

Amendment No. 355

Senate Amendment to Senate Bill No. 298	(BDR 40-301)
<b>Proposed by:</b> Senate Committee on Health and Human Services	
<b>Amends:</b> 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.

JDK/EWR



Date: 4/21/2023

S.B. No. 298—Revises provisions governing the involuntary discharge of a resident from a residential facility for groups. (BDR 40-301)





SENATE BILL NO. 298—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON SENIOR CITIZENS, VETERANS AND  
ADULTS WITH SPECIAL NEEDS)

MARCH 16, 2023

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the involuntary discharge of a resident from a residential facility for groups. (BDR 40-301)

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 for groups; prescribing certain grounds for disciplinary action against a residential facility for groups; prohibiting certain persons from serving as the representative of a resident of a residential facility for groups for purposes relating to an involuntary discharge; imposing requirements governing certain contracts between a resident and a residential facility for groups; prohibiting the involuntary discharge of a resident of a residential facility for groups except for certain reasons; imposing requirements governing the procedure for such an involuntary discharge; ~~authorizing a resident or a representative of a resident to request a hearing concerning such an involuntary discharge;~~ requiring the State Long-Term Care Ombudsman to provide certain assistance concerning such a discharge; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing federal regulations require a state to ensure that providers of home and  
2 community-based services in a provider-owned or controlled residential setting, which  
3 includes a residential facility for groups, provide protections from eviction ~~including~~  
4 ~~procedures and appeals;~~ for residents that are comparable to protections provided under state  
5 landlord tenant law. (42 C.F.R. § 441.530(a)(1)(vi)(A)) Existing law defines a “residential  
6 facility for groups” as an establishment that furnishes food, overnight shelter, assistance and  
7 limited supervision to persons with an intellectual or physical disability or persons who are  
8 aged or infirm. (NRS 449.017) At least 30 days before involuntarily discharging a resident of  
9 a residential facility for groups, existing law requires the residential facility for groups to  
10 provide the resident and the State Long-Term Care Ombudsman with written notice of the  
11 intent to discharge the resident. Existing law also requires a residential facility for groups to  
12 allow the resident and any person authorized by the resident to meet in person with the  
13 administrator of the facility to discuss the proposed discharge within 10 days after providing  
14 written notice of the proposed discharge. (NRS 449A.114) **Sections 2-7** of this bill define

certain terms relating to residential facilities for groups. **Section 8** of this bill prohibits the owner, agent or employee of a residential facility for groups or a provider of health care from acting as the representative of a resident in matters concerning the involuntary discharge of the resident, unless the person is related to the resident. **Section 9** of this bill requires a contract between a resident and a residential facility for groups for the delivery of services to include certain information. **Section 10** of this bill prohibits the transfer or involuntary discharge of a resident from a residential facility for groups except: (1) for certain reasons relating to the condition of the resident and the ability of the facility to meet his or her needs; (2) if the health or safety of the resident or another resident is endangered; (3) for a failure to pay contracted charges; or (4) if the facility ceases to operate. **Section 10** requires a residential facility for groups to: (1) provide certain additional notice before involuntarily discharging a resident for failure to pay contracted charges; and (2) attempt to resolve any issues that might result in the involuntary discharge of a resident before discharging the resident. **Section 11** of this bill prescribes the required contents of a written notice of intent to discharge a resident. **Section 11 also requires a residential facility for groups to provide a resident or a representative of the resident with written notice of the location of a proposed discharge not later than 10 days after providing notice of the proposed discharge.**

**Section 12** of this bill requires a residential facility for groups to provide certain assistance concerning the discharge and relocation of a resident. Except in an emergency, **section 12** also requires a residential facility for groups to involve a resident and his or her representative in planning for the discharge of the resident and allow the resident or his or her representative to choose among available alternative placements. **Section 12** requires any emergency placement to be temporary and prohibits a residential facility for groups from requiring a resident to remain in any placement.

