

SENATE BILL NO. 266—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE SUBCOMMITTEE TO CONDUCT
A STUDY OF POSTACUTE CARE)

MARCH 15, 2017

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes relating to providers of certain health care services in the home. (BDR 39-370)

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

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

AN ACT relating to health care; providing for the certification and regulation of providers of community-based living arrangement services; making similar changes relating to providers of supported living arrangement services; revising certain definitions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the Aging and Disability Services Division of the
2 Department of Health and Human Services is responsible for regulating providers
3 of supported living arrangement services, which are certain services provided in the
4 home, for compensation, to persons with an intellectual disability or a condition
5 related to such a disability. (NRS 435.3305-435.339) The Administrator of the
6 Division is responsible for adopting regulations governing such services.
7 (NRS 435.333)

8 Similar services, termed community-based living arrangement services, are
9 provided in the home, for compensation, to persons with mental illness or a related
10 condition, under the supervision of the Division of Public and Behavioral Health of
11 the Department. Apart from contracts between the Division and the providers of
12 such services, community-based living arrangement services are currently not
13 subject to any statutory or administrative regulation.

14 This bill establishes similar systems of statutory and regulatory control over
15 providers of supported living arrangement services and community-based living
16 arrangement services. **Sections 2-19** of this bill, applicable to community-based
17 living arrangement services: (1) provide for the certification of a provider of such



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18 services by the Division of Public and Behavioral Health; (2) require that a
19 consumer of such services be furnished with certain information by a provider of
20 such services; (3) require periodic inspections or surveys to ensure compliance with
21 the governing statutes and regulations; and (4) provide for the imposition of
22 administrative penalties for any violation. If the Division receives an inquiry or
23 complaint from a consumer of such services relating to a matter outside the
24 authority of the Division, **section 16** requires the Division to identify the agency
25 having jurisdiction over the matter, forward the inquiry or complaint to that agency
26 and notify the consumer of its action. **Sections 18 and 28** of this bill vest the
27 Department with regulatory authority over providers of community-based living
28 arrangement services and supported living arrangement services, respectively, and
29 require that similar regulatory standards be adopted for the two types of providers
30 of such services. **Sections 21-31** of this bill make similar changes relating to
31 supported living arrangement services.

32 Existing law exempts providers of supported living arrangement services from
33 the definitions of an “agency to provide nursing in the home,” a “home for
34 individual residential care” and a “nursing pool.” (NRS 449.0015, 449.0105,
35 449.0153) **Sections 37-39** of this bill provide similar exemptions for providers of
36 community-based living arrangement services.

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

1 **Section 1.** Chapter 433 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 19, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 19, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3, 4 and 5 of this act have the meanings ascribed to*
7 *them in those sections.*

8 **Sec. 3.** *“Certificate” means a certificate that authorizes a*
9 *person, government or governmental entity to provide community-*
10 *based living arrangement services pursuant to sections 2 to 19,*
11 *inclusive, of this act and any regulations adopted pursuant*
12 *thereto.*

13 **Sec. 4.** *“Community-based living arrangement services”*
14 *means flexible, individualized services, including, without*
15 *limitation, training and habilitation services, that are:*

16 1. *Provided in the home, for compensation, to a person with a*
17 *mental illness or a person with a related condition who is served*
18 *by the Division; and*

19 2. *Designed and coordinated to assist the person in*
20 *maximizing his or her independence.*

21 **Sec. 5.** *“Provider of services” means a provider of*
22 *community-based living arrangement services governed by*
23 *sections 2 to 19, inclusive, of this act and any regulations adopted*
24 *pursuant thereto.*



1 **Sec. 6. 1.** *Except as otherwise provided in subsection 2, a*
2 *person, government or governmental entity shall not provide*
3 *community-based living arrangement services in this State without*
4 *first obtaining a certificate from the Division.*

5 2. *A natural person who has not been issued a certificate but*
6 *is employed by the holder of a certificate may provide community-*
7 *based living arrangement services within the scope of that*
8 *employment.*

9 **Sec. 7. 1.** *In addition to any other requirements set forth in*
10 *this chapter, an applicant for the renewal of a certificate must*
11 *indicate in the application submitted to the Division whether the*
12 *applicant has a state business registration. If the applicant has a*
13 *state business registration, the applicant must include in the*
14 *application the business identification number assigned by the*
15 *Secretary of State upon compliance with the provisions of chapter*
16 *76 of NRS.*

17 2. *A certificate may not be renewed by the Division if:*

18 (a) *The applicant fails to submit the information required by*
19 *subsection 1; or*

20 (b) *The State Controller has informed the Division pursuant to*
21 *subsection 5 of NRS 353C.1965 that the applicant owes a debt to*
22 *an agency that has been assigned to the State Controller for*
23 *collection and the applicant has not:*

