

**ADOPTED REGULATION OF THE  
STATE BOARD OF HEALTH**

**LCB File No. R071-26**

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: § 1, NRS 449.165; §§ 2 and 7, NRS 439.150 and 449.0302; § 3, NRS 439.150, 449.0302, 449.0303, 449.0305, 449.050, 449B.105 and 449B.160; § 4, NRS 439.150, 449.0302, 449.0303 and 449.050; §§ 5 and 10-12, NRS 439.150, 449.0302 and 449.050; § 6, NRS 439.150, 449.0302, 449.0305 and 449.050; § 8, NRS 449B.540, 449B.560 and 449B.680; § 9, NRS 449B.680, 449B.760 and 449B.770; § 13, NRS 449.0302 and 449.165; § 14, NRS 449.442, 449.443 and 449.448; § 15, NRS 449.444 and 449.448; § 16, NRS 449.447 and 449.448.

A REGULATION relating to health care; increasing certain administrative penalties, fines and fees; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the State Board of Health to adopt regulations to impose administrative penalties on persons who violate provisions of law governing: (1) medical facilities, facilities for the dependent, related health care facilities and intermediary service organizations; and (2) the use of anesthesia in the office of a physician or certain facilities that provide health care. (NRS 449.163, 449.165, 449.447, 449.448, 449B.760, 449B.770) Existing law authorizes the Director of the Nevada Health Authority to impose an administrative fine upon a hospital that fails to comply with certain requirements relating to quality of care, the discharge of patients and the reporting of financial information to the Authority. (NRS 449.530) Existing law requires the Board to impose fees for: (1) the licensing of medical facilities, facilities for the dependent, employment agencies that provide nonmedical services and certain other entities that provide health-related services; and (2) permits for certain facilities to provide general anesthesia, conscious sedation or deep sedation. (NRS 449.050, 449.448, 449B.160) Existing law requires the Board to adopt regulations prescribing a fee for an application for a certificate to operate an intermediary service organization. (NRS 449B.560) Existing law also authorizes the Board to set reasonable fees for the licensing, registering, certifying, inspecting or granting of permits for any facility, establishment or service regulated by the Health Care Purchasing and Compliance Division of the Authority, as well as the review of certain building plans. (NRS 439.150)

This regulation increases certain penalties, fines and fees prescribed by the Board.

**Section 1** of this regulation increases the administrative penalty that the Division may impose on a medical facility for failure to provide the Division notice of changes in its accreditation status.

**Section 2** of this regulation increases the fee for the Division to conduct an on-site advisory

inspection of certain construction by a licensee or applicant for the issuance or renewal of a license. **Sections 3 and 4** of this regulation increase the fees to apply for or renew a license to operate various types of medical facilities and facilities for the dependent as well as a home health agency, a program of hospice care, a facility for treatment with narcotics, a medication unit, a referral agency for certain group housing, an employment agency to provide certain nonmedical services, a psychiatric residential treatment facility or a recovery center. **Section 5** of this regulation increases the additional fee for certain facilities for the dependent to pay a renewal fee in installments. **Section 6** of this regulation increases the fees to make certain changes to a license. **Section 7** of this regulation increases the fee for a resurvey by the Division of a residential facility for groups that receives a grade less than “A” on an initial survey. **Section 8** of this regulation increases the fee to apply for the issuance or renewal of a certificate to operate an intermediary service organization. **Sections 9 and 13** of this regulation increase certain penalties that the Division may impose upon certified intermediary service organizations and licensees, respectively, for certain violations. **Section 10** of this regulation increases the fee to add additional stations to a facility for the treatment of irreversible renal disease. **Sections 11 and 12** of this regulation increase the fees to apply for a provisional license to provide community-based living arrangement services and to renew such a license, respectively. **Sections 14 and 15** of this regulation increase the application fee for a permit and renewal of a permit for certain facilities to provide general anesthesia, conscious sedation or deep sedation. **Section 16** of this regulation increases the penalties for violations of provisions governing general anesthesia, conscious sedation and deep sedation.

**Section 1.** NAC 449.0108 is hereby amended to read as follows:

449.0108 1. If a medical facility receives notice from a national accrediting organization that the national accrediting organization has accredited the medical facility, the medical facility shall submit to the Division in the manner prescribed by the Division a copy of the notice not later than 7 calendar days after receiving the notice.

2. If a medical facility loses the accreditation of a national accrediting organization, the medical facility shall notify the Division not later than 7 calendar days after receiving notice of the loss of accreditation.