~~[In an emergency, section 13 of this bill authorizes a residential facility for groups to request that the Department of Administration make a determination as to the need for an immediate transfer or discharge of a resident. Section 13 requires the Department to: (1) order such a transfer or discharge if the failure to immediately transfer or discharge the resident would endanger the health, safety or welfare of the resident or other residents; and (2) hold a hearing not later than 7 days after issuing such an order.~~

~~— Section 16 of this bill provides that advance notice is not required before the discharge of a resident pursuant to such an order. Section 14 of this bill authorizes a resident or the representative of the resident to request a hearing before the Hearings Division of the Department of Administration before he or she is involuntarily discharged. Sections 14 and 17 of this bill provide for the confidentiality of such a hearing.]~~ **Sections 1 and 19** of this bill authorize the imposition of disciplinary action against a residential facility for groups that violates the provisions of sections ~~[4-14]~~ **4-12** of this bill and certain provisions of existing law concerning the rights of residents or the administrator of such a facility who aids or abets in such a violation. **Section 12 provides that a residential facility for groups is not subject to disciplinary action for an emergency transfer or discharge under certain circumstances.**

**Section 15** of this bill makes a conforming change to indicate the proper placement of **section 3** of this bill in the Nevada Revised Statutes. **Section 16 of this bill makes conforming changes to revise certain terminology.**

**Section 18** of this bill authorizes the State Long-Term Care Ombudsman to offer assistance to a residential facility for groups, a resident and his or her representative in planning for the discharge and relocation of the resident from the facility.

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

**Section 1.** NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, upon any of the following grounds:

1 (a) Violation by the applicant or the licensee of any of the provisions of NRS  
2 439B.410, ~~449.029~~ 449.029 to 449.245, inclusive, *or 449A.100 to 449A.124, inclusive,*  
3 *and sections 4 to ~~11~~ 12, inclusive, of this act* or of any other law of this State or  
4 of the standards, rules and regulations adopted thereunder.

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

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

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

11 (e) Failure of the applicant to obtain written approval from the Director of the  
12 Department of Health and Human Services as required by NRS 439A.100 or as  
13 provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive,  
14 and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is  
15 required.

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

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

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

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

23 (b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360,  
24 244.3603 or 268.4124; or

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

27 3. The Division shall maintain a log of any complaints that it receives relating  
28 to activities for which the Division may revoke the license to operate a facility for  
29 the dependent pursuant to subsection 2. The Division shall provide to a facility for  
30 the care of adults during the day:

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

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

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

35 ↪ The facility shall make the information available to the public pursuant to NRS  
36 449.2486.

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

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

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

43 **Sec. 2.** Chapter 449A of NRS is hereby amended by adding thereto the  
44 provisions set forth as sections 3 to 14, inclusive, of this act.

45 **Sec. 3.** *“Residential facility for groups” has the meaning ascribed to it in*  
46 *NRS 449.017.*

47 **Sec. 4.** *As used in sections 4 to ~~11~~ 12, inclusive, of this act, unless the*  
48 *context otherwise requires, the words and terms defined in sections 5, 6 and 7 of*  
49 *this act have the meanings ascribed to them in those sections.*

50 **Sec. 5.** *“Emergency” means circumstances where there is an imminent*  
51 *danger of death or serious physical harm to a resident.*

52 **Sec. 6.** *“Representative of the resident” means a natural person who is*  
53 *designated in writing by a resident to be his or her representative. The term*

1 includes, without limitation, a person given power of attorney to make decisions  
 2 concerning health care for the resident pursuant to NRS 162A.700 to 162A.870,  
 3 inclusive, or a person appointed as a guardian of the resident under the  
 4 provisions of chapter 159 of NRS.

5 **Sec. 7.** “Resident” means a natural person who resides in a residential  
 6 facility for groups.

7 **Sec. 8.** The owner, agent or employee of a residential facility for groups or  
 8 a provider of health care must not serve as the representative of a resident for the  
 9 purposes of sections 4 to ~~11~~ 12, inclusive, of this act unless the owner, agent,  
 10 employee or provider is related to the resident by consanguinity or affinity within  
 11 the third degree.

