

Amendment No. 495

Senate Amendment to Senate Bill No. 260	(BDR 40-675)
Proposed by: Senator Donate	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DAN/EWR



Date: 4/19/2023

S.B. No. 260—Revises provisions relating to certain persons providing referrals to group housing for persons who are aged. (BDR 40-675)



SENATE BILL NO. 260—SENATORS DONDERO LOOP, DONATE, CANNIZZARO, DALY,
FLORES, LANGE AND PAZINA

MARCH 13, 2023

JOINT SPONSOR: ASSEMBLYWOMAN ANDERSON

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to certain persons providing referrals to group housing for persons who are aged. (BDR 40-675)

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 residential facilities; ~~authorizing a senior living community referral agency to operate without a license;~~ imposing certain requirements governing the operation of ~~an unlicensed~~ a senior living community referral agency; requiring a senior living community referral agency to make certain reports; prescribing authorized methods for determining the amount of compensation that a senior living community referral agency receives from a senior living community; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires a person to obtain a license from the State Board of Health if the person operates 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. (NRS 449.0305) **Section 2** of this bill defines the term “senior living community” to refer to certain facilities or other living arrangements for persons who are aged, including residential facilities for groups. **Section 3** of this bill defines the term “senior living community referral agency” to mean a person who makes referrals to a senior living community. **Section 6** of this bill makes a conforming change to indicate the proper placement of **sections 2 and 3** in the Nevada Revised Statutes.

~~Section 10 of this bill exempts a senior living community referral agency that complies with certain requirements prescribed by sections 4 and 5 of this bill from the requirement to obtain a license from the State Board.~~ **Section 4 of this bill** requires ~~an unlicensed~~ a senior living community referral agency to disclose certain information to a person who is aged or the representative of such a person and obtain the consent of the person or representative before making a referral. **Section 4** also requires the senior living community referral agency to: (1) maintain a record of such a disclosure or consent for at least 3 years; and (2) provide a copy of the disclosure to a person who has received a referral from the agency, the representative of such a person or the senior living community to which a person was referred by the agency upon request.

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21 **Section 5 of this bill** prohibits ~~[an unlicensed]~~ a senior living community referral agency
 22 from: (1) referring a person who is aged or the representative of such a person to a senior
 23 living community in which the agency, an executive thereof or an immediate family member
 24 of such an executive has a financial interest; (2) issuing a referral to a person with whom the
 25 agency, an employee thereof or the family of such an employee has certain relationships; (3)
 26 referring a person who is aged or the representative of such a person to a senior living
 27 community that is required by law to hold a license but does not hold such a license; (4)
 28 referring a person who is aged or the representative of such a person to a senior living
 29 community that does not have ability to adequately care for the person; or (5) accepting
 30 compensation for a referral from a senior living community without entering into a written
 31 contract concerning such referral. **Section 5** requires ~~[an unlicensed]~~ a senior living
 32 community referral agency to establish a policy to protect the privacy of persons who are aged
 33 and their representatives. **Section 5** additionally requires ~~[an unlicensed]~~ a senior living
 34 community referral agency to cease contacting or making referrals for a person who is aged or
 35 the representative of such a person upon request of the person or representative. **Section 5**
 36 prescribes the authorized methods for determining the amount of compensation that a
 37 senior living community referral agency receives from a senior living community.
 38 **Sections 7-14** of this bill make conforming changes to indicate the proper placement of
 39 **sections 4 and 5** in the Nevada Revised Statutes.

