoke the license of a licensee to operate such a
23 facility if:

24 (a) The applicant or licensee has been convicted of:

25 (1) Murder, voluntary manslaughter or mayhem;

26 (2) Assault with intent to kill or to commit sexual assault or
27 mayhem;

28 (3) Sexual assault, statutory sexual seduction, incest,
29 lewdness, indecent exposure or any other sexually related crime;

30 (4) Abuse or neglect of a child or contributory delinquency;

31 (5) A violation of any federal or state law regulating the
32 possession, distribution or use of any controlled substance or any
33 dangerous drug as defined in chapter 454 of NRS, within the past 7
34 years;

35 (6) A violation of any provision of NRS 200.50955 or
36 200.50999;

37 (7) Any offense involving fraud, theft, embezzlement,
38 burglary, robbery, fraudulent conversion or misappropriation of
39 property, within the immediately preceding 7 years; or

40 (8) Any other felony involving the use of a firearm or other
41 deadly weapon, within the immediately preceding 7 years; or

42 (b) The licensee has continued to employ a person who has been
43 convicted of a crime listed in paragraph (a).

44 2. In addition to the grounds listed in NRS 449.160, the Health
45 Division may deny a license to operate an agency to provide nursing



1 in the home to an applicant or may suspend or revoke the license of
2 a licensee to operate such an agency if the licensee has continued to
3 employ a person who has been convicted of a crime listed in
4 paragraph (a) of subsection 1.

5 **Sec. 23.** NRS 449.200 is hereby amended to read as follows:
6 449.200 The Health Division shall, upon request, disclose to
7 any person or governmental entity the results of its inspections of
8 facilities for skilled nursing, facilities for intermediate care, ~~and~~
9 residential facilities for groups *and facilities for assisted living*
10 regarding their compliance with applicable regulations and
11 standards.

12 **Sec. 24.** NRS 449.210 is hereby amended to read as follows:
13 449.210 1. Except as otherwise provided in subsections 2 and
14 3, a person who operates a medical facility or facility for the
15 dependent without a license issued by the Health Division is guilty
16 of a misdemeanor.

17 2. A person who operates a residential facility for groups *or a*
18 *facility for assisted living* without a license issued by the Health
19 Division:

20 (a) Is liable for a civil penalty to be recovered by the Attorney
21 General in the name of the Health Division for the first offense of
22 not more than \$10,000 and for a second or subsequent offense of not
23 less than \$10,000 nor more than \$20,000;

24 (b) Shall ~~be required to~~ move all of the persons who are
25 receiving services in the residential facility for groups *or the facility*
26 *for assisted living* to a residential facility for groups *or to a facility*
27 *for assisted living* that is licensed, *depending on where the persons*
28 *were previously receiving services*, at his own expense; and

29 (c) May not apply for a license to operate a residential facility
30 for groups *or a facility for assisted living* for a period of 6 months
31 after he is punished pursuant to this section.

32 3. Unless otherwise required by federal law, the Health
33 Division shall deposit all civil penalties collected pursuant to this
34 section into a separate account in the State General Fund to be used
35 for the protection of the health, safety and well-being of patients,
36 including residents of residential facilities for groups ~~and~~ *and*
37 *residents of facilities for assisted living*.

38 **Sec. 25.** NRS 449.230 is hereby amended to read as follows:
39 449.230 1. Any authorized member or employee of the
40 Health Division may enter and inspect any building or premises at
41 any time to secure compliance with or prevent a violation of any
42 provision of NRS 449.001 to 449.245, inclusive ~~and~~, *and sections 2*
43 *to 5, inclusive, of this act*. For the purposes of this subsection,
44 "building or premises" does not include a mobile unit that is
45 operated by a medical facility which is accredited by the Joint



1 Commission on Accreditation of Healthcare Organizations or the
2 American Osteopathic Association.

3 2. The State Fire Marshal or his designee shall, upon receiving
4 a request from the Health Division or a written complaint
5 concerning compliance with the plans and requirements to respond
6 to an emergency adopted pursuant to subsection ~~7~~ 8 of
7 NRS 449.037:

8 (a) Enter and inspect ~~the~~ *the* residential facility for groups ~~or~~
9 *the facility for assisted living*; and

10 (b) Make recommendations regarding the adoption of plans and
11 requirements pursuant to subsection ~~7~~ 8 of NRS 449.037,
12 to ensure the safety of the residents of the facility in an emergency.

13 3. The State Health Officer or his designee shall enter and
14 inspect at least annually each ~~building~~ :

15 (a) *Building* or the premises of a residential facility for groups
16 to ensure compliance with standards for health and sanitation ~~or~~ ;
17 *and*

18 (b) *Building or the premises of a facility for assisted living to*
19 *ensure compliance with standards for health and sanitation.*

20 4. An authorized member or employee of the Health Division
21 shall enter and inspect any ~~building~~ :

22 (a) *Building* or premises operated by a residential facility for
23 groups within 72 hours after the Health Division is notified that a
24 residential facility for groups is operating without a license ~~or~~ ; *and*

25 (b) *Building or premises operated by a facility for assisted*
26 *living within 72 hours after the Health Division is notified that a*
27 *facility for assisted living is operating without a license.*

28 **Sec. 26.** NRS 427A.028 is hereby amended to read as follows:
29 427A.028 "Facility for long-term care" means:

30 1. A residential facility for groups as defined in NRS 449.017;

31 2. A facility for intermediate care as defined in NRS 449.0038;

32 3. A facility for skilled nursing as defined in NRS 449.0039;

33 ~~and~~

34 4. *A facility for assisted living as defined in section 2 of this*
35 *act; and*

36 5. Any unlicensed establishment that provides food, shelter,
37 assistance and limited supervision to a resident.