12 **Sec. 9.** A contract between a resident and a residential facility for groups  
 13 for the delivery of services to the resident must:

14 1. Be entitled “Service Delivery Contract for Residential Facility for  
 15 Groups”;

16 2. Be printed in at least 12 point type; and

17 3. Include, without limitation, the following information in the body of the  
 18 contract or in a supporting document or attachment:

19 (a) The name, physical address and mailing address, if different, of the  
 20 residential facility for groups;

21 (b) The name and mailing address of every person, partnership, association  
 22 or corporation which establishes, conducts, manages or operates the residential  
 23 facility for groups;

24 (c) The name and address of at least one person who is authorized to accept  
 25 service on behalf of the parties described in paragraph (b);

26 (d) ~~The status of the license of the residential facility for groups;~~

27 ~~— (e) The name of any provider of health care or other licensed person  
 28 providing services to a resident at the residential facility for groups and the status  
 29 of his or her license;~~ A telephone number or the address of the Internet website  
 30 of:

31 (1) The Division that the resident or a representative of the resident may  
 32 use to verify the status of the license of the residential facility for groups; and

33 (2) Each licensing board or other regulatory body that has issued a  
 34 license to a provider of health care or other person required to be licensed who  
 35 provides services to residents at the residential facility for groups that the resident  
 36 or a representative of the resident may use to verify the status of the license of the  
 37 provider of health care or other person;

38 ~~(f)~~ (e) The duration of the contract;

39 ~~(g)~~ (f) The manner in which the contract may be modified, amended or  
 40 terminated;

41 ~~(h)~~ (g) The base rate to be paid by the resident and a description of the  
 42 services to be provided as part of the base rate;

43 ~~(i)~~ (h) A fee schedule outlining the cost of any additional services;

44 ~~(j)~~ (i) Any additional fee to be paid by the resident pursuant to the fee  
 45 schedule and a description of any additional services to be provided as part of  
 46 that fee, either directly by the residential facility for groups or by a third-party  
 47 provider of services under contract with the facility;

48 ~~(k)~~ (j) A statement affirming the freedom of the resident to receive services  
 49 from a provider of services with whom the residential facility for groups does not  
 50 have a contractual arrangement, which may also disclaim liability on the part of  
 51 the residential facility for groups for any such services;

52 ~~(l)~~ (k) The procedures and requirements for billing and payment under the  
 53 contract;

~~[(m)]~~ (l) A statement detailing the criteria and procedures for admission, management of risk and termination of residency;

~~[(n)]~~ (m) The obligations of the resident in order to maintain residency and receive services, including, without limitation, compliance with the annual physical examination and assessment required by NRS 449.1845;

~~[(o)]~~ (n) A description of the process of the residential facility for groups for resolving the complaints of residents and contact information for the Aging and Disability Services Division and the Division of Public and Behavioral Health of the Department of Health and Human Services; ~~[(p)]~~

~~[(p)]~~ (o) The name and mailing address of any representative of the resident, if applicable ~~[(q)]~~; and

(p) Contact information for:

(1) The State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125;

(2) The Nevada Disability Advocacy and Law Center, or its successor organization; or

(3) Other resources for legal aid or mental health assistance, as appropriate.

**Sec. 10. 1.** A residential facility for groups shall not transfer or involuntarily discharge a resident except where:

(a) The health of the resident has improved sufficiently such that the resident no longer needs the services provided by the residential facility for groups;

(b) The health or safety of any person in the residential facility for groups is endangered;

(c) The resident has failed, after notice has been provided pursuant to subsection 2, to pay for contracted charges for a residency at or a service provided by the residential facility for groups;

(d) The services available to the resident at the residential facility for groups are no longer adequate to meet the needs of the resident, as determined using information from the annual physical examination and assessment conducted pursuant to NRS 449.1845; or

(e) The residential facility for groups ceases to operate.

2. At least 30 days before providing notice of intent to discharge a resident for failure to pay contracted charges pursuant to NRS 449A.114, a residential facility for groups shall notify the resident and any representative of the resident in writing of the delinquency. The facility shall allow the resident or his or her representative, as applicable, at least 15 days after such notice is provided to cure the delinquency.