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 thereto the
 2 provisions set forth as sections 2 to 5, inclusive, of this act.
 3 **Sec. 2.** *“Senior living community” means:*
 4 1. *A home for individual residential care, residential facility for groups,*
 5 *facility for intermediate care, facility for skilled nursing, assisted living facility or*
 6 *retirement home or village that primarily provides services to persons who are*
 7 *aged; or*
 8 2. *Any other group housing arrangement that provides assistance, food,*
 9 *shelter or limited supervision to persons who are aged.*
 10 **Sec. 3.** *“Senior living community referral agency” means a person who*
 11 *refers persons who are aged to senior living communities for a fee paid by the*
 12 *senior living community, the person who is aged or the representative of such a*
 13 *person. The term does not include:*
 14 1. *A senior living community or an employee of a senior living community;*
 15 *or*
 16 2. *A resident of a senior living community, a family member of such a*
 17 *resident or any other person who receives any service from a senior living*
 18 *community, regardless of whether the person receives any form of compensation*
 19 *for a referral.*
 20 **Sec. 4.** 1. *Before referring a person who is aged or the representative of*
 21 *such a person to a senior living community, a senior living community referral*
 22 *agency ~~[that is not licensed pursuant to NRS 449.0305]~~ shall:*
 23 (a) *Provide a statement clearly disclosing the information required by this*
 24 *paragraph to the person or representative orally, in writing or electronically. If*
 25 *the disclosure is made orally, the disclosure must be recorded. The statement*
 26 *must include, without limitation:*
 27 (1) *A description of each service that the senior living community*
 28 *referral agency is able to provide to the person who is aged;*

1 (2) *The contact information of the senior living community referral*
2 *agency, including, without limitation, the telephone number of the senior living*
3 *community referral agency;*

4 (3) *The address of the Internet website maintained pursuant to*
5 *paragraph (f) of subsection 2 of section 5 of this act;*

6 (4) *An explanation of the provisions of paragraphs (c), (d) and (e) of*
7 *subsection 2 of section 5 of this act; and*

8 (5) *A statement of whether the person who is aged or the senior living*
9 *community to which the person who is aged is referred is responsible for paying*
10 *the applicable referral fee and, if the person who is aged is responsible for paying*
11 *the fee, the amount of the fee; and*

12 (b) *Obtain the written or recorded consent of a person who is aged or his or*
13 *her representative to provide referrals.*

14 2. *A senior living community referral agency ~~that is not licensed pursuant~~*
15 *~~to NRS 449.0305~~ shall maintain a record of each statement or consent provided*
16 *pursuant to subsection 1 for at least 3 years after the date on which the statement*
17 *or consent, as applicable, is provided.*

18 3. *Upon the request of a person who is aged and who has received a referral*
19 *from a senior living community referral agency, ~~that is not licensed pursuant to~~*
20 *~~NRS 449.0305,~~ the representative of such a person or the senior living*
21 *community to which a person has been referred by ~~such a~~ the senior living*
22 *community referral agency, the senior living community referral agency shall*
23 *provide the person, representative or community a written copy of the statement*
24 *given to the person who is aged or his or her representative pursuant to*
25 *subsection 1.*

26 **Sec. 5.** *1. A senior living community referral agency ~~that is not licensed~~*
27 *~~pursuant to NRS 449.0305~~ shall not:*

28 (a) *Except as otherwise provided in subsection 3, refer a person who is aged*
29 *or the representative of such a person to a senior living community:*

30 (1) *In which the senior living community referral agency, an executive*
31 *thereof or any immediate family member of such an executive has an ownership*
32 *or financial interest; or*

33 (2) *That is managed wholly or partially by the senior living community*
34 *referral agency, an executive thereof or any immediate family member of such an*
35 *executive;*

36 (b) *Issue a referral to a person who is aged or the representative of such a*
37 *person if the senior living community referral agency, an employee thereof or an*
38 *immediate family member of such an employee holds a power of attorney or any*
39 *property of the person who is aged;*

40 (c) *Refer a person who is aged or the representative of such a person to a*
41 *senior living community that does not hold a license required by law;*

42 (d) *Refer a person who is aged or the representative of such a person to a*
43 *senior living community that is not capable of adequately caring for the person*
44 *who is aged; or*

45 (e) *Accept compensation for a referral from a senior living community with*
46 *which the senior living community referral agency has not entered into a written*
47 *contract concerning such a referral.*

