

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,
3 which includes a residential facility for groups, provide protections from eviction,
4 including procedures and appeals, for residents that are comparable to protections
5 provided under state landlord tenant law. (42 C.F.R. § 441.530(a)(1)(vi)(A))



6 Existing law defines a “residential facility for groups” as an establishment that
7 furnishes food, overnight shelter, assistance and limited supervision to persons with
8 an intellectual or physical disability or persons who are aged or infirm. (NRS
9 449.017) At least 30 days before involuntarily discharging a resident of a
10 residential facility for groups, existing law requires the residential facility for
11 groups to provide the resident and the State Long-Term Care Ombudsman with
12 written notice of the intent to discharge the resident. Existing law also requires a
13 residential facility for groups to allow the resident and any person authorized by the
14 resident to meet in person with the administrator of the facility to discuss the
15 proposed discharge within 10 days after providing written notice of the proposed
16 discharge. (NRS 449A.114) **Sections 2-7** of this bill define certain terms relating to
17 residential facilities for groups. **Section 8** of this bill prohibits the owner, agent or
18 employee of a residential facility for groups or a provider of health care from acting
19 as the representative of a resident in matters concerning the involuntary discharge
20 of the resident, unless the person is related to the resident. **Section 9** of this bill
21 requires a contract between a resident and a residential facility for groups for the
22 delivery of services to include certain information. **Section 10** of this bill prohibits
23 the transfer or involuntary discharge of a resident from a residential facility for
24 groups except: (1) for certain reasons relating to the condition of the resident and
25 the ability of the facility to meet his or her needs; (2) if the health or safety of the
26 resident or another resident is endangered; (3) for a failure to pay contracted
27 charges; or (4) if the facility ceases to operate. **Section 10** requires a residential
28 facility for groups to: (1) provide certain additional notice before involuntarily
29 discharging a resident for failure to pay contracted charges; and (2) attempt to
30 resolve any issues that might result in the involuntary discharge of a resident before
31 discharging the resident. **Section 11** of this bill prescribes the required contents of a
32 written notice of intent to discharge a resident.

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

41 In an emergency, **section 13** of this bill authorizes a residential facility for
42 groups to request that the Department of Administration make a determination as to
43 the need for an immediate transfer or discharge of a resident. **Section 13** requires
44 the Department to: (1) order such a transfer or discharge if the failure to
45 immediately transfer or discharge the resident would endanger the health, safety or
46 welfare of the resident or other residents; and (2) hold a hearing not later than 7
47 days after issuing such an order. **Section 16** of this bill provides that advance notice
48 is not required before the discharge of a resident pursuant to such an order. **Section**
49 **14** of this bill authorizes a resident or the representative of the resident to request a
50 hearing before the Hearings Division of the Department of Administration before
51 he or she is involuntarily discharged. **Sections 14 and 17** of this bill provide for the
52 confidentiality of such a hearing. **Sections 1 and 19** of this bill authorize the
53 imposition of disciplinary action against a residential facility for groups that
54 violates the provisions of **sections 4-14** of this bill and certain provisions of
55 existing law concerning the rights of residents or the administrator of such a facility
56 who aids or abets in such a violation.

57 **Section 15** of this bill makes a conforming change to indicate the proper
58 placement of **section 3** of this bill in the Nevada Revised Statutes.

59 **Section 18** of this bill authorizes the State Long-Term Care Ombudsman to
60 offer assistance to a residential facility for groups, a resident and his or her



61 representative in planning for the discharge and relocation of the resident from the
62 facility.

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

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

2 449.160 1. The Division may deny an application for a
3 license or may suspend or revoke any license issued under the
4 provisions of NRS 449.029 to 449.2428, inclusive, upon any of the
5 following grounds:

6 (a) Violation by the applicant or the licensee of any of the
7 provisions of NRS 439B.410, ~~for~~ 449.029 to 449.245, inclusive, *or*
8 *449A.100 to 449A.124, inclusive, and sections 4 to 14, inclusive, of*
9 *this act* or of any other law of this State or of the standards, rules
10 and regulations adopted thereunder.

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

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

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

18 (e) Failure of the applicant to obtain written approval from the
19 Director of the Department of Health and Human Services as
20 required by NRS 439A.100 or as provided in any regulation adopted
21 pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to
22 449.531, inclusive, and chapter 449A of NRS if such approval is
23 required.

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

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

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

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

33 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
34 244.360, 244.3603 or 268.4124; or

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

38 3. The Division shall maintain a log of any complaints that it
39 receives relating to activities for which the Division may revoke the



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

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

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

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

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

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

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

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

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

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

24 **Sec. 4.** *As used in sections 4 to 14, inclusive, of this act,*
25 *unless the context otherwise requires, the words and terms defined*
26 *in sections 5, 6 and 7 of this act have the meanings ascribed to*
27 *them in those sections.*

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

30 **Sec. 6.** *“Representative of the resident” means a natural*
31 *person who is designated in writing by a resident to be his or her*
32 *representative. The term includes, without limitation, a person*
33 *given power of attorney to make decisions concerning health care*
34 *for the resident pursuant to NRS 162A.700 to 162A.870, inclusive,*
35 *or a person appointed as a guardian of the resident under the*
36 *provisions of chapter 159 of NRS.*