3. The Division may impose an administrative penalty in an amount not to exceed ~~[\$1,000]~~ **\$1,070** for a failure to comply with the requirements of this section. The Bureau shall not impose any administrative sanction pursuant to NAC 449.9982 to 449.99939, inclusive, for such a deficiency.

4. As used in this section, “national accrediting organization” has the meaning ascribed to it in 42 C.F.R. § 488.1.

**Sec. 2.** NAC 449.01156 is hereby amended to read as follows:

449.01156 1. A licensee or an applicant for the issuance or renewal of a license whose building plans for the construction of a facility have been reviewed pursuant to NAC 449.0115 may submit a written request to the Division for an on-site advisory inspection to be conducted by the Division after at least 80 percent of the construction of the facility is completed. The written request must include, without limitation, the anticipated date on which 80 percent of the construction of the facility will be completed.

2. If the Division receives a request submitted pursuant to subsection 1, the Division shall determine its ability to grant the request and shall issue a notice of that determination to the licensee or applicant who submitted the request.

3. If the Division grants a request submitted pursuant to subsection 1, the licensee or applicant who submitted the request shall, before the Division conducts the on-site inspection, submit to the Division a fee of:

(a) Five hundred *thirty-five* dollars, if the project is valued at not more than \$500,000;

(b) One thousand *seventy* dollars, if the project is valued at more than \$500,000 but not more than \$1,000,000; or

(c) Two thousand *one hundred forty* dollars, if the project is valued at more than \$1,000,000.

**Sec. 3.** NAC 449.013 is hereby amended to read as follows:

449.013 1. Except as otherwise provided in NAC 449.0168, an applicant for a license to operate any of the following facilities, programs of hospice care or agencies must pay to the Division ~~[of Public and Behavioral Health]~~ the following nonrefundable fees:

(a) An ambulatory surgical center.....	<del>[\$9,784]</del> \$10,469
(b) A home office of a home health agency .....	<del>[5,168]</del> 5,530
(c) A branch office of a home health agency .....	<del>[5,358]</del> 5,733
(d) A rural clinic.....	<del>[4,058]</del> 4,342
(e) A freestanding birthing center .....	<del>[1,564]</del> 1,674
(f) A program of hospice care .....	<del>[7,054]</del> 7,548
(g) An independent center for emergency medical care .....	<del>[4,060]</del> 4,344
(h) A nursing pool.....	<del>[4,602]</del> 4,924
(i) A facility for treatment with narcotics .....	<del>[5,046]</del> 5,399
(j) A medication unit.....	<del>[1,200]</del> 1,284
(k) A referral agency .....	<del>[2,708]</del> 2,898
(l) A facility for refractive surgery.....	<del>[6,700]</del> 7,169
(m) A mobile unit.....	<del>[2,090]</del> 2,236
(n) An agency to provide personal care services in the home.....	1,374
(o) A facility for the care of adults during the day allowed to be occupied by not more than 50 clients at one time .....	<del>[1,164]</del> 1,246
(p) A facility for the care of adults during the day allowed to be occupied by more than 50 clients at one time .....	<del>[1,753]</del> 1,876
(q) A community health worker pool.....	<del>[1,000]</del> 1,070
(r) An employment agency to provide nonmedical services.....	<del>[1,400]</del> 1,498
2. An applicant for the renewal of such a license must pay to the Division <del>[of Public and</del>	
<del>Behavioral Health]</del> the following nonrefundable fees:	
(a) An ambulatory surgical center.....	<del>[\$4,892]</del> \$5,235

(b) A home office of a home health agency .....	<del>[2,584]</del> 2,765
(c) A branch office of a home health agency .....	<del>[2,679]</del> 2,867
(d) A rural clinic .....	<del>[2,029]</del> 2,171
(e) A freestanding birthing center .....	<del>[782]</del> 837
(f) A program of hospice care .....	<del>[3,527]</del> 3,774
(g) An independent center for emergency medical care .....	<del>[2,030]</del> 2,172
(h) A nursing pool .....	<del>[2,301]</del> 2,462
(i) A facility for treatment with narcotics .....	<del>[2,523]</del> 2,700
(j) A medication unit .....	<del>[600]</del> 642
(k) A referral agency .....	<del>[1,354]</del> 1,449
(l) A facility for refractive surgery .....	<del>[3,350]</del> 3,585
(m) A mobile unit .....	<del>[1,045]</del> 1,118
(n) An agency to provide personal care services in the home.....	687
(o) A facility for the care of adults during the day allowed to be occupied by not more than 50 clients at one time .....	<del>[814]</del> 871
(p) A facility for the care of adults during the day allowed to be occupied by more than 50 clients at one time .....	<del>[1,227]</del> 1,313
(q) A community health worker pool.....	<del>[500]</del> 535
(r) An employment agency to provide nonmedical services.....	<del>[700]</del> 749