38 **Sec. 27.** NRS 427A.175 is hereby amended to read as follows:

39 427A.175 1. Within 1 year after an older patient sustains
40 damage to his property as a result of any act or failure to act by a
41 facility for intermediate care, a facility for skilled nursing, a
42 residential facility for groups , *a facility for assisted living* or an
43 agency to provide nursing in the home in protecting the property,
44 the older patient may file a verified complaint with the Division
45 setting forth the details of the damage.



1 2. Upon receiving a verified complaint pursuant to subsection
2 1, the Administrator shall investigate the complaint and attempt to
3 settle the matter through arbitration, mediation or negotiation.

4 3. If a settlement is not reached pursuant to subsection 2, the
5 facility, agency or older patient may request a hearing before
6 the Specialist for the Rights of Elderly Persons. If requested, the
7 Specialist for the Rights of Elderly Persons shall conduct a hearing
8 to determine whether the facility or agency is liable for damages to
9 the patient. If the Specialist for the Rights of Elderly Persons
10 determines that the facility or agency is liable for damages to the
11 patient, he shall order the amount of the surety bond pursuant to
12 NRS 449.065 or the substitute for the surety bond necessary to pay
13 for the damages pursuant to NRS 449.067 to be released to the
14 Division. The Division shall pay any such amount to the older
15 patient or the estate of the older patient.

16 4. The Division shall create a separate account for money to be
17 collected and distributed pursuant to this section.

18 5. As used in this section:

19 (a) "Agency to provide nursing in the home" has the meaning
20 ascribed to it in NRS 449.0015;

21 (b) *"Facility for assisted living" has the meaning ascribed to it*
22 *in section 2 of this act;*

23 (c) "Facility for intermediate care" has the meaning ascribed to
24 it in NRS 449.0038;

25 ~~(d)~~ (d) "Facility for skilled nursing" has the meaning ascribed
26 to it in NRS 449.0039;

27 ~~(e)~~ (e) "Older patient" has the meaning ascribed to it in NRS
28 449.063; and

29 ~~(f)~~ (f) "Residential facility for groups" has the meaning
30 ascribed to it in NRS 449.017.

31 **Sec. 28.** NRS 427A.470 is hereby amended to read as follows:

32 427A.470 1. "Home" means residential living quarters
33 located in this state. The quarters may consist of a single dwelling
34 unit, or a unit which is an integral part of a larger complex such as a
35 multidwelling or a multipurpose building, together with the land
36 upon which the unit is built and any surrounding land, not to exceed
37 2 acres, and any outbuildings and facilities reasonably necessary for
38 use of the unit as residential living quarters.

39 2. The term includes:

40 (a) A mobile or manufactured home.

41 (b) A home, mobile or manufactured home or dwelling that the
42 claimant possesses under a contract of sale, deed of trust, life estate,
43 joint tenancy or tenancy in common.

44 (c) A residential facility for groups required to be licensed by
45 the Health Division of the Department of Human Resources



1 pursuant to NRS 449.001 to 449.240, inclusive ~~H~~, and sections 2
2 to 5, inclusive, of this act.

3 (d) *A facility for assisted living required to be licensed by the*
4 *Health Division of the Department of Human Resources pursuant*
5 *to NRS 449.001 to 449.240, inclusive, and sections 2 to 5,*
6 *inclusive, of this act.*

7 (e) A dwelling within any housing project which has been
8 established pursuant to chapter 315 of NRS and for which the
9 housing authority makes payments in lieu of taxes.

10 3. The term does not include any part of the building or land
11 which is not used as living quarters by the claimant and spouse and
12 which produces income for the claimant or spouse, if the residential
13 living quarters are part of a multipurpose building.

14 **Sec. 29.** NRS 453.375 is hereby amended to read as follows:

15 453.375 A controlled substance may be possessed and
16 administered by the following persons:

17 1. A practitioner.

18 2. A registered nurse licensed to practice professional nursing
19 or licensed practical nurse, at the direction of a physician, physician
20 assistant, dentist, podiatric physician or advanced practitioner of
21 nursing, or pursuant to a chart order, for administration to a patient
22 at another location.

23 3. An advanced emergency medical technician:

24 (a) As authorized by regulation of:

25 (1) The State Board of Health in a county whose population
26 is less than 100,000; or

27 (2) A county or district board of health in a county whose
28 population is 100,000 or more; and

29 (b) In accordance with any applicable regulations of:

30 (1) The State Board of Health in a county whose population
31 is less than 100,000;

32 (2) A county board of health in a county whose population is
33 100,000 or more; or

34 (3) A district board of health created pursuant to NRS
35 439.370 in any county.