24 (1) *Satisfied the debt;*

25 (2) *Entered into an agreement for the payment of the debt*
26 *pursuant to NRS 353C.130; or*

27 (3) *Demonstrated that the debt is not valid.*

28 3. *As used in this section:*

29 (a) *“Agency” has the meaning ascribed to it in NRS 353C.020.*

30 (b) *“Debt” has the meaning ascribed to it in NRS 353C.040.*

31 **Sec. 8. 1.** *The Department may, by regulation, prescribe a*
32 *fee for:*

33 (a) *The issuance of a certificate; and*

34 (b) *The renewal of a certificate.*

35 2. *A fee prescribed pursuant to subsection 1 must be*
36 *calculated to produce the revenue estimated to cover the costs*
37 *related to certifications and renewals, but in no case may a fee for*
38 *a certificate or renewal of a certificate exceed the actual cost to the*
39 *Division of issuing or renewing the certificate, as applicable.*

40 **Sec. 9.** *The Division may:*

41 1. *Upon receipt of an application for a certificate, conduct an*
42 *investigation into the qualifications of personnel, methods of*
43 *operation, policies and purposes of any person, government or*
44 *governmental entity proposing to provide community-based living*
45 *arrangement services;*



1 2. *Upon receipt of a complaint against a provider of services,*
2 *except for a complaint concerning the cost of services, conduct an*
3 *investigation into the qualifications of personnel, methods of*
4 *operation, policies, procedures and records of the provider of*
5 *services; and*

6 3. *Employ such professional, technical and clerical*
7 *assistance as it deems necessary to carry out the provisions of*
8 *sections 2 to 19, inclusive, of this act.*

9 **Sec. 10.** *1. The Division may bring an action in the name*
10 *of the State to enjoin any person, government or governmental*
11 *entity from providing community-based living arrangement*
12 *services:*

13 (a) *Without first obtaining a certificate from the Division; or*

14 (b) *After the certificate has been revoked or suspended by the*
15 *Division.*

16 2. *It is sufficient in such an action to allege that the*
17 *defendant did, on a certain date and in a certain place, provide*
18 *community-based living arrangement services without a*
19 *certificate.*

20 **Sec. 11.** *1. A natural person who applies for the issuance*
21 *or renewal of a certificate must submit to the Division the*
22 *statement prescribed by the Division of Welfare and Supportive*
23 *Services of the Department pursuant to NRS 425.520. The*
24 *statement must be completed and signed by the applicant.*

25 2. *The Division shall include the statement required pursuant*
26 *to subsection 1 in:*

27 (a) *The application or any other forms that must be submitted*
28 *for the issuance or renewal of the certificate; or*

29 (b) *A separate form prescribed by the Division.*

30 3. *A certificate may not be issued or renewed by the Division*
31 *if the applicant is a natural person who:*

32 (a) *Fails to submit the statement required pursuant to*
33 *subsection 1; or*

34 (b) *Indicates on the statement submitted pursuant to*
35 *subsection 1 that the applicant is subject to a court order for the*
36 *support of a child and is not in compliance with the order or a*
37 *plan approved by the district attorney or other public agency*
38 *enforcing the order for the repayment of the amount owed*
39 *pursuant to the order.*

40 4. *If an applicant indicates on the statement submitted*
41 *pursuant to subsection 1 that the applicant is subject to a court*
42 *order for the support of a child and is not in compliance with the*
43 *order or a plan approved by the district attorney or other public*
44 *agency enforcing the order for the repayment of the amount owed*
45 *pursuant to the order, the Division shall advise the applicant to*



1 *contact the district attorney or other public agency enforcing the*
2 *order to determine the actions that the applicant may take to*
3 *satisfy the arrearage.*

4 **Sec. 12.** *The application of a natural person who applies for*
5 *the issuance of a certificate must include the social security*
6 *number of the applicant.*

7 **Sec. 13.** *1. If the Division receives a copy of a court order*
8 *issued pursuant to NRS 425.540 that provides for the suspension*
9 *of all professional, occupational and recreational licenses,*
10 *certificates and permits issued to a natural person who is the*
11 *holder of a certificate, the Division shall deem the certificate*
12 *issued to that person to be suspended at the end of the 30th day*
13 *after the date the court order was issued unless the Division*
14 *receives a letter issued to the holder of the certificate by the district*
15 *attorney or other public agency pursuant to NRS 425.550 stating*
16 *that the holder of the certificate has complied with the subpoena*
17 *or warrant or has satisfied the arrearage pursuant to*
18 *NRS 425.560.*