3. Upon the issuance or renewal of a license to operate an ambulatory surgical center, program of hospice care, agency to provide personal care services in the home or rural clinic, the licensee shall pay to the Division a nonrefundable fee equal to 6 percent of the renewal fee set forth in subsection 2. The Division shall use the fees collected pursuant to this subsection during

the immediately following fiscal year to support the system for the reporting of information on cancer and other neoplasms.

4. An application for a license is valid for 1 year after the date on which the application is submitted. If an applicant does not meet the requirements for licensure imposed by chapter 449 of NRS or the regulations adopted pursuant thereto within 1 year after the date on which the applicant submits his or her application, the applicant must submit a new application and pay the required fee to be considered for licensure.

**Sec. 4.** NAC 449.016 is hereby amended to read as follows:

449.016 1. Except as otherwise provided in NAC 449.0168, an applicant for a license to operate any of the following facilities must pay to the Division the following nonrefundable fees:

	Fee per facility	Fee per bed in the facility
(a) A skilled nursing facility .....	<del>[\$2,252]</del> <b>\$2,410</b>	<del>[\$108]</del> <b>\$116</b>
(b) A hospital, other than a rural hospital .....	<del>[\$14,606]</del> <b>15,628</b>	<del>[\$110]</del> <b>117</b>
(c) A rural hospital .....	<del>[\$9,530]</del> <b>10,197</b>	<del>[\$62]</del> <b>67</b>
(d) An intermediate care facility for persons with an intellectual disability or persons with a developmental disability .....	<del>[\$2,018]</del> <b>2,159</b>	<del>[\$280]</del> <b>300</b>
(e) An intermediate care facility, other than an intermediate care facility for persons with an intellectual disability or persons with a developmental disability .....	<del>[\$946]</del> <b>1,012</b>	<del>[\$72]</del> <b>77</b>

	Fee per facility	Fee per bed in the facility
(f) Except as otherwise provided in subsection 3, a residential facility for groups.....	<del>[2,386]</del> 2,553	<del>[200]</del> 214
(g) A facility for the treatment of alcohol or other substance use disorders .....	<del>[782]</del> 837	<del>[190]</del> 203
(h) A facility for hospice care .....	<del>[3,988]</del> 4,267	<del>[352]</del> 377
(i) A home for individual residential care.....	<del>[1,764]</del> 1,887	<del>[184]</del> 197
(j) A facility for modified medical detoxification.....	<del>[9,960]</del> 10,657	<del>[494]</del> 529
(k) A community triage center .....	<del>[782]</del> 837	<del>[136]</del> 146
(l) A facility for the treatment of irreversible renal disease .....	<del>[4,178]</del> 4,267	<del>[120]</del> 128
(m) A facility for transitional living for released offenders.....	<del>[3,990]</del> 4,279	<del>[146]</del> 156
(n) A psychiatric residential treatment facility.....	<del>[9,530]</del> 10,197	<del>[62]</del> 66
(o) A recovery center .....	<del>[946]</del> 1,012	<del>[72]</del> 77

2. An applicant for the renewal of such a license must pay to the Division the following nonrefundable fees:

	Fee per facility	Fee per bed in the facility
(a) A skilled nursing facility .....	<del>[\$1,126]</del> \$1,205	<del>[\$54]</del> \$58