36 4. A respiratory therapist, at the direction of a physician or
37 physician assistant.

38 5. A medical student, student in training to become a physician
39 assistant or student nurse in the course of his studies at an approved
40 college of medicine or school of professional or practical nursing, at
41 the direction of a physician or physician assistant and:

42 (a) In the presence of a physician, physician assistant or a
43 registered nurse; or

44 (b) Under the supervision of a physician, physician assistant or a
45 registered nurse if the student is authorized by the college or school



1 to administer the substance outside the presence of a physician,
2 physician assistant or nurse.

3 A medical student or student nurse may administer a controlled
4 substance in the presence or under the supervision of a registered
5 nurse alone only if the circumstances are such that the registered
6 nurse would be authorized to administer it personally.

7 6. An ultimate user or any person whom the ultimate user
8 designates pursuant to a written agreement.

9 7. Any person designated by the head of a correctional
10 institution.

11 8. A veterinary technician at the direction of his supervising
12 veterinarian.

13 9. In accordance with applicable regulations of the State Board
14 of Health, an employee of a residential facility for groups, as
15 defined in NRS 449.017, pursuant to a written agreement entered
16 into by the ultimate user.

17 10. *In accordance with applicable regulations of the State
18 Board of Health, an employee of a facility for assisted living, as
19 defined in section 2 of this act, pursuant to a written agreement
20 entered into by the ultimate user.*

21 11. In accordance with applicable regulations of the State
22 Board of Pharmacy, an animal control officer, a wildlife biologist or
23 an employee designated by a federal, state or local governmental
24 agency whose duties include the control of domestic, wild and
25 predatory animals.

26 **Sec. 30.** NRS 454.213 is hereby amended to read as follows:

27 454.213 A drug or medicine referred to in NRS 454.181 to
28 454.371, inclusive, may be possessed and administered by:

29 1. A practitioner.

30 2. A physician assistant at the direction of his supervising
31 physician or a licensed dental hygienist acting in the office of and
32 under the supervision of a dentist.

33 3. Except as otherwise provided in subsection 4, a registered
34 nurse licensed to practice professional nursing or licensed practical
35 nurse, at the direction of a prescribing physician, physician assistant,
36 dentist, podiatric physician or advanced practitioner of nursing, or
37 pursuant to a chart order, for administration to a patient at another
38 location.

39 4. In accordance with applicable regulations of the Board, a
40 registered nurse licensed to practice professional nursing or licensed
41 practical nurse who is:

42 (a) Employed by a health care agency or health care facility that
43 is authorized to provide emergency care, or to respond to the
44 immediate needs of a patient, in the residence of the patient; and



- 1 (b) Acting under the direction of the medical director of that
2 agency or facility who works in this state.
- 3 5. An intermediate emergency medical technician or an
4 advanced emergency medical technician, as authorized by
5 regulation of the State Board of Pharmacy and in accordance with
6 any applicable regulations of:
- 7 (a) The State Board of Health in a county whose population is
8 less than 100,000;
- 9 (b) A county board of health in a county whose population is
10 100,000 or more; or
- 11 (c) A district board of health created pursuant to NRS 439.370
12 in any county.
- 13 6. A respiratory therapist employed in a health care facility.
14 The therapist may possess and administer respiratory products only
15 at the direction of a physician.
- 16 7. A dialysis technician, under the direction or supervision of a
17 physician or registered nurse only if the drug or medicine is used for
18 the process of renal dialysis.
- 19 8. A medical student or student nurse in the course of his
20 studies at an approved college of medicine or school of professional
21 or practical nursing, at the direction of a physician and:
- 22 (a) In the presence of a physician or a registered nurse; or
23 (b) Under the supervision of a physician or a registered nurse if
24 the student is authorized by the college or school to administer the
25 drug or medicine outside the presence of a physician or
26 nurse.
- 27 A medical student or student nurse may administer a dangerous drug
28 in the presence or under the supervision of a registered nurse alone
29 only if the circumstances are such that the registered nurse would be
30 authorized to administer it personally.
- 31 9. Any person designated by the head of a correctional
32 institution.
- 33 10. An ultimate user or any person designated by the ultimate
34 user pursuant to a written agreement.
- 35 11. A nuclear medicine technologist, at the direction of a
36 physician and in accordance with any conditions established by
37 regulation of the Board.
- 38 12. A radiologic technologist, at the direction of a physician
39 and in accordance with any conditions established by regulation of
40 the Board.
- 41 13. A chiropractic physician, but only if the drug or medicine
42 is a topical drug used for cooling and stretching external tissue
43 during therapeutic treatments.
- 44 14. A physical therapist, but only if the drug or medicine is a
45 topical drug which is:



1 (a) Used for cooling and stretching external tissue during
2 therapeutic treatments; and

3 (b) Prescribed by a licensed physician for:

4 (1) Iontophoresis; or

5 (2) The transmission of drugs through the skin using
6 ultrasound.