19 *2. The Division shall reinstate a certificate that has been*
20 *suspended by a district court pursuant to NRS 425.540 if the*
21 *Division receives a letter issued by the district attorney or other*
22 *public agency pursuant to NRS 425.550 to the person whose*
23 *certificate was suspended stating that the person whose certificate*
24 *was suspended has complied with the subpoena or warrant or has*
25 *satisfied the arrearage pursuant to NRS 425.560.*

26 **Sec. 14.** *The Division may enter into such agreements with*
27 *public and private agencies as it deems necessary for the provision*
28 *of community-based living arrangement services.*

29 **Sec. 15.** *Before providing community-based living*
30 *arrangement services for the first time to a consumer of such*
31 *services, a provider of services shall provide written notice to the*
32 *consumer, in the form prescribed by the Department:*

33 *1. Identifying the Division as the agency responsible for*
34 *overseeing the operation of the provider of services;*

35 *2. Listing the specific services that the provider of services is*
36 *authorized and required to provide to the consumer; and*

37 *3. Setting forth the name, mailing address, electronic mail*
38 *address and telephone number of the employee or office of the*
39 *Division to which any inquiry or complaint concerning the*
40 *provision of community-based living arrangement services to*
41 *the consumer may be directed.*

42 **Sec. 16.** *1. If the Division receives an inquiry or complaint*
43 *from a consumer of community-based living arrangement services*
44 *relating to a matter outside the authority of the Division, the*



1 *Division shall, within 5 working days after receiving the inquiry or*
2 *complaint:*

3 *(a) Make a reasonable effort to identify the agency of the State*
4 *or Federal Government, if any, having authority over the matter;*

5 *(b) Forward the inquiry or complaint to the appropriate*
6 *agency; and*

7 *(c) Notify the consumer of its action and identify the agency to*
8 *which the inquiry or complaint has been forwarded or, if the*
9 *Division determines that there is no agency with authority over the*
10 *matter, notify the consumer of that determination.*

11 *2. Any agency of this State to which an inquiry or complaint*
12 *is forwarded pursuant to subsection 1 shall, within 5 working days*
13 *after receiving the inquiry or complaint, contact the consumer to*
14 *acknowledge receipt of the inquiry or complaint.*

15 **Sec. 17.** *1. To ensure compliance with the provisions of*
16 *sections 2 to 19, inclusive, of this act and any regulations adopted*
17 *pursuant thereto, the Division shall, at least annually, cause to be*
18 *conducted:*

19 *(a) An inspection of each premises at which community-based*
20 *living arrangement services are provided;*

21 *(b) A survey of consumers receiving community-based living*
22 *arrangement services from each provider of services; or*

23 *(c) Any combination of such inspections and surveys.*

24 *2. In addition to complying with the requirements of*
25 *subsection 1, the Division may cause an inspection or survey to be*
26 *conducted as described in that subsection whenever the Division*
27 *has reason to believe that a provider of services or any other*
28 *person has violated any provision of sections 2 to 19, inclusive, of*
29 *this act or any regulation adopted pursuant thereto.*

30 **Sec. 18.** *1. The Department shall adopt regulations as it*
31 *deems necessary to carry out the provisions of sections 2 to 19,*
32 *inclusive, of this act. To the extent practicable, the regulations*
33 *must be equivalent to those adopted by the Department pursuant to*
34 *NRS 435.333 for providers of supported living arrangement*
35 *services, so that providers of community-based living arrangement*
36 *services and providers of supported living arrangement services*
37 *are subject to comparable standards of operation and*
38 *administrative oversight and penalties for any violation.*

39 *2. The regulations must include:*

40 *(a) Standards for the provision of quality care by a provider of*
41 *services;*

42 *(b) Requirements for the issuance and renewal of a certificate;*

43 *(c) The rights of consumers of community-based living*
44 *arrangement services, including, without limitation, the right of a*



1 consumer to file a complaint and the procedure for filing such a
2 complaint; and

3 (d) Standards consistent with section 19 of this act for
4 determining the penalty to be imposed against a provider of
5 services for a violation of sections 2 to 19, inclusive, of this act or
6 any regulation adopted pursuant thereto.

7 3. For each regulation adopted by the Department pursuant
8 to sections 2 to 19, inclusive, of this act and submitted to the
9 Legislative Counsel pursuant to NRS 233B.067 for review by
10 the Legislative Commission, the Department shall set forth in the
11 informational statement prepared pursuant to NRS 233B.066 that
12 accompanies the regulation any community-based living
13 arrangement services that the regulation authorizes persons to
14 provide pursuant to NRS 632.316 when the persons would
15 otherwise be prohibited from providing such services pursuant to
16 NRS 632.315.

17 4. As used in this section, "supported living arrangement
18 services" has the meaning ascribed to it in NRS 435.3315.