48 2. *A senior living community referral agency ~~that is not licensed pursuant~~*
49 *~~to NRS 449.0305~~ shall:*

50 (a) *Use a nationally accredited provider of criminal background*
51 *investigations to conduct an investigation into the criminal background of each*
52 *employee of the senior living community referral agency who directly interacts*
53 *with persons who are aged or representatives of such persons;*

1 (b) *Maintain liability insurance in an amount of at least \$1,000,000 for each*
2 *incident and \$2,500,000 in total per year for negligent acts or omissions*
3 *committed by the senior living community referral agency or an employee*
4 *thereof;*

5 (c) *Cease contacting a person who is aged or the representative of such a*
6 *person as soon as possible and not later than 10 days after the person or*
7 *representative requests the senior living community referral agency to cease*
8 *contacting the person;*

9 (d) *Cease making referrals to a senior living community for a person who is*
10 *aged or the representative of such a person as soon as possible and not later than*
11 *10 days after the person or representative requests the senior living community*
12 *referral agency to cease making such referrals;*

13 (e) *Refrain from selling the personal information of a person who is aged or*
14 *the representative of such a person upon the request of the person or*
15 *representative; and*

16 (f) *Establish a policy to protect the privacy of persons who are aged and the*
17 *representatives of such persons and post the policy on an Internet website*
18 *maintained by the senior living community referral agency.*

19 3. ~~*A senior living community referral agency [that is not licensed pursuant*~~
20 ~~*to NRS 449.0305] may refer a person who is aged or the representative of such a*~~
21 ~~*person to a senior living community described in paragraph (a) of subsection 1 if*~~
22 ~~*the person or representative provides the senior living community referral agency*~~
23 ~~*with written permission to make such a referral before the referral is made.*~~

24 4. *A written contract entered into pursuant to paragraph (e) of subsection 1*
25 *may provide for the compensation of a senior living community referral agency*
26 *by a senior living community in:*

27 *(a) An amount for all referrals made by the senior living community referral*
28 *agency to the senior living community in a specified period of time;*

29 *(b) An amount for each referral to the senior living community that is based*
30 *on a percentage of the cost of the first month of rent and care received by the*
31 *person referred to the senior living community; or*

32 *(c) A fixed amount for each referral to the senior living community.*

33 **Sec. 6.** NRS 449.001 is hereby amended to read as follows:

34 449.001 As used in this chapter, unless the context otherwise requires, the
35 words and terms defined in NRS 449.0015 to 449.0195, inclusive, **and sections 2**
36 **and 3 of this act** have the meanings ascribed to them in those sections.

37 **Sec. 7.** NRS 449.029 is hereby amended to read as follows:

38 449.029 As used in NRS 449.029 to 449.240, inclusive, **and sections 4 and 5**
39 **of this act**, unless the context otherwise requires, “medical facility” has the
40 meaning ascribed to it in NRS 449.0151 and includes a program of hospice care
41 described in NRS 449.196.

42 **Sec. 8.** NRS 449.0301 is hereby amended to read as follows:

43 449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, **and**
44 **sections 4 and 5 of this act** do not apply to:

45 1. Any facility conducted by and for the adherents of any church or religious
46 denomination for the purpose of providing facilities for the care and treatment of
47 the sick who depend solely upon spiritual means through prayer for healing in the
48 practice of the religion of the church or denomination, except that such a facility
49 shall comply with all regulations relative to sanitation and safety applicable to other
50 facilities of a similar category.

51 2. Foster homes as defined in NRS 424.014.

52 3. Any medical facility, facility for the dependent or facility which is
53 otherwise required by the regulations adopted by the Board pursuant to NRS

1 449.0303 to be licensed that is operated and maintained by the United States
2 Government or an agency thereof.