3. Except as otherwise provided in this subsection, a residential facility for groups shall attempt to resolve with the resident or the representative of the resident, if applicable, any circumstances that, if not remedied, have the potential to result in an involuntary discharge of the resident. The facility shall document any such attempt in the file of the resident. All attempts at resolution pursuant to this subsection must occur before the resident is discharged, but may occur before or after the provision of notice pursuant to NRS 449A.114. A residential facility for groups is not required to comply with the requirements of this subsection in an emergency.

4. A residential facility for groups shall not transfer or involuntarily discharge a resident if such transfer or discharge presents an imminent danger of death to the resident.

**Sec. 11. 1.** Written notice of the intent of a residential facility for groups to discharge a resident provided pursuant to NRS 449A.114 must, in addition to

1 *the persons described in that section, be provided to the representative of the*  
 2 *patient, where applicable, and must include, without limitation:*

3 *(a) The reason for the proposed discharge; and*

4 *(b) The date of the proposed discharge. ~~f~~*

5 ~~*(c) The location of the proposed discharge;*~~

6 ~~*(d) Contact information for:*~~

7 ~~*(1) The State Long-Term Care Ombudsman appointed pursuant to NRS*~~  
 8 ~~*427A.125;*~~

9 ~~*(2) The Nevada Disability Advocacy and Law Center, or its successor*~~  
 10 ~~*organization; and*~~

11 ~~*(3) Other resources for legal aid or mental health assistance, as*~~  
 12 ~~*appropriate; and*~~

13 ~~*(c) A notification prescribed by regulation of the State Board of Health*~~  
 14 ~~*concerning the provisions of section 14 of this act, which must include, without*~~  
 15 ~~*limitation;*~~

16 ~~*(1) A statement of the right of the resident or the representative of the*~~  
 17 ~~*resident to request a hearing;*~~

18 ~~*(2) A description of the procedure for requesting a hearing;*~~

19 ~~*(3) A statement of the right of the resident to continue to reside at the*~~  
 20 ~~*residential facility for groups until a decision is rendered;*~~

21 ~~*(4) A toll-free telephone number that may be used to request a hearing;*~~  
 22 ~~*and*~~

23 ~~*(5) A written form that may be used to request a hearing and a postage*~~  
 24 ~~*paid envelope that is pre-addressed to the Hearings Division of the Department of*~~  
 25 ~~*Administration.]*~~

26 *2. Except as otherwise provided in this subsection, written notice of the*  
 27 *intent of a residential facility for groups to discharge a resident pursuant to NRS*  
 28 *449A.114 must be provided to a resident in a language that the resident or the*  
 29 *representative of the resident, if applicable, is capable of reading. If the written*  
 30 *notice is not provided in such a language, the facility must provide a translator*  
 31 *who has been trained to assist the resident or the representative of the resident, if*  
 32 *applicable, in the appeal process.*

33 *3. A residential facility for groups shall provide to a resident or a*  
 34 *representative of the resident written notice of the location of the discharge of the*  
 35 *resident not later than 10 days after providing written notice of the proposed*  
 36 *intent to discharge the resident pursuant to NRS 449A.114.*

37 **Sec. 12. 1.** *Before discharging a resident, a residential facility for groups*  
 38 *shall offer assistance to the resident and any representative of the resident*  
 39 *concerning the discharge and relocation of the resident. Such assistance must*  
 40 *include, without limitation, information on available alternative placements.*

41 *2. Except in an emergency, a residential facility for groups shall involve a*  
 42 *resident and his or her representative, if applicable, in planning the relocation of*  
 43 *the resident and allow the resident or his or her representative to choose among*  
 44 *the available alternative placements. Any emergency placement must be*  
 45 *temporary and must terminate when the resident or his or her representative is*  
 46 *able to offer input on the final decision concerning the placement of the resident.*  
 47 *A residential facility for groups shall not require a resident to remain in a*  
 48 *temporary or permanent placement.*

49 *3. In nonemergency situations, and where possible in an emergency, a*  
 50 *residential facility for groups that transfers or discharges a resident shall, in*  
 51 *consultation with the resident and his or her representative, if applicable, design*  
 52 *and implement a transition plan in advance of the transfer or discharge.*



4. A residential facility for groups is not in violation of this section or subject to disciplinary action if:

(a) A resident returns to the facility after an emergency transfer or discharge; and

(b) The emergency transfer or discharge was necessary to address health care needs of the resident which are outside the scope of care that the facility is legally authorized to provide.

