

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 senior living community referral agency; requiring a senior living community referral agency to make certain reports; 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** requires an unlicensed senior living community referral agency to disclose certain information



17 to a person who is aged or the representative of such a person and obtain the  
18 consent of the person or representative before making a referral. **Section 4** also  
19 requires the senior living community referral agency to: (1) maintain a record of  
20 such a disclosure or consent for at least 3 years; and (2) provide a copy of the  
21 disclosure to a person who has received a referral from the agency, the  
22 representative of such a person or the senior living community to which a person  
23 was referred by the agency upon request.

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

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

1 **Section 1.** Chapter 449 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this  
3 act.

4 **Sec. 2. “Senior living community” means:**

5 *1. A home for individual residential care, residential facility*  
6 *for groups, facility for intermediate care, facility for skilled*  
7 *nursing, assisted living facility or retirement home or village that*  
8 *primarily provides services to persons who are aged; or*

9 *2. Any other group housing arrangement that provides*  
10 *assistance, food, shelter or limited supervision to persons who are*  
11 *aged.*

12 **Sec. 3. “Senior living community referral agency” means a**  
13 *person who refers persons who are aged to senior living*  
14 *communities for a fee paid by the senior living community, the*  
15 *person who is aged or the representative of such a person. The*  
16 *term does not include:*

17 *1. A senior living community or an employee of a senior*  
18 *living community; or*

19 *2. A resident of a senior living community, a family member*  
20 *of such a resident or any other person who receives any service*



1 *from a senior living community, regardless of whether the person*  
2 *receives any form of compensation for a referral.*

3 **Sec. 4. 1.** *Before referring a person who is aged or the*  
4 *representative of such a person to a senior living community, a*  
5 *senior living community referral agency that is not licensed*  
6 *pursuant to NRS 449.0305 shall:*

7 *(a) Provide a statement clearly disclosing the information*  
8 *required by this paragraph to the person or representative orally,*  
9 *in writing or electronically. If the disclosure is made orally, the*  
10 *disclosure must be recorded. The statement must include, without*  
11 *limitation:*

12 *(1) A description of each service that the senior living*  
13 *community referral agency is able to provide to the person who is*  
14 *aged;*

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

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

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

22 *(5) A statement of whether the person who is aged or the*  
23 *senior living community to which the person who is aged is*  
24 *referred is responsible for paying the applicable referral fee and, if*  
25 *the person who is aged is responsible for paying the fee, the*  
26 *amount of the fee; and*

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

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

34 **3.** *Upon the request of a person who is aged and who has*  
35 *received a referral from a senior living community referral agency*  
36 *that is not licensed pursuant to NRS 449.0305, the representative*  
37 *of such a person or the senior living community to which a person*  
38 *has been referred by such a senior living community referral*  
39 *agency, the senior living community referral agency shall provide*  
40 *the person, representative or community a written copy of the*  
41 *statement given to the person who is aged or his or her*  
42 *representative pursuant to subsection 1.*

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



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

4 (1) In which the senior living community referral agency,  
5 an executive thereof or any immediate family member of such an  
6 executive has an ownership or financial interest; or

7 (2) That is managed wholly or partially by the senior living  
8 community referral agency, an executive thereof or any immediate  
9 family member of such an executive;

10 (b) Issue a referral to a person who is aged or the  
11 representative of such a person if the senior living community  
12 referral agency, an employee thereof or an immediate family  
13 member of such an employee holds a power of attorney or any  
14 property of the person who is aged;

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

18 (d) Refer a person who is aged or the representative of such a  
19 person to a senior living community that is not capable of  
20 adequately caring for the person who is aged; or

21 (e) Accept compensation for a referral from a senior living  
22 community with which the senior living community referral  
23 agency has not entered into a written contract concerning such a  
24 referral.

25 2. A senior living community referral agency that is not  
26 licensed pursuant to NRS 449.0305 shall:

27 (a) Use a nationally accredited provider of criminal  
28 background investigations to conduct an investigation into the  
29 criminal background of each employee of the senior living  
30 community referral agency who directly interacts with persons  
31 who are aged or representatives of such persons;

32 (b) Maintain liability insurance in an amount of at least  
33 \$1,000,000 for each incident and \$2,500,000 in total per year for  
34 negligent acts or omissions committed by the senior living  
35 community referral agency or an employee thereof;

36 (c) Cease contacting a person who is aged or the representative  
37 of such a person as soon as possible and not later than 10 days  
38 after the person or representative requests the senior living  
39 community referral agency to cease contacting the person;

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



1 (e) *Refrain from selling the personal information of a person*  
2 *who is aged or the representative of such a person upon the*  
3 *request of the person or representative; and*

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

8 3. *A senior living community referral agency that is not*  
9 *licensed pursuant to NRS 449.0305 may refer a person who is*  
10 *aged or the representative of such a person to a senior living*  
11 *community described in paragraph (a) of subsection 1 if the*  
12 *person or representative provides the senior living community*  
13 *referral agency with written permission to make such a referral*  
14 *before the referral is made.*

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

16 449.001 As used in this chapter, unless the context otherwise  
17 requires, the words and terms defined in NRS 449.0015 to  
18 449.0195, inclusive, *and sections 2 and 3 of this act* have the  
19 meanings ascribed to them in those sections.