(b) A hospital, other than a rural hospital .....	<del>{7,303}</del> 7,814	<del>{55}</del> 59
(c) A rural hospital .....	<del>{4,765}</del> 5,099	<del>{31}</del> 33
(d) An intermediate care facility for persons with an intellectual disability or persons with a developmental disability .....	<del>{1,009}</del> 1,277	<del>{140}</del> 149
(e) An intermediate care facility, other than an intermediate care facility for persons with an intellectual disability or persons with a developmental disability .....	<del>{473}</del> 506	<del>{46}</del> 49
(f) Except as otherwise provided in subsection 3, a residential facility for groups.....	<del>{1,193}</del> 1,276	<del>{100}</del> 112
(g) A facility for the treatment of alcohol or other substance use disorders.....	<del>{391}</del> 418	<del>{95}</del> 102
(h) A facility for hospice care .....	<del>{1,994}</del> 2,134	<del>{176}</del> 188
(i) A home for individual residential care .....	<del>{500}</del> 535	<del>{92}</del> 98
(j) A facility for modified medical detoxification.....	<del>{4,980}</del> 5,329	<del>{247}</del> 264
(k) A community triage center .....	<del>{391}</del> 418	<del>{68}</del> 73
(l) A facility for the treatment of irreversible renal disease .....	<del>{2,089}</del> 2,235	<del>{60}</del> 64
(m) A facility for transitional living for released offenders.....	<del>{1,995}</del> 2,135	<del>{73}</del> 78
(n) A psychiatric residential treatment facility.....	<del>{4,765}</del> 5,099	<del>{31}</del> 33
(o) A recovery center .....	<del>{473}</del> 506	<del>{46}</del> 49

3. An applicant for a license or for the renewal of a license for a residential facility for groups shall pay a fee of \$35 for each bed in the facility if the facility is paid less than \$1,000 per month for services provided to each bed in the facility.

4. An application for a license is valid for 1 year after the date on which the application is submitted. If an applicant does not meet the requirements for licensure imposed by chapter 449 of NRS or the regulations adopted pursuant thereto within 1 year after the date on which he or she submits his or her application, the applicant must submit a new application and pay the required fee to be considered for licensure.

5. Upon the issuance or renewal of a license to operate a facility for the treatment of irreversible renal disease, facility for hospice care, hospital, facility for intermediate care or facility for skilled nursing, the licensee shall pay to the Division a nonrefundable fee equal to 6 percent of the renewal fee set forth in subsection 2. The Division shall use the fees collected pursuant to this subsection during the immediately following fiscal year to support the system for the reporting of information on cancer and other neoplasms.

6. Pursuant to NRS 449.050, if an application for a license to operate a facility for transitional living for released offenders or the renewal of such a license is denied, any amount of a fee paid pursuant to paragraph (m) of subsection 1 or paragraph (m) of subsection 2 that exceeds the expenses and costs incurred by the Division must be refunded to the applicant.

**Sec. 5.** NAC 449.0164 is hereby amended to read as follows:

449.0164 An applicant for the renewal of a license for a residential facility for groups, a home for individual residential care or a facility for transitional living for released offenders may pay the fee required for the renewal of his or her license in two equal installments if:

1. On or before November 1 of the calendar year in which the license expires, the applicant submits a complete application for the renewal of the license which includes, without limitation:

(a) The first installment payment which is equal to one-half the amount of the fee required for the renewal of the license pursuant to NAC 449.013 or 449.016, as appropriate;

(b) An additional fee of ~~[\$100]~~ \$107 for the administrative costs of billing and collecting such payments; and

(c) A signed payment agreement and a confession of judgment for the total amount of the second installment payment which may be filed with a court of competent jurisdiction if the applicant fails to make the second installment payment in accordance with the agreement;

2. On or before April 15 of the calendar year for which the license is renewed, he or she submits the second installment payment for the remainder of the fee required for the renewal of the license pursuant to NAC 449.013 or 449.016, as appropriate; and

3. The applicant has not failed to make a payment in accordance with any other similar agreement.

**Sec. 6.** NAC 449.0168 is hereby amended to read as follows:

449.0168 1. Except as otherwise provided in subsection 2, a holder of a license to operate a medical facility, facility for the dependent, program of hospice care, employment agency to provide nonmedical services, outpatient facility, recovery center, psychiatric residential treatment facility or referral agency who wishes or is required pursuant to any provision of this chapter or chapter 449 of NRS to modify his or her license to reflect:

(a) A change in the name of the facility, program or agency;

(b) A change of the administrator of the facility, program or agency;

(c) A change in the number of beds in the facility;

(d) A change to an endorsement on the license of a residential facility pursuant to NAC 449.2751, 449.2754, 449.2762 or 449.2764;

(e) A change in the category of residents who may reside at the facility;

(f) A change in the designation of a staging area for a mobile unit or, if the mobile unit is operated by an independent facility, a change in the address of the independent facility;

(g) A change in any of the services provided by an agency to provide nursing in the home;

(h) A change in the class designation of an ambulatory surgical center pursuant to NAC 449.9844; or

(i) Any additional location added to a license after the initial location listed pursuant to NRS 449.085;