~~Sec. 13. 1. In an emergency, a residential facility for groups may request that the Department of Administration make a determination as to the need for an immediate transfer or discharge of a resident.~~

~~2. Before making a determination pursuant to subsection 1, the Department of Administration shall notify the resident and the representative of the resident, if applicable.~~

~~3. The Department of Administration shall issue a determination pursuant to subsection 1 not later than 7 days after the receipt of the request from a residential facility for groups.~~

~~4. If the Department of Administration determines pursuant to subsection 3 that a failure to immediately transfer or discharge the resident would endanger the health, safety or welfare of the resident or other residents of the residential facility for groups, the Department of Administration shall order the immediate transfer or discharge of the resident from the residential facility for groups.~~

~~5. If the Department of Administration orders an immediate transfer or discharge of a resident pursuant to subsection 4, the Department of Administration shall hold a hearing not later than 7 business days after the date on which the order is issued to review the necessity of the transfer or discharge.]~~

(Deleted by amendment.)

~~Sec. 14. 1. A resident or the representative of the resident may submit a request to the Hearings Division of the Department of Administration for a hearing concerning a decision to involuntarily discharge the resident. Such a hearing must be conducted in accordance with NRS 233B.121 to 233B.150, inclusive.~~

~~2. If a request for a hearing is submitted pursuant to subsection 1, a residential facility for groups shall not involuntarily discharge the resident to which the request applies or terminate or reduce any services for the purpose of making it more difficult for the resident to remain at the facility until the Hearings Division has rendered a decision.~~

~~3. The Hearings Division shall not authorize the involuntary discharge of a resident from a residential facility for groups unless, after a hearing conducted pursuant to this section, the Hearings Division determines that the residential facility for groups has complied with the requirements of sections 9 to 14, inclusive, of this act.~~

~~4. Any hearing conducted pursuant to this section and any record thereof is confidential and exempt from the provisions of NRS 239.010.] (Deleted by amendment.)~~

**Sec. 15.** NRS 449A.001 is hereby amended to read as follows:

449A.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449A.007 to 449A.081, inclusive, **and section 3 of this act** have the meanings ascribed to them in those sections.

**Sec. 16.** NRS 449A.114 is hereby amended to read as follows:

449A.114 1. Except as otherwise provided in subsection 2, before a facility for intermediate care, facility for skilled nursing or residential facility for groups transfers a patient to another medical facility or facility for the dependent or discharges the patient **or resident** from the facility, the facility shall:

1 (a) At least 30 calendar days before transferring or discharging the patient,  
2 provide the patient and the Ombudsman with written notice of the intent to transfer  
3 or discharge the patient; and

4 (b) Within 10 calendar days after providing written notice to the patient *or*  
5 *resident* and the Ombudsman pursuant to paragraph (a), allow the patient and any  
6 person authorized by the patient the opportunity to meet in person with the  
7 administrator of the facility to discuss the proposed transfer or discharge.

8 2. The provisions of this section do not apply to:

9 (a) A voluntary discharge or transfer of a patient to another medical facility or  
10 facility for the dependent at the request of the patient; *or*

11 (b) The transfer of a patient to another facility because the condition of the  
12 patient necessitates an immediate transfer to a facility for a higher level of care ~~± f#~~  
13 ~~or~~

14 ~~—(c) The emergency transfer or discharge of a resident from a residential~~  
15 ~~facility for groups pursuant to section 13 of this act.]~~

16 3. As used in this section:

17 (a) “Facility for intermediate care” has the meaning ascribed to it in NRS  
18 449.0038.

19 (b) “Facility for skilled nursing” has the meaning ascribed to it in NRS  
20 449.0039.