19 **Sec. 19. 1.** If a provider of services violates any provision of
20 sections 2 to 19, inclusive, of this act or any regulation adopted
21 pursuant thereto, the Division may, after notice and opportunity
22 for hearing:

23 (a) Suspend or revoke the certificate of the provider of
24 services;

25 (b) Prohibit the provider of services from providing
26 community-based living arrangement services to any additional
27 consumers of such services until the Division determines that the
28 provider of services has corrected the violation;

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

32 (d) Take any combination of the foregoing actions.

33 2. If a provider of services fails to pay an administrative
34 penalty imposed pursuant to subsection 1, with accrued interest,
35 the Division may:

36 (a) Suspend the certificate of the provider of services until the
37 penalty and interest are paid; and

38 (b) Bring an action in the name of the State in any court of
39 competent jurisdiction to recover the penalty and interest. In such
40 an action, the Division is also entitled to recover its costs of suit,
41 reasonable attorney's fees and any other costs incurred to collect
42 the penalty and interest.

43 3. Any money collected as administrative penalties and
44 interest pursuant to this section must be accounted for separately
45 and used by the Division to administer the provisions of sections 2



1 *to 19, inclusive, of this act or for any other purpose authorized by*
2 *the Legislature.*

3 **Sec. 20.** Chapter 435 of NRS is hereby amended by adding
4 thereto the provisions set forth as sections 21 to 25, inclusive, of this
5 act.

6 **Sec. 21.** *“Provider of services” means a provider of*
7 *supported living arrangement services governed by NRS 435.3305*
8 *to 435.339, inclusive, and sections 21 to 25, inclusive, of this act*
9 *and any regulations adopted pursuant thereto.*

10 **Sec. 22.** *Before providing supported living arrangement*
11 *services for the first time to a consumer of such services, a*
12 *provider of services shall provide written notice to the consumer,*
13 *in the form prescribed by the Department:*

14 1. *Identifying the Division as the agency responsible for*
15 *overseeing the operation of the provider of services;*

16 2. *Listing the specific services that the provider of services is*
17 *authorized and required to provide to the consumer; and*

18 3. *Setting forth the name, mailing address, electronic mail*
19 *address and telephone number of the employee or office of*
20 *the Division to which any inquiry or complaint concerning the*
21 *provision of supported living arrangement services to the*
22 *consumer may be directed.*

23 **Sec. 23.** 1. *If the Division receives an inquiry or complaint*
24 *from a consumer of supported living arrangement services*
25 *relating to a matter outside the authority of the Division, the*
26 *Division shall, within 5 working days after receiving the inquiry or*
27 *complaint:*

28 (a) *Make a reasonable effort to identify the agency of the State*
29 *or Federal Government, if any, having authority over the matter;*

30 (b) *Forward the inquiry or complaint to the appropriate*
31 *agency; and*

32 (c) *Notify the consumer of its action and identify the agency to*
33 *which the inquiry or complaint has been forwarded or, if the*
34 *Division determines that there is no agency with authority over the*
35 *matter, notify the consumer of that determination.*

36 2. *Any agency of this State to which an inquiry or complaint*
37 *is forwarded pursuant to subsection 1 shall, within 5 working days*
38 *after receiving the inquiry or complaint, contact the consumer to*
39 *acknowledge receipt of the inquiry or complaint.*

40 **Sec. 24.** 1. *To ensure compliance with the provisions of*
41 *NRS 435.3305 to 435.339, inclusive, and sections 21 to 25,*
42 *inclusive, of this act and any regulations adopted pursuant*
43 *thereto, the Division shall, at least annually, cause to be*
44 *conducted:*



1 (a) *An inspection of each premises at which supported living*
2 *arrangement services are provided;*

3 (b) *A survey of consumers receiving supported living*
4 *arrangement services from each provider of services; or*

5 (c) *Any combination of such inspections and surveys.*

6 2. *In addition to complying with the requirements of*
7 *subsection 1, the Division may cause an inspection or survey to be*
8 *conducted as described in that subsection whenever the Division*
9 *has reason to believe that a provider of services or any other*
10 *person has violated any provision of NRS 435.3305 to 435.339,*
11 *inclusive, and sections 21 to 25, inclusive, of this act or any*
12 *regulation adopted pursuant thereto.*

13 **Sec. 25.** 1. *If a provider of services violates any provision of*
14 *NRS 435.3305 to 435.339, inclusive, and sections 21 to 25,*
15 *inclusive, of this act or any regulation adopted pursuant thereto,*
16 *the Division may, after notice and opportunity for hearing:*

17 (a) *Suspend or revoke the certificate of the provider of*
18 *services;*

19 (b) *Prohibit the provider of services from providing supported*
20 *living arrangement services to any additional consumers of such*
21 *services until the Division determines that the provider of services*
22 *has corrected the violation;*