↪ must submit an application for a new license to the Division and pay to the Division a fee of ~~[\$250.]~~ **\$268.**

2. An applicant who applies for a license pursuant to paragraph (c) of subsection 1 because of an increase in the number of beds in the facility must pay to the Division:

(a) A fee of ~~[\$250.]~~ **\$268;** and

(b) A fee for each additional bed as follows:

- (1) If the facility is an intermediate care facility for persons with an intellectual disability or persons with a developmental disability .....~~[\$280]~~ **\$300**
- (2) If the facility is a residential facility for groups .....~~[\$184]~~ **197**
- (3) If the facility is a facility for the treatment of alcohol or other substance use disorders.....~~[\$190]~~ **203**
- (4) If the facility is a facility for hospice care .....~~[\$352]~~ **377**
- (5) If the facility is a home for individual residential care .....~~[\$266]~~ **285**
- (6) If the facility is a facility for modified medical detoxification.....~~[\$494]~~ **529**
- (7) If the facility is a hospital, other than a rural hospital .....~~[\$110]~~ **117**
- (8) If the facility is a rural hospital.....~~[\$62]~~ **66**

(9) If the facility is a skilled nursing facility .....~~108~~ 116

(10) If the facility is an intermediate care facility, other than an intermediate care facility for persons with an intellectual disability or persons with a developmental disability .....~~92~~ 98

(11) If the facility is a facility for the treatment of irreversible renal disease .....~~120~~ 128

(12) If the facility is a facility for transitional living for released offenders .....~~146~~ 156

(13) If the facility is a psychiatric residential treatment facility ..... 62

(14) If the facility is a recovery center ..... 72

3. If the address of the home office of a home health agency has not changed, a holder of a license to operate a branch office of the home health agency who wishes or is required pursuant to NAC 449.758 to modify his or her license to reflect a change in the address of the branch office of the home health agency must:

- (a) Submit an application for a new license to the Division; and
- (b) Pay to the Division a fee of ~~250.~~ \$268.

4. A fee paid pursuant to this section is nonrefundable.

5. As used in this section:

(a) “Administrator” means the person who is responsible for the daily management of a medical facility, facility for the dependent, outpatient facility, recovery center, psychiatric residential treatment facility or program of hospice care.

(b) “Independent facility” has the meaning ascribed to it in NAC 449.9701.

(c) “Outpatient facility” has the meaning ascribed to it in NAC 449.999417.

(d) “Staging area” has the meaning ascribed to it in NAC 449.97018.

**Sec. 7.** NAC 449.27706 is hereby amended to read as follows:

449.27706 1. If the Bureau issues a placard to a residential facility that includes a grade of “B,” the administrator may submit an application to the Bureau for a resurvey of the facility not later than 30 days after the facility receives the placard. The fee for an application for a resurvey is ~~[\$400]~~ \$428 and must accompany the application.

2. If the Bureau issues a placard to a residential facility that includes a grade of “C” or “D,” the administrator must submit an application to the Bureau for a resurvey of the facility not later than 30 days after the facility receives the placard. The fee for an application for a resurvey is ~~[\$600]~~ \$642 and must accompany the application.

3. The Bureau may revoke the license of a residential facility that is required to submit an application for a resurvey pursuant to subsection 2 if the facility fails to submit the application in accordance with the provisions of that subsection.

4. As used in this section, “resurvey” has the meaning ascribed to it in NAC 449.99838.

**Sec. 8.** NAC 449.39511 is hereby amended to read as follows:

449.39511 1. An applicant for a certificate must pay to the Division, at the time of application, a nonrefundable fee of ~~[\$2,748.]~~ \$2,940.

2. An applicant for the renewal of a certificate must pay to the Division, at the time of application for renewal, a nonrefundable fee of ~~[\$1,374.]~~ \$1,470.

**Sec. 9.** NAC 449.39561 is hereby amended to read as follows:

449.39561 1. In determining the amount of an initial monetary penalty, the Division will consider the severity alone if the severity level is four. In determining the amount of the monetary penalty where the severity level is less than four, the severity and scope score must be considered.

2. For initial violations with a severity level of four, an initial monetary penalty of up to \$1,000 per violation may be imposed.

3. For initial violations with a severity level of three and a scope level of three, a monetary penalty of up to ~~[\$800]~~ \$856 per violation may be imposed.

4. For initial violations with a severity level of three and a scope level of two or less, an initial monetary penalty of up to ~~[\$400]~~ \$428 per violation may be imposed.

