
ASSEMBLY BILL NO. 50—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF CLARK COUNTY)

PREFILED NOVEMBER 19, 2024

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to victims of a mass casualty incident. (BDR 20-466)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 public safety; authorizing a board of county commissioners to establish an electronic database containing information concerning victims of mass casualty incidents; exempting certain persons from civil liability related to such an electronic database, under certain circumstances; providing for the confidentiality of information contained in such an electronic database; requiring a hospital and an independent center for emergency medical care in a county in which such an electronic database is established to report to the database certain information concerning a victim of a mass casualty incident; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 1** of this bill authorizes a board of county commissioners to establish
2 and maintain an electronic database containing information concerning victims of
3 mass casualty incidents to coordinate the provision of reunification and
4 identification services and other appropriate follow-up services for such victims.
5 **Section 1** sets forth certain requirements for such an electronic database and
6 requires a board of county commissioners that establishes such an electronic
7 database to determine certain matters concerning the information contained in the
8 database, the reporting of certain information to the database and the persons and
9 governmental entities that may participate in the database. Under **sections 1 and 2**
10 of this bill, the information contained in the electronic database is confidential and
11 may be disclosed only by participants in the database for certain purposes.



12 **Section 1** grants a county in which the board of county commissioners has
13 established such an electronic database and the officers, employees and agents of
14 the county immunity from civil liability for any act or omission related to the
15 establishment or maintenance of the database not amounting to willful misconduct,
16 gross negligence or bad faith.

17 Existing law provides for the licensure and regulation of medical facilities,
18 including hospitals and independent centers for emergency medical care, by the
19 Division of Public and Behavioral Health of the Department of Health and Human
20 Services. (Chapter 449 of NRS) **Section 3** of this bill requires a hospital or
21 independent center for emergency medical care located in a county in which an
22 electronic database is established pursuant to **section 1** and which is notified or
23 becomes aware of a mass casualty incident to report to the database certain
24 information about a victim of the mass casualty incident. **Section 3** grants a
25 hospital, an independent center for emergency medical care and their agents and
26 employees immunity from civil liability for any such report made in good faith and
27 for any unauthorized acquisition of the information reported that may occur after a
28 report was made by the hospital or independent center for emergency medical care
29 in accordance with the requirements of **section 3**. **Sections 4-9** of this bill make
30 conforming changes to provide for the administration and enforcement of the
31 requirements of **section 3** in the same manner as other requirements imposed on
32 hospitals and independent centers for emergency medical care by existing law.
33 (NRS 449.029, 449.0301, 449.0302, 449.160, 449.163, 449.240)

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

1 **Section 1.** Chapter 244 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. A board of county commissioners may establish and*
4 *maintain an electronic database containing information*
5 *concerning victims of mass casualty incidents to coordinate the*
6 *provision of reunification and identification services and other*
7 *appropriate follow-up services for such victims.*

8 *2. A board of county commissioners that establishes an*
9 *electronic database pursuant to subsection 1 shall determine:*

10 *(a) The information that must be contained in the electronic*
11 *database, which must include, without limitation, the information*
12 *reported by a hospital or an independent center for emergency*
13 *medical care pursuant to section 3 of this act.*

14 *(b) The form and manner in which a hospital or an*
15 *independent center for emergency medical care must report the*
16 *information required by section 3 of this act to the electronic*
17 *database, which must require the information to be reported in*
18 *such a form and in such a manner so as to protect the security of*
19 *the information.*

20 *(c) Each person or governmental entity that may participate in*
21 *the electronic database and the extent of that participation,*
22 *including, without limitation, whether the person or governmental*



1 *entity may input information into the electronic database and the*
2 *type of information contained in the electronic database to which*
3 *the person or governmental entity has access.*

4 *3. Any information contained in an electronic database*
5 *established pursuant to subsection 1 is confidential and may only*
6 *be disclosed by a participant in the database as necessary for the*
7 *provision of reunification and identification services and other*
8 *appropriate follow-up services for victims of mass casualty*
9 *incidents.*

10 *4. An electronic database established pursuant to subsection*
11 *1 and the disclosure of information therefrom must comply with*
12 *the applicable provisions of the Health Insurance Portability and*
13 *Accountability Act of 1996, Public Law 104-191, as amended, and*
14 *the applicable regulations adopted pursuant thereto.*