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

21 449.029 As used in NRS 449.029 to 449.240, inclusive, *and*  
22 *sections 4 and 5 of this act*, unless the context otherwise requires,  
23 “medical facility” has the meaning ascribed to it in NRS 449.0151  
24 and includes a program of hospice care described in NRS 449.196.

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

26 449.0301 The provisions of NRS 449.029 to 449.2428,  
27 inclusive, *and sections 4 and 5 of this act* do not apply to:

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

35 2. Foster homes as defined in NRS 424.014.

36 3. Any medical facility, facility for the dependent or facility  
37 which is otherwise required by the regulations adopted by the Board  
38 pursuant to NRS 449.0303 to be licensed that is operated and  
39 maintained by the United States Government or an agency thereof.

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

41 449.0302 1. The Board shall adopt:

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



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

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

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

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

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

22 (g) Any other regulations as it deems necessary or convenient to  
23 carry out the provisions of NRS 449.029 to 449.2428, inclusive **[ ]**,  
24 ***and sections 4 and 5 of this act.***

25 2. The Board shall adopt separate regulations governing the  
26 licensing and operation of:

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

28 (b) Residential facilities for groups,

29 ↪ which provide care to persons with Alzheimer's disease or other  
30 severe dementia, as described in paragraph (a) of subsection 2 of  
31 NRS 449.1845.

32 3. The Board shall adopt separate regulations for:

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

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

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

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



1 5. In addition to the training requirements prescribed pursuant  
2 to NRS 449.093, the Board shall establish minimum qualifications  
3 for administrators and employees of residential facilities for groups.  
4 In establishing the qualifications, the Board shall consider the  
5 related standards set by nationally recognized organizations which  
6 accredit such facilities.

7 6. The Board shall adopt separate regulations regarding the  
8 assistance which may be given pursuant to NRS 453.375 and  
9 454.213 to an ultimate user of controlled substances or dangerous  
10 drugs by employees of residential facilities for groups. The  
11 regulations must require at least the following conditions before  
12 such assistance may be given:

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

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

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

19 (1) Addresses possession and assistance in the administration  
20 of the medication; and

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

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

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

30 7. The Board shall adopt separate regulations governing the  
31 licensing and operation of residential facilities for groups which  
32 provide assisted living services. The Board shall not allow the  
33 licensing of a facility as a residential facility for groups which  
34 provides assisted living services and a residential facility for groups  
35 shall not claim that it provides "assisted living services" unless:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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





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

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

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

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

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

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

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

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

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

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

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

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



1 (b) Exempt a person licensed or certified pursuant to title 54 of  
2 NRS from the requirements prescribed pursuant to paragraph (a) if  
3 the Board determines that the person is required to receive training  
4 and continuing education substantially equivalent to that prescribed  
5 pursuant to that paragraph;

6 (c) Require a natural person responsible for the operation of a  
7 provider of community-based living arrangement services to receive  
8 training concerning the provisions of title 53 of NRS applicable to  
9 the provision of community-based living arrangement services; and

10 (d) Require an applicant for a license to provide community-  
11 based living arrangement services to post a surety bond in an  
12 amount equal to the operating expenses of the applicant for 2  
13 months, place that amount in escrow or take another action  
14 prescribed by the Division to ensure that, if the applicant becomes  
15 insolvent, recipients of community-based living arrangement  
16 services from the applicant may continue to receive community-  
17 based living arrangement services for 2 months at the expense of the  
18 applicant.

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

22 (a) Align with the standards established by the American  
23 Association of Birth Centers, or its successor organization, the  
24 accrediting body of the Commission for the Accreditation of Birth  
25 Centers, or its successor organization, or another nationally  
26 recognized organization for accrediting freestanding birthing  
27 centers; and

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

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

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

33 449.0305 1. Except as otherwise provided in **[subsection]**  
34 **subsections 5 [H] and 6**, a person must obtain a license from the  
35 Board to operate a business that provides referrals to residential  
36 facilities for groups or any other group housing arrangement that  
37 provides assistance, food, shelter or limited supervision to a person  
38 with a mental illness, intellectual disability, developmental disability  
39 or physical disability or who is aged or infirm.