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

39 **Sec. 8.** *The owner, agent or employee of a residential facility*
40 *for groups or a provider of health care must not serve as the*
41 *representative of a resident for the purposes of sections 4 to 14,*
42 *inclusive, of this act unless the owner, agent, employee or provider*
43 *is related to the resident by consanguinity or affinity within the*
44 *third degree.*



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

3 1. *Be entitled "Service Delivery Contract for Residential*
4 *Facility for Groups";*

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

6 3. *Include, without limitation, the following information in*
7 *the body of the contract or in a supporting document or*
8 *attachment:*

9 (a) *The name, physical address and mailing address, if*
10 *different, of the residential facility for groups;*

11 (b) *The name and mailing address of every person,*
12 *partnership, association or corporation which establishes,*
13 *conducts, manages or operates the residential facility for groups;*

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

17 (d) *The status of the license of the residential facility for*
18 *groups;*

19 (e) *The name of any provider of health care or other licensed*
20 *person providing services to a resident at the residential facility for*
21 *groups and the status of his or her license;*

22 (f) *The duration of the contract;*

23 (g) *The manner in which the contract may be modified,*
24 *amended or terminated;*

25 (h) *The base rate to be paid by the resident and a description*
26 *of the services to be provided as part of the base rate;*

27 (i) *A fee schedule outlining the cost of any additional services;*

28 (j) *Any additional fee to be paid by the resident pursuant to the*
29 *fee schedule and a description of any additional services to be*
30 *provided as part of that fee, either directly by the residential*
31 *facility for groups or by a third-party provider of services under*
32 *contract with the facility;*

33 (k) *A statement affirming the freedom of the resident to receive*
34 *services from a provider of services with whom the residential*
35 *facility for groups does not have a contractual arrangement,*
36 *which may also disclaim liability on the part of the residential*
37 *facility for groups for any such services;*

38 (l) *The procedures and requirements for billing and payment*
39 *under the contract;*

40 (m) *A statement detailing the criteria and procedures for*
41 *admission, management of risk and termination of residency;*

42 (n) *The obligations of the resident in order to maintain*
43 *residency and receive services, including, without limitation,*
44 *compliance with the annual physical examination and assessment*
45 *required by NRS 449.1845;*



1 (o) A description of the process of the residential facility for
2 groups for resolving the complaints of residents and contact
3 information for the Aging and Disability Services Division and the
4 Division of Public and Behavioral Health of the Department of
5 Health and Human Services; and

6 (p) The name and mailing address of any representative of the
7 resident, if applicable.

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

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

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

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

19 (d) The services available to the resident at the residential
20 facility for groups are no longer adequate to meet the needs of the
21 resident, as determined using information from the annual
22 physical examination and assessment conducted pursuant to NRS
23 449.1845; or

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

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

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

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



1 **Sec. 11. 1.** *Written notice of the intent of a residential*
2 *facility for groups to discharge a resident provided pursuant to*
3 *NRS 449A.114 must, in addition to the persons described in that*
4 *section, be provided to the representative of the patient, where*
5 *applicable, and must include, without limitation:*

6 (i) *The reason for the proposed discharge;*

7 (ii) *The date of the proposed discharge;*

8 (iii) *The location of the proposed discharge;*

9 (iv) *Contact information for:*

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

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

14 (3) *Other resources for legal aid or mental health*
15 *assistance, as appropriate; and*

16 (v) *A notification prescribed by regulation of the State Board*
17 *of Health concerning the provisions of section 14 of this act,*
18 *which must include, without limitation:*

19 (1) *A statement of the right of the resident or the*
20 *representative of the resident to request a hearing;*

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

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

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

27 (5) *A written form that may be used to request a hearing*
28 *and a postage paid envelope that is pre-addressed to the Hearings*
29 *Division of the Department of Administration.*

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

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

43 **2.** *Except in an emergency, a residential facility for groups*
44 *shall involve a resident and his or her representative, if applicable,*
45 *in planning the relocation of the resident and allow the resident or*



1 *his or her representative to choose among the available alternative*
2 *placements. Any emergency placement must be temporary and*
3 *must terminate when the resident or his or her representative is*
4 *able to offer input on the final decision concerning the placement*
5 *of the resident. A residential facility for groups shall not require a*
6 *resident to remain in a temporary or permanent placement.*

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

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

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

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

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

29 *5. If the Department of Administration orders an immediate*
30 *transfer or discharge of a resident pursuant to subsection 4, the*
31 *Department of Administration shall hold a hearing not later than*
32 *7 business days after the date on which the order is issued to*
33 *review the necessity of the transfer or discharge.*

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

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



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

7 **4. Any hearing conducted pursuant to this section and any**
8 **record thereof is confidential and exempt from the provisions of**
9 **NRS 239.010.**

10 **Sec. 15.** NRS 449A.001 is hereby amended to read as follows:
11 449A.001 As used in this chapter, unless the context otherwise
12 requires, the words and terms defined in NRS 449A.007 to
13 449A.081, inclusive, **and section 3 of this act** have the meanings
14 ascribed to them in those sections.