15 *5. A county in which the board of county commissioners has*
16 *established an electronic database pursuant to subsection 1 and*
17 *any officer, employee or agent of the county are immune from*
18 *civil liability for any act or omission related to the establishment*
19 *or maintenance of the database not amounting to willful*
20 *misconduct, gross negligence or bad faith.*

21 *6. As used in this section:*

22 *(a) "Hospital" has the meaning ascribed to it in NRS 449.012.*

23 *(b) "Independent center for emergency medical care" has the*
24 *meaning ascribed to it in NRS 449.013.*

25 *(c) "Mass casualty incident" has the meaning ascribed to it in*
26 *NRS 616C.180.*

27 **Sec. 2.** NRS 239.010 is hereby amended to read as follows:

28 239.010 1. Except as otherwise provided in this section and
29 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
30 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,
31 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,
32 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
33 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
34 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
35 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
36 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
37 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
38 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
39 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245,
40 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156,
41 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495,
42 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772,
43 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923,
44 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040,
45 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,



1 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615,
2 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570,
3 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300,
4 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040,
5 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,
6 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264,
7 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130,
8 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910,
9 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680,
10 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086,
11 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,
12 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
13 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110,
14 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593,
15 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
16 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240,
17 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138,
18 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300,
19 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626,
20 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750,
21 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120,
22 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317,
23 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975,
24 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143,
25 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685,
26 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
27 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
28 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205,
29 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430,
30 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360,
31 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116,
32 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
33 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
34 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245,
35 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164,
36 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056,
37 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407,
38 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063,
39 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363,
40 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833,
41 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285,
42 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110,
43 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710,
44 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315,
45 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137,



1 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
2 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671,
3 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327,
4 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415,
5 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716,
6 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169,
7 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085,
8 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183,
9 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220,
10 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,
11 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090,
12 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170,
13 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,
14 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050,
15 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130,
16 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947,
17 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900,
18 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275,
19 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480,
20 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
21 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
22 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
23 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
24 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
25 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
26 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
27 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
28 711.600, *and section 1 of this act*, sections 35, 38 and 41 of chapter
29 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes
30 of Nevada 2013 and unless otherwise declared by law to be
31 confidential, all public books and public records of a governmental
32 entity must be open at all times during office hours to inspection by
33 any person, and may be fully copied or an abstract or memorandum
34 may be prepared from those public books and public records. Any
35 such copies, abstracts or memoranda may be used to supply the
36 general public with copies, abstracts or memoranda of the records or
37 may be used in any other way to the advantage of the governmental
38 entity or of the general public. This section does not supersede or in
39 any manner affect the federal laws governing copyrights or enlarge,
40 diminish or affect in any other manner the rights of a person in any
41 written book or record which is copyrighted pursuant to federal law.
42 2. A governmental entity may not reject a book or record
43 which is copyrighted solely because it is copyrighted.
44 3. A governmental entity that has legal custody or control of a
45 public book or record shall not deny a request made pursuant to



1 subsection 1 to inspect or copy or receive a copy of a public book or
2 record on the basis that the requested public book or record contains
3 information that is confidential if the governmental entity can
4 redact, delete, conceal or separate, including, without limitation,
5 electronically, the confidential information from the information
6 included in the public book or record that is not otherwise
7 confidential.

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

- 13 (a) The public record:
14 (1) Was not created or prepared in an electronic format; and
15 (2) Is not available in an electronic format; or
16 (b) Providing the public record in an electronic format or by
17 means of an electronic medium would:
18 (1) Give access to proprietary software; or
19 (2) Require the production of information that is confidential
20 and that cannot be redacted, deleted, concealed or separated from
21 information that is not otherwise confidential.

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

- 24 (a) Shall not refuse to provide a copy of that public record in the
25 medium that is requested because the officer, employee or agent has
26 already prepared or would prefer to provide the copy in a different
27 medium.
28 (b) Except as otherwise provided in NRS 239.030, shall, upon
29 request, prepare the copy of the public record and shall not require
30 the person who has requested the copy to prepare the copy himself
31 or herself.