21 (c) “Ombudsman” means the State Long-Term Care Ombudsman appointed  
22 pursuant to NRS 427A.125.

23 ~~[(d) “Residential facility for groups” has the meaning ascribed to it in NRS~~  
24 ~~449.017.]~~

25 **Sec. 17.** ~~[NRS 239.010 is hereby amended to read as follows:~~

26 ~~—239.010 1. Except as otherwise provided in this section and NRS 1.4683,~~  
27 ~~1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440,~~  
28 ~~62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100,~~  
29 ~~75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515,~~  
30 ~~87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,~~  
31 ~~88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,~~  
32 ~~118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677,~~  
33 ~~119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161,~~  
34 ~~126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.000,~~  
35 ~~130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,~~  
36 ~~176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,~~  
37 ~~179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604,~~  
38 ~~202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521,~~  
39 ~~211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,~~  
40 ~~217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,~~  
41 ~~224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473,~~  
42 ~~232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030,~~  
43 ~~239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,~~  
44 ~~239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,~~  
45 ~~247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.005,~~  
46 ~~268.0078, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,~~  
47 ~~281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086,~~  
48 ~~286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.930, 293.4855,~~  
49 ~~293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908,~~  
50 ~~293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,~~  
51 ~~338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775,~~  
52 ~~353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,~~  
53 ~~360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257,~~

~~370.227, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.820,  
385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513,  
388.750, 388A.247, 388A.249, 391.023, 391.025, 391.0265, 391.120, 391.025,  
392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,  
392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,  
396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535,  
396.9685, 398A.115, 408.2885, 408.2886, 408.2888, 408.5484, 412.153, 414.280,  
416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,  
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432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360,  
439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754,  
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604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.250,  
618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,  
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630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405,  
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634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085,  
637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570,  
640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580,  
640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225,  
640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262,  
641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,  
642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060,  
645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,  
645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,  
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669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340,  
676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124,  
679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440,  
681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170,  
686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,  
688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3526, 692C.3538,  
692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196,  
704B.325, 706.1725, 706A.230, 710.159, 711.600, and section 14 of this act,  
sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of  
chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be  
confidential, all public books and public records of a governmental entity must be  
open at all times during office hours to inspection by any person, and may be fully  
copied or an abstract or memorandum may be prepared from those public books  
and public records. Any such copies, abstracts or memoranda may be used to  
supply the general public with copies, abstracts or memoranda of the records or  
may be used in any other way to the advantage of the governmental entity or of the  
general public. This section does not supersede or in any manner affect the federal~~

~~laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

~~2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.~~

~~3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.~~

~~4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:~~

~~(a) The public record:~~

~~(1) Was not created or prepared in an electronic format; and~~

~~(2) Is not available in an electronic format; or~~

~~(b) Providing the public record in an electronic format or by means of an electronic medium would:~~

~~(1) Give access to proprietary software; or~~

~~(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.~~

~~5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:~~

~~(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.~~

~~(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself. **(Deleted by amendment.)**~~

**Sec. 18.** NRS 427A.125 is hereby amended to read as follows:

427A.125 1. The Office of the State Long-Term Care Ombudsman is hereby created within the Division.

2. The Administrator shall appoint the State Long-Term Care Ombudsman to advocate for the protection of the health, safety, welfare and rights of recipients. The Ombudsman is in the classified service of the State. The Ombudsman shall, under direction of the Administrator:

(a) Train advocates to:

(1) Receive, investigate and attempt to resolve complaints made by or on behalf of recipients.

(2) Investigate acts, practices, policies or procedures of any facility for long-term care, day care center, facility for long-term rehabilitation or provider of living arrangement services or any governmental agency which relates to such care or services and may adversely affect the health, safety, welfare or civil rights of recipients and report the results of the investigations to the Ombudsman and the Administrator.

(3) Record and analyze information and complaints about facilities for long-term care, day care centers, facilities for long-term rehabilitation and providers of living arrangement services to identify problems affecting recipients to whom they provide services.

1 (4) Provide for the support and development of recipient and family  
2 councils to protect the well-being and rights of recipients.