7 15. In accordance with applicable regulations of the State
8 Board of Health, an employee of a residential facility for groups, as
9 defined in NRS 449.017, pursuant to a written agreement entered
10 into by the ultimate user.

11 16. *In accordance with applicable regulations of the State*
12 *Board of Health, an employee of a facility for assisted living, as*
13 *defined in section 2 of this act, pursuant to a written agreement*
14 *entered into by the ultimate user.*

15 17. A veterinary technician at the direction of his supervising
16 veterinarian.

17 ~~H7.1~~ 18. In accordance with applicable regulations of the
18 Board, a registered pharmacist who:

19 (a) Is trained in and certified to carry out standards and practices
20 for immunization programs;

21 (b) Is authorized to administer immunizations pursuant to
22 written protocols from a physician; and

23 (c) Administers immunizations in compliance with the
24 "Standards of Immunization Practices" recommended and approved
25 by the United States Public Health Service Advisory Committee on
26 Immunization Practices.

27 **Sec. 31.** NRS 477.030 is hereby amended to read as follows:

28 477.030 1. Except as otherwise provided in this section, the
29 State Fire Marshal shall enforce all laws and adopt regulations
30 relating to:

31 (a) The prevention of fire.

32 (b) The storage and use of:

33 (1) Combustibles, flammables and fireworks; and

34 (2) Explosives in any commercial construction, but not in
35 mining or the control of avalanches,

36 under those circumstances that are not otherwise regulated by the
37 Division of Industrial Relations of the Department of Business and
38 Industry pursuant to NRS 618.890.

39 (c) The safety, access, means and adequacy of exit in case of fire
40 from mental and penal institutions, facilities for the care of children,
41 foster homes, residential facilities for groups, *facilities for assisted*
42 *living*, facilities for intermediate care, nursing homes, hospitals,
43 schools, all buildings, except private residences, which are occupied
44 for sleeping purposes, buildings used for public assembly and all
45 other buildings where large numbers of persons work, live or



1 congregate for any purpose. As used in this paragraph, “public
2 assembly” means a building or a portion of a building used for the
3 gathering together of 50 or more persons for purposes of
4 deliberation, education, instruction, worship, entertainment,
5 amusement or awaiting transportation, or the gathering together of
6 100 or more persons in establishments for drinking or dining.

7 (d) The suppression and punishment of arson and fraudulent
8 claims or practices in connection with fire losses.
9 The regulations of the State Fire Marshal apply throughout the State,
10 but, except with respect to state-owned or state-occupied buildings,
11 his authority to enforce them or conduct investigations under this
12 chapter does not extend to a county whose population is 100,000 or
13 more or which has been converted into a consolidated municipality,
14 except in those local jurisdictions in those counties where he is
15 requested to exercise that authority by the chief officer of the
16 organized fire department of that jurisdiction.

17 2. The State Fire Marshal may set standards for equipment and
18 appliances pertaining to fire safety or to be used for fire protection
19 within this state, including the threads used on fire hose couplings
20 and hydrant fittings.

21 3. The State Fire Marshal shall cooperate with the State
22 Forester Firewarden in the preparation of regulations relating to
23 standards for fire retardant roofing materials pursuant to paragraph
24 (e) of subsection 1 of NRS 472.040.

25 4. The State Fire Marshal shall cooperate with the Division of
26 Child and Family Services of the Department of Human Resources
27 in establishing reasonable minimum standards for overseeing the
28 safety of and directing the means and adequacy of exit in case of fire
29 from family foster homes and group foster homes.

30 5. The State Fire Marshal shall coordinate all activities
31 conducted pursuant to 15 U.S.C. §§ 2201 et seq. , and receive and
32 distribute money allocated by the United States pursuant to that act.

33 6. Except as otherwise provided in subsection 10, the State Fire
34 Marshal shall:

35 (a) Investigate any fire which occurs in a county other than one
36 whose population is 100,000 or more or which has been converted
37 into a consolidated municipality, and from which a death results or
38 which is of a suspicious nature.

39 (b) Investigate any fire which occurs in a county whose
40 population is 100,000 or more or which has been converted into a
41 consolidated municipality, and from which a death results or which
42 is of a suspicious nature, if requested to do so by the chief officer of
43 the fire department in whose jurisdiction the fire occurs.

44 (c) Cooperate with the Commissioner of Insurance, the Attorney
45 General and the Fraud Control Unit established pursuant to NRS



1 228.412 in any investigation of a fraudulent claim under an
2 insurance policy for any fire of a suspicious nature.

3 (d) Cooperate with any local fire department in the investigation
4 of any report received pursuant to NRS 629.045.

5 (e) Provide specialized training in investigating the causes of
6 fires if requested to do so by the chief officer of an organized fire
7 department.

8 7. The State Fire Marshal shall put the National Fire Incident
9 Reporting System into effect throughout the State and publish at
10 least annually a summary of data collected under the system.

11 8. The State Fire Marshal shall provide assistance and
12 materials to local authorities, upon request, for the establishment of
13 programs for public education and other fire prevention activities.