32 **Sec. 3.** Chapter 449 of NRS is hereby amended by adding
33 thereto a new section to read as follows:

34 *1. Except as otherwise provided in subsection 2, if a hospital*
35 *or an independent center for emergency medical care is located in*
36 *a county in which the board of county commissioners has*
37 *established an electronic database pursuant to section 1 of this act*
38 *and is notified or otherwise becomes aware of a mass casualty*
39 *incident, the hospital or independent center for emergency*
40 *medical care shall, not later than 4 hours after receiving and*
41 *registering a victim of the mass casualty incident as a patient at*
42 *the hospital or independent center for emergency medical care,*
43 *report to the electronic database the following information*
44 *concerning the victim in the form and manner determined by the*
45 *board of county commissioners:*



- 1 (a) *The name of the victim, if known.*
- 2 (b) *The date of birth of the victim, if known.*
- 3 (c) *The contact information of the victim, if known.*
- 4 (d) *Any identifying physical characteristics of the victim.*

5 2. *If an unforeseen circumstance prevents a hospital or an*
6 *independent center for emergency medical care from reporting to*
7 *the electronic database the information concerning a victim of a*
8 *mass casualty incident specified in subsection 1 within the time*
9 *required by subsection 1, the hospital or independent center for*
10 *emergency medical care must report the information to the*
11 *electronic database, in the form and manner determined by the*
12 *board of county commissioners, as soon as reasonably possible,*
13 *but in no event later than 12 hours after receiving and registering*
14 *the victim as a patient at the hospital or independent center for*
15 *emergency medical care.*

16 3. *A hospital, an independent center for emergency medical*
17 *care and any agent or employee thereof are immune from civil*
18 *liability for any report made in good faith in accordance with the*
19 *requirements of this section and for any unauthorized acquisition*
20 *of any information reported that may occur after the hospital or*
21 *independent center for emergency medical care made a report in*
22 *accordance with the requirements of this section.*

23 4. *As used in this section, "mass casualty incident" has the*
24 *meaning ascribed to it in NRS 616C.180.*

25 **Sec. 4.** NRS 449.029 is hereby amended to read as follows:

26 449.029 As used in NRS 449.029 to 449.240, inclusive, *and*
27 *section 3 of this act*, unless the context otherwise requires, "medical
28 facility" has the meaning ascribed to it in NRS 449.0151 and
29 includes a program of hospice care described in NRS 449.196.

30 **Sec. 5.** NRS 449.0301 is hereby amended to read as follows:

31 449.0301 The provisions of NRS 449.029 to 449.2428,
32 inclusive, *and section 3 of this act* do not apply to:

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

40 2. Foster homes as defined in NRS 424.014.

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



1 **Sec. 6.** NRS 449.0302 is hereby amended to read as follows:
2 449.0302 1. The Board shall adopt:

3 (a) Licensing standards for each class of medical facility or
4 facility for the dependent covered by NRS 449.029 to 449.2428,
5 inclusive, *and section 3 of this act* and for programs of hospice
6 care.

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

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

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

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

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

28 (g) Any other regulations as it deems necessary or convenient to
29 carry out the provisions of NRS 449.029 to 449.2428, inclusive **[]**,
30 *and section 3 of this act.*

31 2. The Board shall adopt separate regulations governing the
32 licensing and operation of:

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

34 (b) Residential facilities for groups,

35 ↳ which provide care to persons with Alzheimer's disease or other
36 severe dementia, as described in paragraph (a) of subsection 2 of
37 NRS 449.1845.

38 3. The Board shall adopt separate regulations for:

39 (a) The licensure of rural hospitals and rural emergency
40 hospitals which take into consideration the unique problems of
41 operating such a facility in a rural area.

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



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

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

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

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

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

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

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

27 (1) Addresses possession and assistance in the administration
28 of the medication; and

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

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

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

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

44 (a) Before authorizing a person to move into the facility, the
45 facility makes a full written disclosure to the person regarding what



1 services of personalized care will be available to the person and the
2 amount that will be charged for those services throughout the
3 resident's stay at the facility.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

39 13. If the regulations adopted pursuant to this section require a
40 physical examination to be performed on a patient or the medical
41 history of a patient to be obtained before or after the patient is
42 admitted to a hospital, those regulations must authorize a certified
43 nurse-midwife to perform such a physical examination or obtain
44 such a medical history before or after a patient is admitted to a
45 hospital for the purpose of giving birth.



1 14. As used in this section:

2 (a) "Certified nurse-midwife" means a person who is:

3 (1) Certified as a Certified Nurse-Midwife by the American
4 Midwifery Certification Board, or its successor organization; and

5 (2) Licensed as an advanced practice registered nurse
6 pursuant to NRS 632.237.