3 (5) Assist facilities for long-term care, day care centers, facilities for long-  
4 term rehabilitation and providers of living arrangement services to provide services  
5 to recipients in the manner set forth in paragraph (b).

6 (b) Develop a course of training to be made available to officers, directors and  
7 employees of a facility for long-term care, a day care center, a facility for long-term  
8 rehabilitation or a provider of living arrangement services to encourage such  
9 facilities and providers to provide services to recipients in a manner that allows the  
10 recipients to follow their own routine and make their own decisions concerning the  
11 daily activities in which to participate. The course must also provide information  
12 concerning how to provide services in that manner.

13 (c) Coordinate services within the Department which may affect recipients and  
14 prospective recipients to ensure that such services are made available to eligible  
15 persons.

16 (d) Provide information to interested persons and to the general public  
17 concerning the functions and activities of the Ombudsman.

18 (e) Report annually to the Administrator.

19 3. The Ombudsman may:

20 (a) Analyze, provide comment on and monitor the development and  
21 implementation of any federal, state or local governmental action, activity or  
22 program that relates to the protection of the health, safety, welfare and rights of  
23 recipients; ~~and~~

24 (b) Recommend changes to any federal, state or local governmental action,  
25 activity or program described in paragraph (a) without the prior approval of the  
26 Administrator ~~and~~; **and**

27 *(c) Offer assistance to a residential facility for groups, a resident and any*  
28 *representative of the resident in planning for the discharge and relocation of the*  
29 *resident pursuant to section 12 of this act in order to assure the safe and orderly*  
30 *transition of the resident and to protect the health, safety, welfare and rights of*  
31 *the resident. As used in this paragraph:*

32 *(1) "Representative of the resident" has the meaning ascribed to it in*  
33 *section 6 of this act.*

34 *(2) "Resident" has the meaning ascribed to it in section 7 of this act.*

35 *(3) "Residential facility for groups" has the meaning ascribed to it in*  
36 *NRS 449.017.*

37 **Sec. 19.** NRS 654.190 is hereby amended to read as follows:

38 654.190 1. The Board may, after notice and an opportunity for a hearing as  
39 required by law, impose an administrative fine of not more than \$10,000 for each  
40 violation on, recover reasonable investigative fees and costs incurred from,  
41 suspend, revoke, deny the issuance or renewal of or place conditions on the license  
42 of, and place on probation or impose any combination of the foregoing on any  
43 licensee who:

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

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

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

48 (d) Aids or abets any person in the violation of any of the provisions of NRS  
49 449.029 to 449.2428, inclusive, **or 449A.100 to 449A.124, inclusive, and sections 4**  
50 **to ~~44~~ 12, inclusive, of this act,** as those provisions pertain to a facility for skilled  
51 nursing, facility for intermediate care or residential facility for groups.

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

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

4 2. If a licensee requests a hearing pursuant to subsection 1, the Board shall  
5 give the licensee written notice of a hearing pursuant to NRS 233B.121 and  
6 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

7 3. The Board may compel the attendance of witnesses or the production of  
8 documents or objects by subpoena. The Board may adopt regulations that set forth a  
9 procedure pursuant to which the Chair of the Board may issue subpoenas on behalf  
10 of the Board. Any person who is subpoenaed pursuant to this subsection may  
11 request the Board to modify the terms of the subpoena or grant additional time for  
12 compliance.

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

15 5. The expiration of a license by operation of law or by order or decision of  
16 the Board or a court, or the voluntary surrender of a license, does not deprive the  
17 Board of jurisdiction to proceed with any investigation of, or action or disciplinary  
18 proceeding against, the licensee or to render a decision suspending or revoking the  
19 license.

20 **Sec. 20.** 1. This section becomes effective upon passage and approval.

21 2. Sections 1 to 19, inclusive, of this act become effective:

22 (a) Upon passage and approval for the purpose of adopting regulations and  
23 performing any other preparatory administrative tasks that are necessary to carry  
24 out the provisions of this act; and

25 (b) On January 1, 2024, for all other purposes.