15 **Sec. 16.** NRS 449A.114 is hereby amended to read as follows:
16 449A.114 1. Except as otherwise provided in subsection 2,
17 before a facility for intermediate care, facility for skilled nursing or
18 residential facility for groups transfers a patient to another medical
19 facility or facility for the dependent or discharges the patient **or**
20 **resident** from the facility, the facility shall:

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

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

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

30 (a) A voluntary discharge or transfer of a patient to another
31 medical facility or facility for the dependent at the request of the
32 patient; ~~for~~

33 (b) The transfer of a patient to another facility because the
34 condition of the patient necessitates an immediate transfer to a
35 facility for a higher level of care ~~H~~; **or**

36 **(c) The emergency transfer or discharge of a resident from a**
37 **residential facility for groups pursuant to section 13 of this act.**

38 3. As used in this section:

39 (a) "Facility for intermediate care" has the meaning ascribed to
40 it in NRS 449.0038.

41 (b) "Facility for skilled nursing" has the meaning ascribed to it
42 in NRS 449.0039.

43 (c) "Ombudsman" means the State Long-Term Care
44 Ombudsman appointed pursuant to NRS 427A.125.



1 ~~[(d) "Residential facility for groups" has the meaning ascribed to~~
2 ~~it in NRS 449.017.]~~

3 **Sec. 17.** NRS 239.010 is hereby amended to read as follows:

4 239.010 1. Except as otherwise provided in this section and
5 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
6 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,
7 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,
8 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
9 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
10 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
11 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
12 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
13 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
14 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
15 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,
16 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
17 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
18 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
19 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
20 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
21 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
22 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570,
23 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105,
24 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,
25 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420,
26 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
27 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150,
28 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195,
29 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
30 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438,
31 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
32 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910,
33 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
34 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
35 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
36 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242,
37 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080,
38 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
39 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
40 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,
41 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,
42 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045,
43 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
44 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,
45 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,



1 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,
2 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,
3 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
4 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534,
5 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116,
6 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
7 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
8 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209,
9 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,
10 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555,
11 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
12 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940,
13 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
14 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,
15 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,
16 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,
17 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,
18 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
19 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,
20 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
21 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672,
22 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332,
23 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,
24 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055,
25 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158,
26 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087,
27 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,
28 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,
29 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,
30 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,
31 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,
32 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,
33 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
34 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
35 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
36 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130,
37 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480,
38 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
39 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
40 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
41 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
42 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
43 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
44 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
45 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,



1 711.600, *and section 14 of this act*, sections 35, 38 and 41 of
2 chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391,
3 Statutes of Nevada 2013 and unless otherwise declared by law to be
4 confidential, all public books and public records of a governmental
5 entity must be open at all times during office hours to inspection by
6 any person, and may be fully copied or an abstract or memorandum
7 may be prepared from those public books and public records. Any
8 such copies, abstracts or memoranda may be used to supply the
9 general public with copies, abstracts or memoranda of the records or
10 may be used in any other way to the advantage of the governmental
11 entity or of the general public. This section does not supersede or in
12 any manner affect the federal laws governing copyrights or enlarge,
13 diminish or affect in any other manner the rights of a person in any
14 written book or record which is copyrighted pursuant to federal law.

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

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

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

31 (a) The public record:

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

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

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

36 (1) Give access to proprietary software; or

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

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

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



1 (b) Except as otherwise provided in NRS 239.030, shall, upon
2 request, prepare the copy of the public record and shall not require
3 the person who has requested the copy to prepare the copy himself
4 or herself.

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

6 427A.125 1. The Office of the State Long-Term Care
7 Ombudsman is hereby created within the Division.

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

13 (a) Train advocates to:

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

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

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

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

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

34 (b) Develop a course of training to be made available to officers,
35 directors and employees of a facility for long-term care, a day care
36 center, a facility for long-term rehabilitation or a provider of living
37 arrangement services to encourage such facilities and providers to
38 provide services to recipients in a manner that allows the recipients
39 to follow their own routine and make their own decisions
40 concerning the daily activities in which to participate. The course
41 must also provide information concerning how to provide services
42 in that manner.

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



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

3 (e) Report annually to the Administrator.

4 3. The Ombudsman may:

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

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

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

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

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

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

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

25 654.190 1. The Board may, after notice and an opportunity
26 for a hearing as required by law, impose an administrative fine of
27 not more than \$10,000 for each violation on, recover reasonable
28 investigative fees and costs incurred from, suspend, revoke, deny
29 the issuance or renewal of or place conditions on the license of, and
30 place on probation or impose any combination of the foregoing on
31 any licensee who:

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

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

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

37 (d) Aids or abets any person in the violation of any of the
38 provisions of NRS 449.029 to 449.2428, inclusive, *or 449A.100 to*
39 *449A.124, inclusive, and sections 4 to 14, inclusive, of this act*, as
40 those provisions pertain to a facility for skilled nursing, facility for
41 intermediate care or residential facility for groups.

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



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

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

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

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

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

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

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

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

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