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

26 (d) *Take any combination of the foregoing actions.*

27 2. *If a provider of services fails to pay an administrative*
28 *penalty imposed pursuant to subsection 1, with accrued interest,*
29 *the Division may:*

30 (a) *Suspend the certificate of the provider of services until the*
31 *penalty and interest are paid; and*

32 (b) *Bring an action in the name of the State in any court of*
33 *competent jurisdiction to recover the penalty and interest. In such*
34 *an action, the Division is also entitled to recover its costs of suit,*
35 *reasonable attorney's fees and any other costs incurred to collect*
36 *the penalty and interest.*

37 3. *Any money collected as administrative penalties and*
38 *interest pursuant to this section must be accounted for separately*
39 *and used by the Division to administer the provisions of NRS*
40 *435.3305 to 435.339, inclusive, and sections 21 to 25, inclusive, of*
41 *this act or for any other purpose authorized by the Legislature.*

42 **Sec. 26.** NRS 435.3305 is hereby amended to read as follows:

43 435.3305 As used in NRS 435.3305 to 435.339, inclusive, *and*
44 *sections 21 to 25, inclusive, of this act,* unless the context otherwise
45 requires, the words and terms defined in NRS 435.331 and 435.3315



1 *and section 21 of this act* have the meanings ascribed to them in
2 those sections.

3 **Sec. 27.** NRS 435.331 is hereby amended to read as follows:

4 435.331 "Certificate" means a certificate to provide supported
5 living arrangement services that is issued pursuant to NRS 435.3305
6 to 435.339, inclusive, *and sections 21 to 25, inclusive, of this act*
7 and the regulations adopted pursuant ~~to NRS 435.3305 to 435.339,~~
8 ~~inclusive, thereto.~~

9 **Sec. 28.** NRS 435.333 is hereby amended to read as follows:

10 435.333 1. The ~~Administrator~~ *Department* shall adopt
11 regulations ~~governing supported living arrangement services,~~
12 ~~including, without limitation, regulations that set forth:~~ *as it deems*
13 *necessary to carry out the provisions of NRS 435.3305 to 435.339,*
14 *inclusive, and sections 21 to 25, inclusive, of this act. To the extent*
15 *practicable, the regulations must be equivalent to those adopted by*
16 *the Department pursuant to section 18 of this act for providers of*
17 *community-based living arrangement services, so that providers*
18 *of supported living arrangement services and providers of*
19 *community-based living arrangement services are subject to*
20 *comparable standards of operation and administrative oversight*
21 *and penalties for any violation.*

22 2. *The regulations must include:*

23 (a) Standards for the provision of quality care by ~~providers of~~
24 ~~supported living arrangement~~ *a provider of* services;

25 (b) ~~The requirements~~ *Requirements* for the issuance and
26 renewal of a certificate ; ~~to provide supported living arrangement~~
27 ~~services; and~~

28 (c) The rights of consumers of supported living arrangement
29 services, including, without limitation, the right of a consumer to
30 file a complaint and the procedure for filing such a complaint ~~;~~
31 ~~—2;~~ *and*

32 (d) *Standards consistent with section 25 of this act for*
33 *determining the penalty to be imposed against a provider of*
34 *services for a violation of NRS 435.3305 to 435.339, inclusive, and*
35 *sections 21 to 25, inclusive, of this act or any regulation adopted*
36 *pursuant thereto.*

37 3. The Division may enter into such agreements with public
38 and private agencies as it deems necessary for the provision of
39 supported living arrangement services.

40 ~~3;~~ 4. For each regulation adopted pursuant to NRS 435.3305
41 to 435.339, inclusive, *and sections 21 to 25, inclusive, of this act*
42 and submitted to the Legislative Counsel pursuant to NRS 233B.067
43 for review by the Legislative Commission, the ~~Division~~
44 *Department* shall set forth in the informational statement prepared
45 pursuant to NRS 233B.066 that accompanies the regulation any



1 supported living arrangement services that the regulation authorizes
2 persons to provide pursuant to NRS 632.316 when the persons
3 would otherwise be prohibited from providing such services
4 pursuant to NRS 632.315.

5 *5. As used in this section, "community-based living*
6 *arrangement services" has the meaning ascribed to it in section 4*
7 *of this act.*

8 **Sec. 29.** NRS 435.334 is hereby amended to read as follows:

9 435.334 1. The ~~Division~~ **Department** may, by regulation,
10 prescribe a fee for:

11 (a) The issuance of a certificate; and

12 (b) The renewal of a certificate.

13 2. A fee prescribed pursuant to subsection 1 must be calculated
14 to produce the revenue estimated to cover the costs related to the
15 certifications and renewals, but in no case may a fee for a certificate
16 or renewal of a certificate exceed the actual cost to the Division of
17 issuing or renewing the certificate, as applicable.