40 2. The Board shall adopt:

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

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

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



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

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

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

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

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

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

26 ↪ A person who violates the provisions of this subsection is liable  
27 for a civil penalty to be recovered by the Attorney General in the  
28 name of the Board for the first offense of not more than \$10,000 and  
29 for a second or subsequent offense of not less than \$10,000 nor  
30 more than \$20,000. Unless otherwise required by federal law, the  
31 Board shall deposit all civil penalties collected pursuant to this  
32 section into a separate account in the State General Fund to be used  
33 to administer and carry out the provisions of NRS 449.001 to  
34 449.430, inclusive, *and sections 2 to 5, inclusive, of this act*,  
35 449.435 to 449.531, inclusive, and chapter 449A of NRS and to  
36 protect the health, safety, well-being and property of the patients  
37 and residents of facilities in accordance with applicable state and  
38 federal standards.

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

42 6. *This section does not apply to a senior living community*  
43 *referral agency that complies with the provisions of sections 4 and*  
44 *5 of this act.*

45 7. As used in this section:



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

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

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

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

8 449.160 1. The Division may deny an application for a  
9 license or may suspend or revoke any license issued under the  
10 provisions of NRS 449.029 to 449.2428, inclusive, *and sections 4*  
11 *and 5 of this act* upon any of the following grounds:

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

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

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

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

23 (e) Failure of the applicant to obtain written approval from the  
24 Director of the Department of Health and Human Services as  
25 required by NRS 439A.100 or as provided in any regulation adopted  
26 pursuant to NRS 449.001 to 449.430, inclusive, *and sections 2 to 5,*  
27 *inclusive, of this act* and 449.435 to 449.531, inclusive, and chapter  
28 449A of NRS if such approval is required.

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

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

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

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

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

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

43 3. The Division shall maintain a log of any complaints that it  
44 receives relating to activities for which the Division may revoke the  
45 license to operate a facility for the dependent pursuant to



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

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

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

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

9 ➔ The facility shall make the information available to the public  
10 pursuant to NRS 449.2486.

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

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

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

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

19 449.163 1. In addition to the payment of the amount required  
20 by NRS 449.0308, if a medical facility, facility for the dependent or  
21 facility which is required by the regulations adopted by the Board  
22 pursuant to NRS 449.0303 to be licensed violates any provision  
23 related to its licensure, including any provision of NRS 439B.410 or  
24 449.029 to 449.2428, inclusive, *and sections 4 and 5 of this act* or  
25 any condition, standard or regulation adopted by the Board, the  
26 Division, in accordance with the regulations adopted pursuant to  
27 NRS 449.165, may:

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

30 (b) Limit the occupancy of the facility to the number of beds  
31 occupied when the violation occurred, until it determines that the  
32 facility has corrected the violation;

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

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

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

43 (1) It determines that the facility has corrected the violation  
44 and has management which is capable of ensuring continued



1 compliance with the applicable statutes, conditions, standards and  
2 regulations; or

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

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

6 (a) Suspend the license of the facility until the administrative  
7 penalty is paid; and

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

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

15 4. Any money collected as administrative penalties pursuant to  
16 paragraph (d) of subsection 1 must be accounted for separately and  
17 used to administer and carry out the provisions of NRS 449.001 to  
18 449.430, inclusive, *and sections 2 to 5, inclusive, of this act*,  
19 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect  
20 the health, safety, well-being and property of the patients and  
21 residents of facilities in accordance with applicable state and federal  
22 standards or for any other purpose authorized by the Legislature.

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

24 449.240 The district attorney of the county in which the facility  
25 is located shall, upon application by the Division, institute and  
26 conduct the prosecution of any action for violation of any provisions  
27 of NRS 449.029 to 449.245, inclusive ~~§~~, *and sections 4 and 5 of*  
28 *this act.*

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

30 654.190 1. The Board may, after notice and an opportunity  
31 for a hearing as required by law, impose an administrative fine of  
32 not more than \$10,000 for each violation on, recover reasonable  
33 investigative fees and costs incurred from, suspend, revoke, deny  
34 the issuance or renewal of or place conditions on the license of, and  
35 place on probation or impose any combination of the foregoing on  
36 any licensee who:

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

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

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

42 (d) Aids or abets any person in the violation of any of the  
43 provisions of NRS 449.029 to 449.2428, inclusive, *and sections 4*  
44 *and 5 of this act* as those provisions pertain to a facility for skilled



1 nursing, facility for intermediate care or residential facility for  
2 groups.

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

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

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

13 3. The Board may compel the attendance of witnesses or the  
14 production of documents or objects by subpoena. The Board may  
15 adopt regulations that set forth a procedure pursuant to which the  
16 Chair of the Board may issue subpoenas on behalf of the Board.  
17 Any person who is subpoenaed pursuant to this subsection may  
18 request the Board to modify the terms of the subpoena or grant  
19 additional time for compliance.

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

22 5. The expiration of a license by operation of law or by order  
23 or decision of the Board or a court, or the voluntary surrender of a  
24 license, does not deprive the Board of jurisdiction to proceed with  
25 any investigation of, or action or disciplinary proceeding against, the  
26 licensee or to render a decision suspending or revoking the license.