14 9. The State Fire Marshal shall:

15 (a) Assist in checking plans and specifications for construction;

16 (b) Provide specialized training to local fire departments; and

17 (c) Assist local governments in drafting regulations and
18 ordinances,

19 on request or as he deems necessary.

20 10. In a county other than one whose population is 100,000 or
21 more or which has been converted into a consolidated municipality,
22 the State Fire Marshal shall, upon request by a local government,
23 delegate to the local government by interlocal agreement all or a
24 portion of his authority or duties if the local government's personnel
25 and programs are, as determined by the State Fire Marshal, equally
26 qualified to perform those functions. If a local government fails to
27 maintain the qualified personnel and programs in accordance with
28 such an agreement, the State Fire Marshal shall revoke the
29 agreement.

30 **Sec. 32.** Chapter 654 of NRS is hereby amended by adding
31 thereto the provisions set forth as sections 33 to 36, inclusive, of this
32 act.

33 **Sec. 33.** *“Administrator of a facility for assisted living”*
34 *means a person who manages, supervises and is in general*
35 *administrative charge of a facility for assisted living.*

36 **Sec. 34.** *“Facility for assisted living” has the meaning*
37 *ascribed to it in section 2 of this act.*

38 **Sec. 35.** *Each applicant for licensure as an administrator of*
39 *a facility for assisted living pursuant to this chapter must:*

40 1. *Be at least 21 years of age;*

41 2. *Be a citizen of the United States or lawfully entitled to*
42 *remain and work in the United States;*

43 3. *Be of good moral character and physically and emotionally*
44 *capable of administering a facility for assisted living;*



1 4. *Have satisfactorily completed a course of instruction and*
2 *training prescribed or approved by the Board or be qualified by*
3 *reason of his education, training or experience to administer,*
4 *supervise and manage a facility for assisted living;*

5 5. *Pass an examination conducted and prescribed by the*
6 *Board;*

7 6. *Submit with his application:*

8 (a) *A complete set of his fingerprints and written permission*
9 *authorizing the Board to forward the fingerprints to the Federal*
10 *Bureau of Investigation for its report;*

11 (b) *A fee to cover the actual cost of obtaining the report from*
12 *the Federal Bureau of Investigation; and*

13 (c) *The statement required pursuant to NRS 654.145; and*

14 7. *Comply with such other standards and qualifications as the*
15 *Board prescribes.*

16 **Sec. 36.** *1. Except as otherwise provided in subsection 2,*
17 *the Board may reinstate the license of an administrator of a*
18 *facility for assisted living that has been suspended by the Board if*
19 *a majority of the members of the Board vote in favor of the*
20 *reinstatement.*

21 2. *The Board may reinstate a license of an administrator of a*
22 *facility for assisted living that has been suspended pursuant to*
23 *NRS 425.540 only if the holder of the license complies with the*
24 *requirements for reinstatement set forth in NRS 654.193.*

25 3. *The Board may reinstate the license of an administrator of*
26 *a facility for assisted living that has been revoked by the Board if*
27 *all of the members of the Board vote in favor of reinstatement.*

28 **Sec. 37.** NRS 654.010 is hereby amended to read as follows:
29 654.010 As used in this chapter, unless the context otherwise
30 requires, the words and terms defined in NRS 654.015 to 654.031,
31 inclusive, *and sections 33 and 34 of this act* have the meanings
32 ascribed to them in those sections.

33 **Sec. 38.** NRS 654.060 is hereby amended to read as follows:

34 654.060 1. The Governor shall appoint:

35 (a) Two members who are nursing facility administrators.

36 (b) One member who is an administrator of a residential facility
37 for groups with less than seven clients.

38 (c) One member who is an administrator of a residential facility
39 for groups with seven or more clients.

40 (d) *One member who is an administrator of a facility for*
41 *assisted living.*

42 (e) One member who is a member of the medical or paramedical
43 professions.

44 ~~(e)~~ (f) One member who is a representative of the general
45 public.



1 2. The member who is a representative of the general public
2 shall not participate in preparing, conducting or grading any
3 examination required by the Board.

4 **Sec. 39.** NRS 654.110 is hereby amended to read as follows:

5 654.110 1. The Board shall:

6 (a) Develop, impose and enforce standards which must be met
7 by persons to receive licenses as nursing facility administrators, ~~for~~
8 administrators of residential facilities for groups ~~or~~
9 *administrators of facilities for assisted living*. The standards must
10 be designed to ensure that nursing facility administrators, ~~for~~
11 persons acting as administrators of residential facilities for groups *or*
12 *persons acting as administrators of facilities for assisted living* will
13 be persons who are of good character and otherwise suitable, and
14 who, by training or experience in their respective fields of
15 administering health care facilities, are qualified to serve as nursing
16 facility administrators, ~~for~~ administrators of residential facilities
17 for groups ~~or~~ *administrators of facilities for assisted living*.

18 (b) Develop and apply appropriate techniques, including
19 examinations and investigations, for determining whether a person
20 meets those standards.

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

23 (d) Revoke or suspend licenses previously issued by the Board
24 in any case if the person holding the license is determined
25 substantially to have failed to conform to the requirements of the
26 standards.