18 **Sec. 30.** NRS 435.335 is hereby amended to read as follows:

19 435.335 The Division may:

20 1. Upon receipt of an application for a certificate, conduct an
21 investigation into the qualifications of personnel, methods of
22 operation, policies and purposes of any natural person, partnership,
23 firm, corporation, association, state or local government or agency
24 thereof proposing to provide supported living arrangement services;

25 2. Upon receipt of a complaint against a natural person,
26 partnership, firm, corporation, association, state or local government
27 or agency thereof providing supported living arrangement services,
28 except for a complaint concerning the cost of services, conduct an
29 investigation into the qualifications of personnel, methods of
30 operation, policies, procedures and records of the provider of
31 services; and

32 3. Employ such professional, technical and clerical assistance
33 as it deems necessary to carry out the provisions of NRS 435.3305
34 to 435.339, inclusive ~~H~~, *and sections 21 to 25, inclusive, of this*
35 *act.*

36 **Sec. 31.** NRS 435.375 is hereby amended to read as follows:

37 435.375 1. The Division shall enter into a cooperative
38 agreement with the Rehabilitation Division of the Department of
39 Employment, Training and Rehabilitation to provide long-term
40 support to persons with intellectual disabilities and persons with
41 related conditions, including, without limitation, jobs and day
42 training services and supported living arrangement services. The
43 agreement must include a provision stating that employment is the
44 preferred service option for all adults of working age.



1 2. The ~~Administrator~~ **Department** may adopt regulations
2 governing the provision of services to persons with intellectual
3 disabilities and persons with related conditions who are unable or
4 unwilling to be employed.

5 **Sec. 32.** NRS 439B.225 is hereby amended to read as follows:

6 439B.225 1. As used in this section, "licensing board" means
7 any **department**, division or board empowered to adopt standards
8 for the issuance or renewal of licenses, permits or certificates of
9 registration pursuant to NRS 435.3305 to 435.339, inclusive, **and**
10 **sections 21 to 25, inclusive, of this act**, chapter 449, 625A, 630,
11 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640,
12 640A, 640D, 641, 641A, 641B, 641C, 652 or 654 of NRS **H or**
13 **sections 2 to 19, inclusive, of this act.**

14 2. The Committee shall review each regulation that a licensing
15 board proposes or adopts that relates to standards for the issuance or
16 renewal of licenses, permits or certificates of registration issued to a
17 person or facility regulated by the board, giving consideration to:

18 (a) Any oral or written comment made or submitted to it by
19 members of the public or by persons or facilities affected by the
20 regulation;

21 (b) The effect of the regulation on the cost of health care in this
22 State;

23 (c) The effect of the regulation on the number of licensed,
24 permitted or registered persons and facilities available to provide
25 services in this State; and

26 (d) Any other related factor the Committee deems appropriate.

27 3. After reviewing a proposed regulation, the Committee shall
28 notify the agency of the opinion of the Committee regarding the
29 advisability of adopting or revising the proposed regulation.

30 4. The Committee shall recommend to the Legislature as a
31 result of its review of regulations pursuant to this section any
32 appropriate legislation.

33 **Sec. 33.** Chapter 449 of NRS is hereby amended by adding
34 thereto the provisions set forth as sections 34 and 35 of this act.

35 **Sec. 34.** ***"Community-based living arrangement services"***
36 ***has the meaning ascribed to it in section 4 of this act.***

37 **Sec. 35.** ***"Provider of community-based living arrangement***
38 ***services" means:***

39 ***1. A person, government or governmental entity that has been***
40 ***issued a certificate pursuant to sections 2 to 19, inclusive, of this***
41 ***act and the regulations adopted pursuant thereto; or***

42 ***2. A natural person who has not been issued a certificate***
43 ***described in subsection 1 but is employed by the holder of such a***
44 ***certificate while providing community-based living arrangement***
45 ***services within the scope of that employment.***



1 **Sec. 36.** NRS 449.001 is hereby amended to read as follows:
2 449.001 As used in this chapter, unless the context otherwise
3 requires, the words and terms defined in NRS 449.0015 to
4 449.0195, inclusive, *and sections 34 and 35 of this act* have the
5 meanings ascribed to them in those sections.

6 **Sec. 37.** NRS 449.0015 is hereby amended to read as follows:
7 449.0015 **1.** “Agency to provide nursing in the home” means
8 any person or governmental organization which provides in the
9 home, through its employees or by contractual arrangement with
10 other persons, skilled nursing and assistance and training in health
11 and housekeeping skills.