5. For initial violations with a severity level of two and a scope level of three, an initial monetary penalty of up to ~~[\$200]~~ \$214 per violation may be imposed. The payment of this monetary penalty must be suspended if the facility has corrected the violations within the time specified in the plan of correction approved by the Division.

6. Except as otherwise provided in subsection 7, in addition to any monetary penalty imposed pursuant to this section, the Division may impose a monetary penalty of not more than ~~[\$10]~~ \$11 per client per day for each day the violation continues.

7. The total monetary penalties imposed by the Division pursuant to this section must not be more than \$1,000 per day for each violation, together with interest thereon at a rate of 10 percent per annum.

**Sec. 10.** NAC 449.520 is hereby amended to read as follows:

449.520 1. A facility shall notify the Bureau in writing at least 30 days before beginning any construction, renovation or modification of the physical plant of the facility.

2. A facility must obtain the approval of the Bureau before increasing the number of stations for which the facility is licensed. If a facility intends to increase the number of those stations, the facility must, at least 30 days before the proposed date to increase the number of stations, submit

to the Bureau an application for a new license. The application must be submitted on a form approved by the Bureau and include:

(a) Evidence satisfactory to the Bureau that:

(1) The facility has reviewed the availability of the members of the staff of the facility and, if necessary, has increased the number of positions on the staff to accommodate the proposed increase in the number of stations; and

(2) The water treatment system of the facility is sufficient to ensure the availability of water that is safe for the proposed increase in the number of stations; and

(b) A fee of ~~[\$250.]~~ **\$268.**

3. If a facility submits an application pursuant to the provisions of this section, the Bureau may, before considering the application, conduct an inspection of the facility to determine compliance with those provisions.

4. If the Bureau approves an application pursuant to the provisions of this section, the facility shall, not later than 21 days after commencing the use of the stations for which the application was approved, submit to the Bureau a written report concerning the chemical analysis and bacteriologic cultures of the product water of the stations. The written report must be prepared and submitted in accordance with the provisions of the most recently published edition of the *American National Standard, Water Treatment Equipment for Hemodialysis Applications*, which is hereby adopted by reference. A copy of the publication may be obtained from the Association for the Advancement of Medical Instrumentation, ~~[1110 North Glebe Road, Suite 220, Arlington, Virginia 22201,]~~ **at the Internet address <https://webstore.ansi.org/>**, for the price of ~~[\$45 for members and \$90 for nonmembers.]~~ **\$115.**

**Sec. 11.** NAC 449.818 is hereby amended to read as follows:

449.818 1. An application for a provisional license must be submitted to the Division on a form furnished by the Division accompanied by a nonrefundable fee of ~~[\$100]~~ \$107 and must include:

(a) For an applicant who is a natural person:

(1) One or more letters of professional reference that include valid contact information for the person providing the reference;

(2) A certification, signed by the applicant, that the applicant will maintain the confidentiality of information relating to any person who receives services;

(3) Proof that the applicant is certified in first aid and cardiopulmonary resuscitation in accordance with the requirements of section 2 of LCB File No. R089-24;

(4) Written verification, on a form prescribed by the Division, that the fingerprints of the applicant were taken and forwarded electronically or by another means directly to the Central Repository for Nevada Records of Criminal History and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary for reports on the applicant's background to the Division and the applicant;

(5) A copy of the social security card of the applicant;

(6) A copy of a form of government-issued identification, which may include, without limitation, a passport, identification card or driver's license;

(7) An attestation that the applicant has sufficient working capital to effectively provide services and, if the applicant proposes to provide services in a facility, operate the facility;

(8) If applicable, the business identification number assigned by the Secretary of State, unless the applicant is exempt from the requirement to obtain a state business license, and a copy of the current business license issued for the applicant's business by the county, city or town in which the applicant's business is located or written verification that the applicant is exempt from any requirement to obtain a business license; and

(9) Any other information required by the Division.