27 (e) Establish and carry out procedures designed to ensure that
28 persons licensed as nursing facility administrators, ~~for~~
29 administrators of residential facilities for groups *or administrators*
30 *of facilities for assisted living* will, during any period they serve as
31 such, comply with the requirements of the standards.

32 (f) Receive, investigate and take appropriate action with respect
33 to any charge or complaint filed with the Board to the effect that any
34 person licensed as a nursing facility administrator, ~~for~~ an
35 administrator of a residential facility for groups *or an administrator*
36 *of a facility for assisted living* has failed to comply with the
37 requirements of the standards. The Board shall initiate an
38 investigation of any charge or complaint filed with the Board within
39 30 days after receiving the charge or complaint.

40 (g) Conduct a continuing study of:

41 (1) Facilities for skilled nursing, facilities for intermediate
42 care and their administrators; ~~and~~

43 (2) Residential facilities for groups and their administrators
44 ~~or~~; *and*



1 (3) *Facilities for assisted living and their*
2 *administrators,*

3 with a view to the improvement of the standards imposed for the
4 licensing of administrators and of procedures and methods for the
5 enforcement of the standards.

6 (h) Conduct or approve, or both, a program of training and
7 instruction designed to enable all persons to obtain the qualifications
8 necessary to meet the standards set by the Board for qualification as
9 a nursing facility administrator , ~~for~~ an administrator of a
10 residential facility for groups ~~for~~ *or an administrator of a facility for*
11 *assisted living.*

12 2. All the records kept by the Board, not otherwise privileged,
13 are public records.

14 **Sec. 40.** NRS 654.130 is hereby amended to read as follows:

15 654.130 The Board shall:

16 1. Maintain a separate register of all applications for licensure
17 as a nursing facility administrator , ~~and~~ a separate register of all
18 applications for licensure as an administrator of a residential facility
19 for groups ~~for~~ *and a separate register of all applications for*
20 *licensure as an administrator of a facility for assisted living.* Each
21 register must include:

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

23 (b) If the register is for:

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

27 (2) Administrators of residential facilities for groups, the
28 name and address of each residential facility for groups of which the
29 applicant is to be administrator.

30 (3) *Administrators of assisted living facilities, the name and*
31 *address of each facility for assisted living of which the applicant is*
32 *to be administrator.*

33 (c) The date of the application.

34 (d) The date the application was reviewed and the action taken
35 on the application.

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

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

39 2. Maintain a separate register of all nursing facility
40 administrators , ~~and~~ a separate register of all administrators of
41 residential facilities for groups *and a separate register of all*
42 *administrators of facilities for assisted living* licensed pursuant to
43 this chapter showing the status of each license.



1 **Sec. 41.** NRS 654.140 is hereby amended to read as follows:
2 654.140 1. The Board shall prescribe and furnish an
3 application form for the use of all persons who desire to be licensed
4 pursuant to this chapter.

5 2. All applications filed with the Board must include the social
6 security number of the applicant and be accompanied by the
7 required fee fixed by the Board in an amount not to exceed:

- 8 (a) For an administrator of a residential facility for groups, \$150.
9 (b) *For an administrator of a facility for assisted living, \$150.*
10 (c) For a nursing facility administrator, \$250.

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

14 **Sec. 42.** NRS 654.140 is hereby amended to read as follows:

15 654.140 1. The Board shall prescribe and furnish an
16 application form for the use of all persons who desire to be licensed
17 pursuant to this chapter.

18 2. All applications filed with the Board must be accompanied
19 by the required fee fixed by the Board in an amount not to exceed:

- 20 (a) For an administrator of a residential facility for groups, \$150.
21 (b) *For an administrator of a facility for assisted living, \$150.*
22 (c) For a nursing facility administrator, \$250.

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

26 **Sec. 43.** NRS 654.145 is hereby amended to read as follows:

27 654.145 1. An applicant for the issuance or renewal of a
28 license as a nursing facility administrator, ~~{or}~~ an administrator of a
29 residential facility for groups *or an administrator of a facility for*
30 *assisted living* shall submit to the Board the statement prescribed by
31 the Welfare Division of the Department of Human Resources
32 pursuant to NRS 425.520. The statement must be completed and
33 signed by the applicant.

34 2. The Board shall include the statement required pursuant to
35 subsection 1 in:

- 36 (a) The application or any other forms that must be submitted
37 for the issuance or renewal of the license; or
38 (b) A separate form prescribed by the Board.

39 3. A license as a nursing facility administrator, ~~{or}~~ an
40 administrator of a residential facility for groups *or an administrator*
41 *of a facility for assisted living* may not be issued or renewed by the
42 Board if the applicant:

- 43 (a) Fails to submit the statement required pursuant to subsection
44 1; or



1 (b) Indicates on the statement submitted pursuant to subsection
2 1 that he is subject to a court order for the support of a child and is
3 not in compliance with the order or a plan approved by the district
4 attorney or other public agency enforcing the order for the
5 repayment of the amount owed pursuant to the order.