12 **2.** The term does not include a provider of ~~supported~~ :
13 **(a)** *Community-based living arrangement services during any*
14 *period in which the provider of community-based living*
15 *arrangement services is engaged in providing community-based*
16 *living arrangement services; or*

17 **(b)** *Supported* living arrangement services during any period in
18 which the provider of supported living arrangement services is
19 engaged in providing supported living arrangement services.

20 **Sec. 38.** NRS 449.0105 is hereby amended to read as follows:
21 449.0105 **1.** “Home for individual residential care” means a
22 home in which a natural person furnishes food, shelter, assistance
23 and limited supervision, for compensation, to not more than two
24 persons with intellectual disabilities or with physical disabilities or
25 who are aged or infirm, unless the persons receiving those services
26 are related within the third degree of consanguinity or affinity to the
27 person providing those services.

28 **2.** The term does not include:
29 ~~H+~~ **(a)** A halfway house for recovering alcohol and drug
30 abusers; ~~to~~

31 ~~2+~~ **(b)** *A home in which community-based living arrangement*
32 *services are provided by a provider of community-based living*
33 *arrangement services during any period in which the provider of*
34 *community-based living arrangement services is engaged in*
35 *providing community-based living arrangement services; or*

36 **(c)** A home in which supported living arrangement services are
37 provided by a provider of supported living arrangement services
38 during any period in which the provider of supported living
39 arrangement services is engaged in providing supported living
40 arrangement services.

41 **Sec. 39.** NRS 449.0153 is hereby amended to read as follows:
42 449.0153 **1.** “Nursing pool” means a person or agency which
43 provides for compensation, through its employees or by contractual
44 arrangement with other persons, nursing services to any natural
45 person, medical facility or facility for the dependent.



1 2. The term does not include:

2 ~~1-1~~ (a) An independent contractor who provides such services
3 without the assistance of employees;

4 ~~1-2~~ (b) A nursing pool based in a medical facility or facility for
5 the dependent; ~~1-3~~

6 ~~3-1~~ (c) *A provider of community-based living arrangement
7 services during any period in which the provider of community-
8 based living arrangement services is engaged in providing
9 community-based living arrangement services; or*

10 (d) A provider of supported living arrangement services during
11 any period in which the provider of supported living arrangement
12 services is engaged in providing supported living arrangement
13 services.

14 **Sec. 40.** NRS 449.0159 is hereby amended to read as follows:

15 449.0159 “Provider of supported living arrangement services”
16 means a natural person who or a partnership, firm, corporation,
17 association, state or local government or agency thereof that has
18 been issued a certificate pursuant to NRS 435.3305 to 435.339,
19 inclusive, *and sections 21 to 25, inclusive, of this act* and the
20 regulations adopted pursuant ~~to NRS 435.3305 to 435.339,~~
21 ~~inclusive.~~ *thereto.*

22 **Sec. 41.** NRS 449.160 is hereby amended to read as follows:

23 449.160 1. The Division may deny an application for a
24 license or may suspend or revoke any license issued under the
25 provisions of NRS 449.030 to 449.2428, inclusive, upon any of the
26 following grounds:

27 (a) Violation by the applicant or the licensee of any of the
28 provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, or of
29 any other law of this State or of the standards, rules and regulations
30 adopted thereunder.

31 (b) Aiding, abetting or permitting the commission of any illegal
32 act.

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

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

38 (e) Failure of the applicant to obtain written approval from the
39 Director of the Department of Health and Human Services as
40 required by NRS 439A.100 or as provided in any regulation adopted
41 pursuant to NRS 449.001 to 449.430, inclusive, *and sections 34 and
42 35 of this act* and 449.435 to 449.965, inclusive, if such approval is
43 required.

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



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

5 (a) Is convicted of violating any of the provisions of
6 NRS 202.470;

7 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
8 244.360, 244.3603 or 268.4124; or

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

12 3. The Division shall maintain a log of any complaints that it
13 receives relating to activities for which the Division may revoke the
14 license to operate a facility for the dependent pursuant to subsection
15 2. The Division shall provide to a facility for the care of adults
16 during the day:

17 (a) A summary of a complaint against the facility if the
18 investigation of the complaint by the Division either substantiates
19 the complaint or is inconclusive;

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

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

23 ➤ The facility shall make the information available to the public
24 pursuant to NRS 449.2486.

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

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

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

32 **Sec. 42.** NRS 632.316 is hereby amended to read as follows:

33 632.316 The provisions of NRS 632.315 do not prohibit:

34 1. Gratuitous nursing by friends or by members of the family
35 of a patient.

36 2. The incidental care of the sick by domestic servants or
37 persons primarily employed as housekeepers as long as they do not
38 practice nursing within the meaning of this chapter.

39 3. Nursing assistance in the case of an emergency.