3 **Sec. 9.** NRS 449.0302 is hereby amended to read as follows:

4 449.0302 1. The Board shall adopt:

5 (a) Licensing standards for each class of medical facility or facility for the
6 dependent covered by NRS 449.029 to 449.2428, inclusive, *and sections 4 and 5 of*
7 *this act* and for programs of hospice care.

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

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

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

19 (e) Regulations that prescribe the specific types of discrimination prohibited by
20 NRS 449.101.

21 (f) Regulations requiring a hospital or independent center for emergency
22 medical care to provide training to each employee who provides care to victims of
23 sexual assault or attempted sexual assault concerning appropriate care for such
24 persons, including, without limitation, training concerning the requirements of NRS
25 449.1885.

26 (g) Any other regulations as it deems necessary or convenient to carry out the
27 provisions of NRS 449.029 to 449.2428, inclusive ~~(f)~~, *and sections 4 and 5 of this*
28 *act*.

29 2. The Board shall adopt separate regulations governing the licensing and
30 operation of:

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

32 (b) Residential facilities for groups,
33 ↪ which provide care to persons with Alzheimer's disease or other severe
34 dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845.

35 3. The Board shall adopt separate regulations for:

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

38 (b) The licensure of facilities for refractive surgery which take into
39 consideration the unique factors of operating such a facility.

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

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

46 5. In addition to the training requirements prescribed pursuant to NRS
47 449.093, the Board shall establish minimum qualifications for administrators and
48 employees of residential facilities for groups. In establishing the qualifications, the
49 Board shall consider the related standards set by nationally recognized
50 organizations which accredit such facilities.

51 6. The Board shall adopt separate regulations regarding the assistance which
52 may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of
53 controlled substances or dangerous drugs by employees of residential facilities for

1 groups. The regulations must require at least the following conditions before such
2 assistance may be given:

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

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

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

9 (1) Addresses possession and assistance in the administration of the
10 medication; and

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

14 (d) Except as otherwise authorized by the regulations adopted pursuant to NRS
15 449.0304, the prescribed medication is not administered by injection or
16 intravenously.

17 (e) The employee has successfully completed training and examination
18 approved by the Division regarding the authorized manner of assistance.

19 7. The Board shall adopt separate regulations governing the licensing and
20 operation of residential facilities for groups which provide assisted living services.
21 The Board shall not allow the licensing of a facility as a residential facility for
22 groups which provides assisted living services and a residential facility for groups
23 shall not claim that it provides "assisted living services" unless:

24 (a) Before authorizing a person to move into the facility, the facility makes a
25 full written disclosure to the person regarding what services of personalized care
26 will be available to the person and the amount that will be charged for those
27 services throughout the resident's stay at the facility.

28 (b) The residents of the facility reside in their own living units which:

29 (1) Except as otherwise provided in subsection 8, contain toilet facilities;

30 (2) Contain a sleeping area or bedroom; and

31 (3) Are shared with another occupant only upon consent of both occupants.

32 (c) The facility provides personalized care to the residents of the facility and
33 the general approach to operating the facility incorporates these core principles:

34 (1) The facility is designed to create a residential environment that actively
35 supports and promotes each resident's quality of life and right to privacy;

36 (2) The facility is committed to offering high-quality supportive services
37 that are developed by the facility in collaboration with the resident to meet the
38 resident's individual needs;

39 (3) The facility provides a variety of creative and innovative services that
40 emphasize the particular needs of each individual resident and the resident's
41 personal choice of lifestyle;

42 (4) The operation of the facility and its interaction with its residents
43 supports, to the maximum extent possible, each resident's need for autonomy and
44 the right to make decisions regarding his or her own life;

45 (5) The operation of the facility is designed to foster a social climate that
46 allows the resident to develop and maintain personal relationships with fellow
47 residents and with persons in the general community;

48 (6) The facility is designed to minimize and is operated in a manner which
49 minimizes the need for its residents to move out of the facility as their respective
50 physical and mental conditions change over time; and

51 (7) The facility is operated in such a manner as to foster a culture that
52 provides a high-quality environment for the residents, their families, the staff, any
53 volunteers and the community at large.