7 (b) "Living unit" means an individual private accommodation
8 designated for a resident within the facility.

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

10 449.160 1. The Division may deny an application for a
11 license or may suspend or revoke any license issued under the
12 provisions of NRS 449.029 to 449.2428, inclusive, *and section 3 of*
13 *this act* upon any of the following grounds:

14 (a) Violation by the applicant or the licensee of any of the
15 provisions of NRS 439B.410, 449.029 to 449.245, inclusive, *and*
16 *section 3 of this act* or *NRS* 449A.100 to 449A.124, inclusive, and
17 449A.270 to 449A.286, inclusive, or of any other law of this State
18 or of the standards, rules and regulations adopted thereunder.

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

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

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

26 (e) Failure of the applicant to obtain written approval from the
27 Director of the Department of Health and Human Services as
28 required by NRS 439A.100 or 439A.102 or as provided in any
29 regulation adopted pursuant to NRS 449.001 to 449.430, inclusive,
30 *and section 3 of this act* and *NRS* 449.435 to 449.531, inclusive,
31 and chapter 449A of NRS if such approval is required, including,
32 without limitation, the closure or conversion of any hospital in a
33 county whose population is 100,000 or more that is owned by the
34 licensee without approval pursuant to NRS 439A.102.

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

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

38 (h) Failure to comply with the provisions of NRS 449A.170 to
39 449A.192, inclusive, and any regulation adopted pursuant thereto.

40 (i) Violation of the provisions of NRS 629.260.

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



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

3 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
4 244.360, 244.3603 or 268.4124; or

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

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

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

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

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

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

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

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

28 **Sec. 8.** NRS 449.163 is hereby amended to read as follows:

29 449.163 1. In addition to the payment of the amount required
30 by NRS 449.0308, if a medical facility, facility for the dependent or
31 facility which is required by the regulations adopted by the Board
32 pursuant to NRS 449.0303 to be licensed violates any provision
33 related to its licensure, including any provision of NRS 439B.410 or
34 449.029 to 449.2428, inclusive, *and section 3 of this act* or any
35 condition, standard or regulation adopted by the Board, the
36 Division, in accordance with the regulations adopted pursuant to
37 NRS 449.165, may:

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

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

43 (c) If the license of the facility limits the occupancy of the
44 facility and the facility has exceeded the approved occupancy,



1 require the facility, at its own expense, to move patients to another
2 facility that is licensed;

3 (d) Except where a greater penalty is authorized by subsection 2,
4 impose an administrative penalty of not more than \$5,000 per day
5 for each violation, together with interest thereon at a rate not to
6 exceed 10 percent per annum; and

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

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

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

15 2. If an off-campus location of a hospital fails to obtain a
16 national provider identifier that is distinct from the national provider
17 identifier used by the main campus and any other off-campus
18 location of the hospital in violation of NRS 449.1818, the Division
19 may impose against the hospital an administrative penalty of not
20 more than \$10,000 for each day of such failure, together with
21 interest thereon at a rate not to exceed 10 percent per annum, in
22 addition to any other action authorized by this chapter.

23 3. If the facility fails to pay any administrative penalty imposed
24 pursuant to paragraph (d) of subsection 1 or subsection 2, the
25 Division may:

26 (a) Suspend the license of the facility until the administrative
27 penalty is paid; and

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

30 4. The Division may require any facility that violates any
31 provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and*
32 *section 3 of this act* or any condition, standard or regulation adopted
33 by the Board to make any improvements necessary to correct the
34 violation.

35 5. Any money collected as administrative penalties pursuant to
36 paragraph (d) of subsection 1 or subsection 2 must be accounted for
37 separately and used to administer and carry out the provisions of
38 NRS 449.001 to 449.430, inclusive, *and section 3 of this act, NRS*
39 *449.435 to 449.531, inclusive, and chapter 449A of NRS* to protect
40 the health, safety, well-being and property of the patients and
41 residents of facilities in accordance with applicable state and federal
42 standards or for any other purpose authorized by the Legislature.

43 **Sec. 9.** NRS 449.240 is hereby amended to read as follows:

44 449.240 The district attorney of the county in which the facility
45 is located shall, upon application by the Division, institute and



- 1 conduct the prosecution of any action for violation of any provisions
- 2 of NRS 449.029 to 449.245, inclusive ~~[]~~, *and section 3 of this act.*

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