

Senate Bill No. 92—Committee on
Health and Human Services

CHAPTER.....

AN ACT relating to residential facilities; requiring a person who provides referrals to certain group housing arrangements to obtain a license; requiring a review to be conducted of certain unlicensed group housing arrangements; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires a person, other than certain medical facilities, to obtain a license to operate a business that provides referrals to residential facilities for groups. (NRS 449.0305) **Section 1** of this bill additionally requires a person to obtain such a license if the person operates a business that provides referrals to any other group housing arrangement that provides assistance, food, shelter or limited supervision to persons with mental illness or disabilities or who are aged or infirm. **Section 2** of this bill requires the Division of Public and Behavioral Health of the Department of Health and Human Services to conduct a review of unlicensed group housing arrangements that provide assistance, food, shelter or limited supervision to such persons to determine whether regulation of those unlicensed group housing arrangements is advisable to protect the health and safety of such persons.

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

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

Section 1. NRS 449.0305 is hereby amended to read as follows:

449.0305 1. Except as otherwise provided in subsection 5, a person must obtain a license from the Board to operate a business that provides referrals to residential facilities for groups ~~{}~~ *or any other group housing arrangement that provides assistance, food, shelter or limited supervision to a person with a mental illness, intellectual disability, developmental disability or physical disability or who is aged or infirm.*

2. The Board shall adopt:

(a) Standards for the licensing of businesses ~~{that provide referrals to residential facilities for groups;}~~ *described in subsection 1;*

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

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

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



3. A licensed nurse, social worker, physician or hospital, or a provider of geriatric care who is licensed as a nurse or social worker, may provide referrals to residential facilities for groups *or any other group housing arrangement described in subsection 1* through a business that is licensed pursuant to this section. The Board may, by regulation, authorize a public guardian or any other person it determines appropriate to provide referrals to residential facilities for groups *or any other group housing arrangement described in subsection 1* through a business that is licensed pursuant to this section.

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

(a) Refer a person to a residential facility for groups that is not licensed.

(b) Refer a person to a residential facility for groups *or any other group housing arrangement described in subsection 1* if the business or its employee knows or reasonably should know that the facility ~~is~~ *or other group housing arrangement*, or the services provided by the facility ~~is~~ *or other group housing arrangement*, are not appropriate for the condition of the person being referred.

(c) Refer a person to a residential facility for groups *or any other group housing arrangement described in subsection 1* that is owned by the same person who owns the business.

➤ A person who violates the provisions of this subsection is liable for a civil penalty to be recovered by the Attorney General in the name of the Board for the first offense of not more than \$10,000 and for a second or subsequent offense of not less than \$10,000 nor more than \$20,000. Unless otherwise required by federal law, the Board shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, 449.435 to 449.531, inclusive, and chapter 449A of NRS and to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards.

5. This section does not apply to a medical facility that is licensed pursuant to NRS 449.029 to 449.2428, inclusive, on October 1, 1999.

6. As used in this section:

(a) *“Developmental disability” has the meaning ascribed to it in NRS 435.007.*

(b) *“Intellectual disability” has the meaning ascribed to it in NRS 435.007.*



(c) “Mental illness” has the meaning ascribed to it in NRS 433.164.

Sec. 2. 1. The Division of Public and Behavioral Health of the Department of Health and Human Services shall:

(a) Conduct a review of unlicensed group housing arrangements that provide assistance, food, shelter or limited supervision to persons with a mental illness, intellectual disability, developmental disability or physical disability or who are aged or infirm to determine whether regulation of those group housing arrangements is advisable to protect the health and safety of such persons. The review must consider, without limitation:

(1) The advisability of implementing specific reasonable measures, including, without limitation, regulatory measures to protect the health and safety of persons with a mental illness, intellectual disability, developmental disability or physical disability or who are aged or infirm; and

(2) The effects of any measures considered pursuant to subparagraph (1) on the variety and cost of housing for persons with a mental illness, intellectual disability, developmental disability or physical disability or who are aged or infirm.

(b) Present the results of the review conducted pursuant to paragraph (a) to the Legislative Committee on Health Care on or before July 31, 2020. The presentation must include, without limitation:

(1) A discussion of each measure considered pursuant to paragraph (a), including, without limitation, the benefits and drawbacks of the measure;

(2) Any recommendations for legislation that the Division determines, as a result of the review, is advisable to protect the health and safety of persons with a mental illness, intellectual disability, developmental disability or physical disability or who are aged or infirm; and

(3) Any other measures relating to residential housing arrangements that the Division is taking or plans to take to protect the health and safety of persons with a mental illness, intellectual disability, developmental disability or physical disability or who are aged or infirm.

2. As used in this section:

(a) “Developmental disability” has the meaning ascribed to it in NRS 435.007.

(b) “Intellectual disability” has the meaning ascribed to it in NRS 435.007.



(c) "Mental illness" has the meaning ascribed to it in NRS 433.164.

Sec. 3. This act becomes effective on July 1, 2019.