1 8. The Division may grant an exception from the requirement of subparagraph
2 (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential
3 facility for groups on or before July 1, 2005, and which is authorized to have 10 or
4 fewer beds and was originally constructed as a single-family dwelling if the
5 Division finds that:

6 (a) Strict application of that requirement would result in economic hardship to
7 the facility requesting the exception; and

8 (b) The exception, if granted, would not:

9 (1) Cause substantial detriment to the health or welfare of any resident of
10 the facility;

11 (2) Result in more than two residents sharing a toilet facility; or

12 (3) Otherwise impair substantially the purpose of that requirement.

13 9. The Board shall, if it determines necessary, adopt regulations and
14 requirements to ensure that each residential facility for groups and its staff are
15 prepared to respond to an emergency, including, without limitation:

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

18 (b) The adoption of plans to provide for the evacuation of a residential facility
19 for groups in an emergency, including, without limitation, plans to ensure that
20 nonambulatory patients may be evacuated;

21 (c) Educating the residents of residential facilities for groups concerning the
22 plans adopted pursuant to paragraphs (a) and (b); and

23 (d) Posting the plans or a summary of the plans adopted pursuant to paragraphs
24 (a) and (b) in a conspicuous place in each residential facility for groups.

25 10. The regulations governing the licensing and operation of facilities for
26 transitional living for released offenders must provide for the licensure of at least
27 three different types of facilities, including, without limitation:

28 (a) Facilities that only provide a housing and living environment;

29 (b) Facilities that provide or arrange for the provision of supportive services for
30 residents of the facility to assist the residents with reintegration into the community,
31 in addition to providing a housing and living environment; and

32 (c) Facilities that provide or arrange for the provision of programs for alcohol
33 and other substance use disorders, in addition to providing a housing and living
34 environment and providing or arranging for the provision of other supportive
35 services.

36 ➤ The regulations must provide that if a facility was originally constructed as a
37 single-family dwelling, the facility must not be authorized for more than eight beds.

38 11. The Board shall adopt regulations applicable to providers of community-
39 based living arrangement services which:

40 (a) Except as otherwise provided in paragraph (b), require a natural person
41 responsible for the operation of a provider of community-based living arrangement
42 services and each employee of a provider of community-based living arrangement
43 services who supervises or provides support to recipients of community-based
44 living arrangement services to complete training concerning the provision of
45 community-based living arrangement services to persons with mental illness and
46 continuing education concerning the particular population served by the provider;

47 (b) Exempt a person licensed or certified pursuant to title 54 of NRS from the
48 requirements prescribed pursuant to paragraph (a) if the Board determines that the
49 person is required to receive training and continuing education substantially
50 equivalent to that prescribed pursuant to that paragraph;

51 (c) Require a natural person responsible for the operation of a provider of
52 community-based living arrangement services to receive training concerning the

1 provisions of title 53 of NRS applicable to the provision of community-based living
2 arrangement services; and

3 (d) Require an applicant for a license to provide community-based living
4 arrangement services to post a surety bond in an amount equal to the operating
5 expenses of the applicant for 2 months, place that amount in escrow or take another
6 action prescribed by the Division to ensure that, if the applicant becomes insolvent,
7 recipients of community-based living arrangement services from the applicant may
8 continue to receive community-based living arrangement services for 2 months at
9 the expense of the applicant.

10 12. The Board shall adopt separate regulations governing the licensing and
11 operation of freestanding birthing centers. Such regulations must:

12 (a) Align with the standards established by the American Association of Birth
13 Centers, or its successor organization, the accrediting body of the Commission for
14 the Accreditation of Birth Centers, or its successor organization, or another
15 nationally recognized organization for accrediting freestanding birthing centers; and

16 (b) Allow the provision of supervised training to providers of health care, as
17 appropriate, at a freestanding birthing center.