6 4. If an applicant indicates on the statement submitted pursuant
7 to subsection 1 that he is subject to a court order for the support of a
8 child and is not in compliance with the order or a plan approved by
9 the district attorney or other public agency enforcing the order for
10 the repayment of the amount owed pursuant to the order, the Board
11 shall advise the applicant to contact the district attorney or other
12 public agency enforcing the order to determine the actions that the
13 applicant may take to satisfy the arrearage.

14 **Sec. 44.** NRS 654.170 is hereby amended to read as follows:

15 654.170 1. The Board shall issue a numbered license, in such
16 form as it may prescribe, to each applicant who meets the
17 requirements of NRS 654.150 or 654.155 *or section 35 of this act*
18 and shall affix its official seal to the license.

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

22 3. Any licensed nursing facility administrator, ~~for~~
23 administrator of a residential facility for groups *or administrator of*
24 *a facility for assisted living* may renew his license by applying for
25 renewal in the manner prescribed by the Board, submitting the
26 statement required pursuant to NRS 654.145 and paying the renewal
27 fee fixed by the Board.

28 4. The Board shall, as a prerequisite for the renewal of a
29 license, require each holder to comply with the requirements for
30 continuing education adopted by the Board.

31 **Sec. 45.** NRS 654.170 is hereby amended to read as follows:

32 654.170 1. The Board shall issue a numbered license, in such
33 form as it may prescribe, to each applicant who meets the
34 requirements of NRS 654.150 or 654.155 *or section 35 of this act*
35 and shall affix its official seal to the license.

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

39 3. Any licensed nursing facility administrator, ~~for~~
40 administrator of a residential facility for groups *or administrator of*
41 *a facility for assisted living* may renew his license by applying for
42 renewal in the manner prescribed by the Board and paying the
43 renewal 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 requirements for
3 continuing education adopted by the Board.

4 **Sec. 46.** NRS 654.180 is hereby amended to read as follows:
5 654.180 The Board may issue a license as a nursing facility
6 administrator , ~~or~~ an administrator of a residential facility for
7 groups ~~or~~ *or an administrator of a facility for assisted living*,
8 without examination, to any applicant who holds the same license
9 from another jurisdiction, if the Board finds that the standards for
10 licensure in the other jurisdiction are the substantial equivalent of
11 those prevailing in this state and that the applicant is otherwise
12 qualified.

13 **Sec. 47.** NRS 654.190 is hereby amended to read as follows:
14 654.190 1. The Board may, after notice and hearing, impose
15 an administrative fine of not more than \$2,500 on and suspend or
16 revoke the license of any nursing facility administrator , ~~or~~
17 administrator of a residential facility for groups *or administrator of*
18 *a facility for assisted living* who:

19 (a) Is convicted of a felony, or of any offense involving moral
20 turpitude.

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

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

23 (d) Aids or abets any person in the violation of any of the
24 provisions of NRS 449.001 to 449.240, inclusive, *and sections 2 to*
25 *5, inclusive, of this act*, as those provisions pertain to a facility for
26 skilled nursing, facility for intermediate care , ~~or~~ residential
27 facility for groups ~~or~~ *or facility for assisted living*.

28 (e) Violates any regulation of the Board prescribing additional
29 standards of conduct for nursing facility administrators , ~~or~~
30 administrators of residential facilities for groups ~~or~~ *or*
31 *administrators of facilities for assisted living*.

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

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

38 **Sec. 48.** NRS 654.193 is hereby amended to read as follows:
39 654.193 1. If the Board receives a copy of a court order
40 issued pursuant to NRS 425.540 that provides for the suspension of
41 all professional, occupational and recreational licenses, certificates
42 and permits issued to a person who is the holder of a license as a
43 nursing facility administrator , ~~or~~ an administrator of a residential
44 facility for groups ~~or~~ *or an administrator of a facility for assisted*
45 *living*, the Board shall deem the license issued to that person to be



1 suspended at the end of the 30th day after the date on which the
2 court order was issued unless the Board receives a letter issued to
3 the holder of the license by the district attorney or other public
4 agency pursuant to NRS 425.550 stating that the holder of the
5 license has complied with the subpoena or warrant or has satisfied
6 the arrearage pursuant to NRS 425.560.

7 2. The Board shall reinstate a license as a nursing facility
8 administrator, ~~or~~ an administrator of a residential facility for
9 groups *or an administrator of a facility for assisted living* that has
10 been suspended by a district court pursuant to NRS 425.540 if the
11 Board receives a letter issued by the district attorney or other public
12 agency pursuant to NRS 425.550 to the person whose license was
13 suspended stating that the person whose license was suspended has
14 complied with the subpoena or warrant or has satisfied the arrearage
15 pursuant to NRS 425.560.

16 **Sec. 49.** NRS 654.200 is hereby amended to read as follows:
17 654.200 Any person who acts in the capacity of a nursing
18 facility administrator, ~~or~~ an administrator of a residential facility
19 for groups *or an administrator of a facility for assisted living*
20 without a license issued pursuant to the provisions of this chapter is
21 guilty of a misdemeanor.