40 4. The practice of nursing by students enrolled in accredited
41 schools of nursing or by graduates of those schools or courses
42 pending the results of the first licensing examination scheduled by
43 the Board following graduation. A student or graduate may not work
44 as a nursing assistant unless the student or graduate is certified to



1 practice as a nursing assistant pursuant to the provisions of this
2 chapter.

3 5. The practice of nursing in this State by any legally qualified
4 nurse or nursing assistant of another state whose engagement
5 requires the nurse or nursing assistant to accompany and care for a
6 patient temporarily residing in this State during the period of one
7 such engagement, not to exceed 6 months, if the person does not
8 represent or hold himself or herself out as a nurse licensed to
9 practice in this State or as a nursing assistant who holds a certificate
10 to practice in this State.

11 6. The practice of any legally qualified nurse of another state
12 who is employed by the United States Government, or any bureau,
13 division or agency thereof, while in the discharge of his or her
14 official duties in this State, including, without limitation, providing
15 medical care in a hospital in accordance with an agreement entered
16 into pursuant to NRS 449.2455.

17 7. Nonmedical nursing for the care of the sick, with or without
18 compensation, if done by the adherents of, or in connection with, the
19 practice of the religious tenets of any well-recognized church or
20 religious denomination, if that nursing does not amount to the
21 practice of practical or professional nursing as defined in NRS
22 632.017 and 632.018, respectively.

23 8. A personal assistant from performing services for a person
24 with a disability pursuant to NRS 629.091.

25 9. *A natural person from providing community-based living*
26 *arrangement services if:*

27 (a) *That person has been issued a certificate pursuant to*
28 *sections 2 to 19, inclusive, of this act and any regulations adopted*
29 *pursuant thereto; or*

30 (b) *That person is employed by the holder of such a certificate.*

31 ↪ *As used in this subsection, "community-based living*
32 *arrangement services" has the meaning ascribed to it in section 4*
33 *of this act.*

34 10. A natural person from providing supported living
35 arrangement services if:

36 (a) That person has been issued a certificate pursuant to NRS
37 435.3305 to 435.339, inclusive, *and sections 21 to 25, inclusive, of*
38 *this act* and the regulations adopted pursuant ~~to NRS 435.3305 to~~
39 ~~435.339, inclusive;~~ *thereto;* or

40 (b) That person is employed ~~for retained as an independent~~
41 ~~contractor by a partnership, firm, corporation or association, state or~~
42 ~~local government or agency thereof that has been issued a certificate~~
43 ~~pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations~~
44 ~~adopted pursuant to NRS 435.3305 to 435.339, inclusive.]~~ *by the*
45 *holder of such a certificate.*



1 ↪ As used in this subsection, “supported living arrangement
2 services” has the meaning ascribed to it in NRS 435.3315.

3 **Sec. 43.** 1. Any administrative regulations adopted by an
4 officer, agency or other entity whose name has been changed or
5 whose responsibilities have been transferred pursuant to the
6 provisions of this act to another officer, agency or other entity
7 remain in force until amended by the officer, agency or other entity
8 to which the responsibility for the adoption of the regulations has
9 been transferred.

10 2. Any contracts or other agreements entered into by an officer,
11 agency or other entity whose name has been changed or whose
12 responsibilities have been transferred pursuant to the provisions of
13 this act to another officer, agency or other entity are binding upon
14 the officer, agency or other entity to which the responsibility for the
15 administration of the provisions of the contract or other agreement
16 have been transferred. Such contracts and other agreements may be
17 enforced by the officer, agency or other entity to which the
18 responsibility for the enforcement of the provisions of the contract
19 or other agreement has been transferred.

20 3. Any action taken by an officer, agency or other entity whose
21 name has been changed or whose responsibilities have been
22 transferred pursuant to the provisions of this act to another officer,
23 agency or other entity remains in effect as if taken by the officer,
24 agency or other entity to which the responsibility for the
25 enforcement of such actions has been transferred.

26 **Sec. 44.** 1. To the extent of any conflict between the
27 amendatory provisions of this act and the provisions of any contract
28 for the provision of community-based living arrangement services
29 or supported living arrangement services, the amendatory provisions
30 of this act do not apply during the current term of any such contract
31 that is entered into before the effective date of this act.

32 2. As used in this section:

33 (a) “Community-based living arrangement services” has the
34 meaning ascribed to it in section 4 of this act.

35 (b) “Supported living arrangement services” has the meaning
36 ascribed to it in NRS 435.3315.

37 **Sec. 45.** 1. This act becomes effective upon passage and
38 approval.

39 2. Sections 11, 12 and 13 of this act expire by limitation on the
40 date on which the provisions of 42 U.S.C. § 666 requiring each state
41 to establish procedures under which the state has authority to
42 withhold or suspend, or to restrict the use of professional,
43 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.

⑩



* S B 2 6 6 *