18 13. As used in this section, "living unit" means an individual private
19 accommodation designated for a resident within the facility.

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

21 449.0305 1. Except as otherwise provided in subsection [subsections] 5
22 [and 6], a person must obtain a license from the Board to operate a business that
23 provides referrals to residential facilities for groups or any other group housing
24 arrangement that provides assistance, food, shelter or limited supervision to a
25 person with a mental illness, intellectual disability, developmental disability or
26 physical disability or who is aged or infirm [], including, without limitation, a
27 senior living community referral agency.

28 2. The Board shall adopt:

29 (a) Standards for the licensing of businesses described in subsection 1;

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

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

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

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

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

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

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

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

1 ↪ A person who violates the provisions of this subsection is liable for a civil
2 penalty to be recovered by the Attorney General in the name of the Board for the
3 first offense of not more than \$10,000 and for a second or subsequent offense of not
4 less than \$10,000 nor more than \$20,000. Unless otherwise required by federal law,
5 the Board shall deposit all civil penalties collected pursuant to this section into a
6 separate account in the State General Fund to be used to administer and carry out
7 the provisions of NRS 449.001 to 449.430, inclusive, *and sections 2 to 5, inclusive,*
8 *of this act*, 449.435 to 449.531, inclusive, and chapter 449A of NRS and to protect
9 the health, safety, well-being and property of the patients and residents of facilities
10 in accordance with applicable state and federal standards.

11 5. This section does not apply to a medical facility that is licensed pursuant to
12 NRS 449.029 to 449.2428, inclusive, *and sections 4 and 5 of this act* on October 1,
13 1999.

14 6. ~~This section does not apply to a senior living community referral agency~~
15 ~~that complies with the provisions of sections 4 and 5 of this act.~~

16 ~~7.~~ As used in this section:

17 (a) "Developmental disability" has the meaning ascribed to it in NRS 435.007.

18 (b) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.

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

20 **Sec. 11.** NRS 449.160 is hereby amended to read as follows:

21 449.160 1. The Division may deny an application for a license or may
22 suspend or revoke any license issued under the provisions of NRS 449.029 to
23 449.2428, inclusive, *and sections 4 and 5 of this act* upon any of the following
24 grounds:

25 (a) Violation by the applicant or the licensee of any of the provisions of NRS
26 439B.410 or 449.029 to 449.245, inclusive, *and sections 4 and 5 of this act*, or of
27 any other law of this State or of the standards, rules and regulations adopted
28 thereunder.

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

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

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

35 (e) Failure of the applicant to obtain written approval from the Director of the
36 Department of Health and Human Services as required by NRS 439A.100 or as
37 provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive,
38 *and sections 2 to 5, inclusive, of this act* and 449.435 to 449.531, inclusive, and
39 chapter 449A of NRS if such approval is required.

40 (f) Failure to comply with the provisions of NRS 441A.315 and any
41 regulations adopted pursuant thereto or NRS 449.2486.

42 (g) Violation of the provisions of NRS 458.112.

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

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

47 (b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360,
48 244.3603 or 268.4124; or

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

51 3. The Division shall maintain a log of any complaints that it receives relating
52 to activities for which the Division may revoke the license to operate a facility for

1 the dependent pursuant to subsection 2. The Division shall provide to a facility for
2 the care of adults during the day:

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

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

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

7 ↪ The facility shall make the information available to the public pursuant to NRS
8 449.2486.