22 **Sec. 50.** Section 35 of this act is hereby amended to read as
23 follows:

24 Sec. 35. Each applicant for licensure as an administrator
25 of a facility for assisted living pursuant to this chapter must:

- 26 1. Be at least 21 years of age;
- 27 2. Be a citizen of the United States or lawfully entitled to
28 remain and work in the United States;
- 29 3. Be of good moral character and physically and
30 emotionally capable of administering a facility for assisted
31 living;
- 32 4. Have satisfactorily completed a course of instruction
33 and training prescribed or approved by the Board or be
34 qualified by reason of his education, training or experience to
35 administer, supervise and manage a facility for assisted
36 living;
- 37 5. Pass an examination conducted and prescribed by the
38 Board;
- 39 6. Submit with his application:
40 (a) A complete set of his fingerprints and written
41 permission authorizing the Board to forward the fingerprints
42 to the Federal Bureau of Investigation for its report; *and*



1 (b) A fee to cover the actual cost of obtaining the report
2 from the Federal Bureau of Investigation; and

3 ~~[(c) The statement required pursuant to NRS 654.145;~~
4 ~~and]~~

5 7. Comply with such other standards and qualifications
6 as the Board prescribes.

7 **Sec. 51.** Section 36 of this act is hereby amended to read as
8 follows:

9 1. ~~[Except as otherwise provided in subsection 2, the]~~
10 *The* Board may reinstate the license of an administrator of a
11 facility for assisted living that has been suspended by the
12 Board if a majority of the members of the Board vote in favor
13 of the reinstatement.

14 2. ~~[The Board may reinstate a license of an administrator~~
15 ~~of a facility for assisted living that has been suspended~~
16 ~~pursuant to NRS 425.540 only if the holder of the license~~
17 ~~complies with the requirements for reinstatement set forth in~~
18 ~~NRS 654.193.~~

19 ~~—3.]~~ The Board may reinstate the license of an
20 administrator of a facility for assisted living that has been
21 revoked by the Board if all of the members of the Board vote
22 in favor of reinstatement.

23 **Sec. 52.** 1. Sections 1 and 2 of chapter 81, Statutes of
24 Nevada 2001, at page 546, are hereby repealed.

25 2. Section 12.5 of chapter 517, Statutes of Nevada 2001, at
26 page 2522, is hereby repealed.

27 **Sec. 53.** The Governor shall make the appointment required by
28 the amendatory provisions of section 38 of this act as soon as
29 practicable after July 1, 2003. The term of that member expires on
30 October 30, 2005.

31 **Sec. 54.** 1. This section and sections 52 and 53 of this act
32 become effective upon passage and approval.

33 2. Sections 1 to 41, inclusive, 43, 44 and 46 to 49, inclusive, of
34 this act become effective:

35 (a) Upon passage and approval for the purposes of adopting
36 regulations; and

37 (b) On January 1, 2004, for all other purposes.

38 3. Sections 35, 36, 41, 43, 44 and 48 of this act expire by
39 limitation on the date on which the provisions of 42 U.S.C. § 666
40 requiring each state to establish procedures under which the state
41 has authority to withhold or suspend, or to restrict the use of
42 professional, occupational and recreational licenses of persons who:



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

4 (b) Are in arrears in the payment for the support of one or more
5 children,
6 are repealed by the Congress of the United States.

7 4. Sections 42, 45, 50 and 51 of this act become effective on
8 the date on which the provisions of 42 U.S.C. § 666 requiring each
9 state to establish procedures under which the state has authority to
10 withhold or suspend, or to restrict the use of professional,
11 occupational and recreational licenses of persons who:

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

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

TEXT OF REPEALED SECTIONS

Section 1 of chapter 81, Statutes of Nevada 2001:

Section 1. NRS 449.017 is hereby amended to read as follows:

449.017 1. Except as otherwise provided in subsection 2, "residential facility for groups" means an establishment that furnishes food, shelter, assistance and limited supervision to an aged, infirm, mentally retarded or handicapped person. *The term includes, without limitation, an assisted living facility.*

2. The term does not include:

(a) An establishment which provides care only during the day;

(b) A natural person who provides care for no more than two persons in his own home;

(c) A natural person who provides care for one or more persons related to him within the third degree of consanguinity or affinity; or

(d) A facility funded by a division or program of the department of human resources.

Section 2 of chapter 81, Statutes of Nevada 2001:

Sec. 2. This act becomes effective on July 1, 2003.



Section 12.5 of chapter 517, Statutes of Nevada 2001:

Sec. 12.5. Section 1 of Senate Bill No. 74 of this session is hereby amended to read as follows:

Section 1. NRS 449.017 is hereby amended to read as follows:

449.017 1. Except as otherwise provided in subsection 2, "residential facility for groups" means an establishment that furnishes food, shelter, assistance and limited supervision to an aged, infirm, mentally retarded or handicapped person. The term includes, without limitation, an assisted living facility.

2. The term does not include:

(a) An establishment which provides care only during the day;

(b) A natural person who provides care for no more than two persons in his own home;

(c) A natural person who provides care for one or more persons related to him within the third degree of consanguinity or affinity;

(d) A halfway house for alcohol and drug abusers; or

(e) A facility funded by a division or program of the department of human resources.

