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FIRST REPRINT

S.B. 260

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 ~~forbidden material~~ is material to be omitted.

AN ACT relating to residential facilities; imposing certain requirements governing the operation of 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 4 of this bill requires a senior living community referral agency to disclose certain information to a person who is aged or the representative of such a



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

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



1 2. A resident of a senior living community, a family member
2 of such a resident or any other person who receives any service
3 from a senior living community, regardless of whether the person
4 receives any form of compensation for a referral.

5 **Sec. 4. 1.** Before referring a person who is aged or the
6 representative of such a person to a senior living community, a
7 senior living community referral agency shall:

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

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

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

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

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

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

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

30 2. A senior living community referral agency shall maintain a
31 record of each statement or consent provided pursuant to
32 subsection 1 for at least 3 years after the date on which the
33 statement or consent, as 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
36 agency, the representative of such a person or the senior living
37 community to which a person has been referred by the senior
38 living community referral agency, the senior living community
39 referral agency shall provide the person, representative or
40 community a written copy of the statement given to the person who
41 is aged or his or her representative pursuant to subsection 1.

42 **Sec. 5. 1.** A senior living community referral agency shall
43 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 shall:

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

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

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

39 (d) Cease making referrals to a senior living community for a
40 person who is aged or the representative of such a person as soon
41 as possible and not later than 10 days after the person or
42 representative requests the senior living community referral
43 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 may refer a*
9 *person who is aged or the representative of such a person to a*
10 *senior living community described in paragraph (a) of subsection*
11 *1 if the person or representative provides the senior living*
12 *community referral agency with written permission to make such*
13 *a referral before the referral is made.*

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

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

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

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

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

27 449.001 As used in this chapter, unless the context otherwise
28 requires, the words and terms defined in NRS 449.0015 to
29 449.0195, inclusive, *and sections 2 and 3 of this act* have the
30 meanings ascribed to them in those sections.

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

32 449.029 As used in NRS 449.029 to 449.240, inclusive, *and*
33 *sections 4 and 5 of this act*, unless the context otherwise requires,
34 “medical facility” has the meaning ascribed to it in NRS 449.0151
35 and includes a program of hospice care described in NRS 449.196.

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

37 449.0301 The provisions of NRS 449.029 to 449.2428,
38 inclusive, *and sections 4 and 5 of this act* do not apply to:

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



1 2. Foster homes as defined in NRS 424.014.
2 3. Any medical facility, facility for the dependent or facility
3 which is otherwise required by the regulations adopted by the Board
4 pursuant to NRS 449.0303 to be licensed that is operated and
5 maintained by the United States Government or an agency thereof.

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

7 449.0302 1. The Board shall adopt:

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

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

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

20 (d) Regulations establishing a procedure for the indemnification
21 by the Division, from the amount of any surety bond or other
22 obligation filed or deposited by a facility for refractive surgery
23 pursuant to NRS 449.068 or 449.069, of a patient of the facility who
24 has sustained any damages as a result of the bankruptcy of or any
25 breach of contract by the facility.

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

28 (f) Regulations requiring a hospital or independent center for
29 emergency medical care to provide training to each employee who
30 provides care to victims of sexual assault or attempted sexual assault
31 concerning appropriate care for such persons, including, without
32 limitation, training concerning the requirements of NRS 449.1885.

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

36 2. The Board shall adopt separate regulations governing the
37 licensing and operation of:

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

39 (b) Residential facilities for groups,

40 ➔ which provide care to persons with Alzheimer's disease or other
41 severe dementia, as described in paragraph (a) of subsection 2 of
42 NRS 449.1845.

43 3. The Board shall adopt separate regulations for:

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



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

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

6 4. The Board shall require that the practices and policies of
7 each medical facility or facility for the dependent provide
8 adequately for the protection of the health, safety and physical,
9 moral and mental well-being of each person accommodated in the
10 facility.

11 5. In addition to the training requirements prescribed pursuant
12 to NRS 449.093, the Board shall establish minimum qualifications
13 for administrators and employees of residential facilities for groups.
14 In establishing the qualifications, the Board shall consider the
15 related standards set by nationally recognized organizations which
16 accredit such facilities.

17 6. The Board shall adopt separate regulations regarding the
18 assistance which may be given pursuant to NRS 453.375 and
19 454.213 to an ultimate user of controlled substances or dangerous
20 drugs by employees of residential facilities for groups. The
21 regulations must require at least the following conditions before
22 such assistance may be given:

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

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

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

29 (1) Addresses possession and assistance in the administration
30 of the medication; and

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

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

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

40 7. The Board shall adopt separate regulations governing the
41 licensing and operation of residential facilities for groups which
42 provide assisted living services. The Board shall not allow the
43 licensing of a facility as a residential facility for groups which
44 provides assisted living services and a residential facility for groups
45 shall not claim that it provides "assisted living services" unless:



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

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

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

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

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

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

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

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

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

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

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

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

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

41 8. The Division may grant an exception from the requirement
42 of subparagraph (1) of paragraph (b) of subsection 7 to a facility
43 which is licensed as a residential facility for groups on or before
44 July 1, 2005, and which is authorized to have 10 or fewer beds and



1 was originally constructed as a single-family dwelling if the
2 Division finds that:

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

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

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

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

9 or

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

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

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

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

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

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

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

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

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

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

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



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

3 (a) Except as otherwise provided in paragraph (b), require a
4 natural person responsible for the operation of a provider of a
5 community-based living arrangement services and each employee of
6 a provider of community-based living arrangement services who
7 supervises or provides support to recipients of community-based
8 living arrangement services to complete training concerning the
9 provision of community-based living arrangement services to
10 persons with mental illness and continuing education concerning the
11 particular population served by the provider;