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

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

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

15 **Sec. 12.** NRS 449.163 is hereby amended to read as follows:

16 449.163 1. In addition to the payment of the amount required by NRS
17 449.0308, if a medical facility, facility for the dependent or facility which is
18 required by the regulations adopted by the Board pursuant to NRS 449.0303 to be
19 licensed violates any provision related to its licensure, including any provision of
20 NRS 439B.410 or 449.029 to 449.2428, inclusive, *and sections 4 and 5 of this act*
21 or any condition, standard or regulation adopted by the Board, the Division, in
22 accordance with the regulations adopted pursuant to NRS 449.165, may:

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

25 (b) Limit the occupancy of the facility to the number of beds occupied when
26 the violation occurred, until it determines that the facility has corrected the
27 violation;

28 (c) If the license of the facility limits the occupancy of the facility and the
29 facility has exceeded the approved occupancy, require the facility, at its own
30 expense, to move patients to another facility that is licensed;

31 (d) Impose an administrative penalty of not more than \$5,000 per day for each
32 violation, together with interest thereon at a rate not to exceed 10 percent per
33 annum; and

34 (e) Appoint temporary management to oversee the operation of the facility and
35 to ensure the health and safety of the patients of the facility, until:

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

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

40 2. If the facility fails to pay any administrative penalty imposed pursuant to
41 paragraph (d) of subsection 1, the Division may:

42 (a) Suspend the license of the facility until the administrative penalty is paid;
43 and

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

46 3. The Division may require any facility that violates any provision of NRS
47 439B.410 or 449.029 to 449.2428, inclusive, *and sections 4 and 5 of this act* or any
48 condition, standard or regulation adopted by the Board to make any improvements
49 necessary to correct the violation.

50 4. Any money collected as administrative penalties pursuant to paragraph (d)
51 of subsection 1 must be accounted for separately and used to administer and carry
52 out the provisions of NRS 449.001 to 449.430, inclusive, *and sections 2 to 5,*
53 *inclusive, of this act,* 449.435 to 449.531, inclusive, and chapter 449A of NRS to

1 protect the health, safety, well-being and property of the patients and residents of
2 facilities in accordance with applicable state and federal standards or for any other
3 purpose authorized by the Legislature.

4 **Sec. 13.** NRS 449.240 is hereby amended to read as follows:

5 449.240 The district attorney of the county in which the facility is located
6 shall, upon application by the Division, institute and conduct the prosecution of any
7 action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~(4)~~,
8 *and sections 4 and 5 of this act.*

9 **Sec. 14.** NRS 654.190 is hereby amended to read as follows:

10 654.190 1. The Board may, after notice and an opportunity for a hearing as
11 required by law, impose an administrative fine of not more than \$10,000 for each
12 violation on, recover reasonable investigative fees and costs incurred from,
13 suspend, revoke, deny the issuance or renewal of or place conditions on the license
14 of, and place on probation or impose any combination of the foregoing on any
15 licensee who:

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

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

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

20 (d) Aids or abets any person in the violation of any of the provisions of NRS
21 449.029 to 449.2428, inclusive, *and sections 4 and 5 of this act* as those provisions
22 pertain to a facility for skilled nursing, facility for intermediate care or residential
23 facility for groups.

24 (e) Violates any regulation of the Board prescribing additional standards of
25 conduct for licensees, including, without limitation, a code of ethics.

26 (f) Engages in conduct that violates the trust of a patient or resident or exploits
27 the relationship between the licensee and the patient or resident for the financial or
28 other gain of the licensee.

29 2. If a licensee requests a hearing pursuant to subsection 1, the Board shall
30 give the licensee written notice of a hearing pursuant to NRS 233B.121 and
31 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

32 3. The Board may compel the attendance of witnesses or the production of
33 documents or objects by subpoena. The Board may adopt regulations that set forth a
34 procedure pursuant to which the Chair of the Board may issue subpoenas on behalf
35 of the Board. Any person who is subpoenaed pursuant to this subsection may
36 request the Board to modify the terms of the subpoena or grant additional time for
37 compliance.

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

40 5. The expiration of a license by operation of law or by order or decision of
41 the Board or a court, or the voluntary surrender of a license, does not deprive the
42 Board of jurisdiction to proceed with any investigation of, or action or disciplinary
43 proceeding against, the licensee or to render a decision suspending or revoking the
44 license.