(b) For an applicant other than a natural person:

(1) If applicable, the business identification number assigned by the Secretary of State, unless the applicant is exempt from the requirement to obtain a state business license, and a copy of the current business license issued for the applicant's business by the county, city or town in which the applicant's business is located or written verification that the applicant is exempt from any requirement to obtain a business license;

(2) The federal tax identification number of the organization;

(3) A list of the members of the governing body of the applicant;

(4) If the applicant is an association or a corporation:

(I) The name, title and principal business address of each officer and member of its governing body;

(II) The signature of the chief executive officer or an authorized representative; and

(III) If the applicant is a corporation, the name and address of each person holding more than 10 percent of its stock;

(5) For each member of the governing body:

(I) One or more letters of professional reference that include valid contact information for the person providing the reference; and

(II) Written verification, on a form prescribed by the Division, that the fingerprints of the member of the governing body were taken and forwarded electronically or by another means directly to the Central Repository for Nevada Records of Criminal History and that the member of the governing body has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary for reports on the member's background to the Division and the applicant;

(6) An attestation that the applicant has sufficient working capital to effectively provide services and, if the applicant proposes to provide services in a facility, operate the facility;

(7) Copies of any policies and procedures of the applicant relating to the provision of services; and

(8) Such other information as may be required by the Division.

2. An applicant for a provisional license shall post a surety bond in an amount equal to the operating expenses of the applicant for 2 months, place that amount in escrow or take another action prescribed by the Division to ensure that, if the applicant becomes insolvent, recipients of community-based living arrangement services from the applicant may continue to receive community-based living arrangement services for 2 months at the expense of the applicant.

3. As used in this section:

(a) "Electronic signature" means a user name attached to or logically associated with a record and executed or adopted by a person with the intent to sign an electronic application or other document.

(b) "Signature" includes, without limitation, an electronic signature.

**Sec. 12.** NAC 449.825 is hereby amended to read as follows:

449.825 Not less than 45 days before the expiration of a license, the holder of the license must apply to the Division for renewal in the form prescribed by the Division, accompanied by a nonrefundable fee of ~~[\$100.]~~ **\$107**. The Division may renew the license for any period not to exceed 2 years if the Division determines that the holder of the license is in substantial compliance with the provisions of this chapter and chapter 449 of NRS.

**Sec. 13.** NAC 449.99899 is hereby amended to read as follows:

449.99899 1. In determining the amount of an initial monetary penalty, the Bureau shall consider the severity alone if the severity level is four. In determining the amount of the monetary penalty where the severity level is less than four, both severity and scope must be considered. In determining whether to impose a daily monetary penalty, the Bureau shall consider the severity and scope and the factors indicated for increased and decreased penalties provided in NAC 449.99902 and 449.99904.

2. For initial deficiencies with a severity level of four:

(a) If the violation creates harm or a risk of harm to one person, an initial monetary penalty of ~~[\$2,500]~~ **\$2,675** per deficiency must be imposed.

(b) If the violation creates harm or a risk of harm to more than one person, an initial monetary penalty of \$5,000 per deficiency must be imposed.

3. For initial deficiencies rated with a severity level of three and a scope level of three:

(a) If the violation creates harm or a risk of harm to one person, a monetary penalty of ~~[\$2,000]~~ **\$2,140** per deficiency must be imposed.

(b) If the violation creates harm or a risk of harm to more than one person, an initial monetary penalty of ~~[\$4,000]~~ **\$4,280** per deficiency must be imposed.

4. For initial deficiencies with a severity level of three and a scope level of two or less:

(a) If the violation creates harm or a risk of harm to one person, an initial monetary penalty of ~~[\$1,500]~~ **\$1,605** per deficiency must be imposed.

(b) If the violation creates harm or a risk of harm to more than one person, an initial monetary penalty of ~~[\$3,000]~~ **\$3,210** per deficiency must be imposed.

5. For initial deficiencies with a severity level of two and a scope level of three, an initial monetary penalty of ~~[\$1,000]~~ **\$1,070** per deficiency may be imposed. The payment of this monetary penalty must be suspended if the facility has corrected the deficiencies within the time specified in the plan of correction approved by the Bureau.

6. In addition to any monetary penalty imposed pursuant to this section, the Bureau may impose a monetary penalty of not more than ~~[\$10]~~ **\$11** per recipient per day for each day the deficiency continues.

**Sec. 14.** NAC 449.99942 is hereby amended to read as follows:

449.99942 1. Before offering to a patient a service of general anesthesia, conscious sedation or deep sedation, an outpatient facility shall submit to the Division an application for a permit to offer those services at the outpatient facility on a form prescribed by the Division.

2. An application for a permit must:

(a) Be complete and, if the applicant is a natural person, include proof of the identity of the applicant that is acceptable to the Division.

(b) Be accompanied by the appropriate application fee as prescribed in subsection 3.

(c) Include:

(1) The name of the applicant and, if a natural person, evidence that the applicant has attained the age of 21 years.