12 (b) Exempt a person licensed or certified pursuant to title 54 of
13 NRS from the requirements prescribed pursuant to paragraph (a) if
14 the Board determines that the person is required to receive training
15 and continuing education substantially equivalent to that prescribed
16 pursuant to that paragraph;

17 (c) Require a natural person responsible for the operation of a
18 provider of community-based living arrangement services to receive
19 training concerning the provisions of title 53 of NRS applicable to
20 the provision of community-based living arrangement services; and

21 (d) Require an applicant for a license to provide community-
22 based living arrangement services to post a surety bond in an
23 amount equal to the operating expenses of the applicant for 2
24 months, place that amount in escrow or take another action
25 prescribed by the Division to ensure that, if the applicant becomes
26 insolvent, recipients of community-based living arrangement
27 services from the applicant may continue to receive community-
28 based living arrangement services for 2 months at the expense of the
29 applicant.

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

33 (a) Align with the standards established by the American
34 Association of Birth Centers, or its successor organization, the
35 accrediting body of the Commission for the Accreditation of Birth
36 Centers, or its successor organization, or another nationally
37 recognized organization for accrediting freestanding birthing
38 centers; and

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

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

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

44 449.0305 1. Except as otherwise provided in subsection 5, a
45 person must obtain a license from the Board to operate a business



1 that provides referrals to residential facilities for groups or any other
2 group housing arrangement that provides assistance, food, shelter or
3 limited supervision to a person with a mental illness, intellectual
4 disability, developmental disability or physical disability or who is
5 aged or infirm ~~[-]~~, *including, without limitation, a senior living*
6 *community referral agency.*

7 2. The Board shall adopt:

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

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

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

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

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

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

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

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

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

37 ➤ A person who violates the provisions of this subsection is liable
38 for a civil penalty to be recovered by the Attorney General in the
39 name of the Board for the first offense of not more than \$10,000 and
40 for a second or subsequent offense of not less than \$10,000 nor
41 more than \$20,000. Unless otherwise required by federal law, the
42 Board shall deposit all civil penalties collected pursuant to this
43 section into a separate account in the State General Fund to be used
44 to administer and carry out the provisions of NRS 449.001 to
45 449.430, inclusive, *and sections 2 to 5, inclusive, of this act,*



1 449.435 to 449.531, inclusive, and chapter 449A of NRS and to
2 protect the health, safety, well-being and property of the patients
3 and residents of facilities in accordance with applicable state and
4 federal standards.

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

8 6. As used in this section:

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

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

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

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

16 449.160 1. The Division may deny an application for a
17 license or may suspend or revoke any license issued under the
18 provisions of NRS 449.029 to 449.2428, inclusive, *and sections 4*
19 *and 5 of this act* upon any of the following grounds:

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

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

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

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

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

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

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

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

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



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

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

6 3. The Division shall maintain a log of any complaints that it
7 receives relating to activities for which the Division may revoke the
8 license to operate a facility for the dependent pursuant to
9 subsection 2. The Division shall provide to a facility for the care of
10 adults during the day:

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

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

16 (c) A report of any disciplinary action taken against the facility.
17 ➔ The facility shall make the information available to the public
18 pursuant to NRS 449.2486.

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

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

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

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

27 449.163 1. In addition to the payment of the amount required
28 by NRS 449.0308, if a medical facility, facility for the dependent or
29 facility which is required by the regulations adopted by the Board
30 pursuant to NRS 449.0303 to be licensed violates any provision
31 related to its licensure, including any provision of NRS 439B.410 or
32 449.029 to 449.2428, inclusive, *and sections 4 and 5 of this act* or
33 any condition, standard or regulation adopted by the Board, the
34 Division, in accordance with the regulations adopted pursuant to
35 NRS 449.165, may:

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

38 (b) Limit the occupancy of the facility to the number of beds
39 occupied when the violation occurred, until it determines that the
40 facility has corrected the violation;

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



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

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

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

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

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

14 (a) Suspend the license of the facility until the administrative
15 penalty is paid; and

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

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

23 4. Any money collected as administrative penalties pursuant to
24 paragraph (d) of subsection 1 must be accounted for separately and
25 used to administer and carry out the provisions of NRS 449.001 to
26 449.430, inclusive, *and sections 2 to 5, inclusive, of this act*,
27 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect
28 the health, safety, well-being and property of the patients and
29 residents of facilities in accordance with applicable state and federal
30 standards or for any other purpose authorized by the Legislature.

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

32 449.240 The district attorney of the county in which the facility
33 is located shall, upon application by the Division, institute and
34 conduct the prosecution of any action for violation of any provisions
35 of NRS 449.029 to 449.245, inclusive ~~H~~, *and sections 4 and 5 of*
36 *this act.*

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

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



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

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

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

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

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

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

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

21 3. The Board may compel the attendance of witnesses or the
22 production of documents or objects by subpoena. The Board may
23 adopt regulations that set forth a procedure pursuant to which the
24 Chair of the Board may issue subpoenas on behalf of the Board.
25 Any person who is subpoenaed pursuant to this subsection may
26 request the Board to modify the terms of the subpoena or grant
27 additional time for compliance.

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

30 5. The expiration of a license by operation of law or by order
31 or decision of the Board or a court, or the voluntary surrender of a
32 license, does not deprive the Board of jurisdiction to proceed with
33 any investigation of, or action or disciplinary proceeding against, the
34 licensee or to render a decision suspending or revoking the license.