- (2) The location of the outpatient facility.
- (3) In specific terms, the nature of services and type of care to be offered.
- (4) The name of the person in charge of the outpatient facility.
- (5) Such other information as may be required by the Division for the proper administration and enforcement of NRS 449.435 to 449.448, inclusive, and NAC 449.9994 to 449.999489, inclusive.
- (6) Evidence satisfactory to the Division that the applicant is of reputable and responsible character. If the applicant is a firm, association, organization, partnership, business trust, corporation or company, similar evidence must be submitted as to the members thereof, and the person in charge of the outpatient facility for which application is made. If the applicant is a political subdivision of the State or other governmental agency, similar evidence must be submitted as to the person in charge of the outpatient facility for which application is made.
- (7) Evidence satisfactory to the Division of the ability of the applicant to comply with the standards and regulations adopted by the Board.
- (8) Evidence satisfactory to the Division that the outpatient facility:
  - (I) Conforms to the zoning regulations of the local government within which the outpatient facility will be operated; or
  - (II) Has applied for an appropriate reclassification, variance, permit for special use or other exception for the outpatient facility.
- (d) Be accompanied by:
  - (1) Except as otherwise provided in subparagraph (2), proof of accreditation by a nationally recognized organization approved by the Board pursuant to NAC 449.999424; or

(2) If the application is for an initial permit, evidence that the outpatient facility has applied for accreditation by a nationally recognized organization approved by the Board pursuant to NAC 449.999424.

3. An applicant for a permit must pay to the Division a nonrefundable fee of ~~[\$3,570.]~~ **\$3,820.**

4. An application for a permit is valid for 1 year after the date on which the application is submitted. If an applicant does not meet the requirements for a permit within 1 year after the date on which the application was submitted, the applicant must submit a new application and pay the required fee to be considered for a permit.

5. An application for a permit must be submitted for each location of the outpatient facility where a service of general anesthesia, conscious sedation or deep sedation will be offered.

**Sec. 15.** NAC 449.999423 is hereby amended to read as follows:

449.999423 1. Except as otherwise provided in subsection 3, a holder of a permit to operate an outpatient facility who wishes to renew the permit must submit a completed application for renewal to the Division, on a form prescribed by the Division, not later than 45 days before the date on which the permit expires. In addition to the annual inspection required by NRS 449.446, the Division may require an inspection of the outpatient facility to ensure that it meets the requirements of NRS 449.435 to 449.448, inclusive, and NAC 449.9994 to 449.999489, inclusive, before deciding whether to renew a permit.

2. An applicant for the renewal of a permit to operate an outpatient facility must pay to the Division a nonrefundable fee of ~~[\$1,785.]~~ **\$1,910.**

3. A holder of a permit who, without good cause, files an application for the renewal of a permit after the date set forth in subsection 1 but before the expiration of the permit must pay, in

addition to the renewal fee for the permit prescribed in subsection 2, a fee equal to one-half the amount of the fee required for the renewal of the permit pursuant to that subsection.

4. A holder of a permit who fails to file an application for the renewal of the permit before the permit expires is not eligible to renew the permit and, if he or she wishes to be permitted, must submit an application for a new permit pursuant to NAC 449.99942.

**Sec. 16.** NAC 449.999479 is hereby amended to read as follows:

449.999479 1. In determining the amount of an initial monetary penalty, the Bureau shall consider the severity alone if the severity level is four. In determining the amount of the monetary penalty where the severity level is less than four, both severity and scope must be considered. In determining whether to impose a daily monetary penalty, the Bureau shall consider the severity and scope and the factors indicated for increased and decreased penalties provided in NAC 449.99948 and 449.999482.

2. For initial deficiencies with a severity level of four, an initial monetary penalty of \$1,000 per deficiency must be imposed.

3. For initial deficiencies rated with a severity level of three and a scope level of three, a monetary penalty of ~~[\$800]~~ \$856 per deficiency must be imposed.

4. For initial deficiencies with a severity level of three and a scope level of two or less, an initial monetary penalty of ~~[\$400]~~ \$428 per deficiency must be imposed.

5. For initial deficiencies with a severity level of two and a scope level of three, an initial monetary penalty of ~~[\$200]~~ \$214 per deficiency may be imposed. The payment of this monetary penalty must be suspended if the outpatient facility has corrected the deficiencies within the time specified in the plan of correction approved by the Bureau.

6. In addition to any monetary penalty imposed pursuant to this section, the Bureau may impose a monetary penalty of not more than \$1,000 per deficiency per day for each day the deficiency continues.