

ADOPTED REGULATION OF THE STATE BOARD OF HEALTH

LCB File No. R132-99

Effective November 29, 1999

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

AUTHORITY: §§1-13, NRS 449.0305 and 449.037; §§14 and 15, NRS 449.0305, 449.037, 449.050 and 449.150.

Section 1. Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. *“Referral agency” means a business that provides referrals to residential facilities for groups which is subject to regulation pursuant to NRS 449.0305, including, without limitation, any business entity that engages in the process of referring clients for compensation to residential facilities for groups.*

Sec. 3. *As used in sections 3 to 11, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 4. *“Client” means a person who is referred by a referral agency for compensation to a residential facility for groups.*

Sec. 5. *“Financial assessment” means an assessment to determine the intended source of payment by a client for services which will be provided by a residential facility for groups for 6 months, including the eligibility status of the client for services as determined by Medicaid and Medicare.*

Sec. 6. *“Needs assessment” means an assessment of a client to document the abilities of the client to function independently, including a complete list of the areas in which the client requires assistance.*

Sec. 7. *“Residential facility for groups” has the meaning ascribed to it in NRS 449.017.*

Sec. 8. 1. *A licensed nurse or social worker working in a medical facility or a facility for the dependent licensed by the bureau may make a referral for a client of the facility or program to a residential facility for groups without first obtaining a license to operate as a referral agency. A person employed by this state or the governing body of any county or city within this state, who is employed in a position in which his duties require him to make referrals for clients to residential facilities for groups, may make such referrals without first obtaining a license to operate as a referral agency.*

2. *An applicant for a license to operate as a referral agency must submit to the division a completed application on a form provided by the division. The application must include, without limitation:*

(a) Evidence that the applicant has obtained a contract of insurance for protection against liability to third persons which may be incurred while operating as a referral agency; and

(b) The physical address of the applicant where the records of the referral agency will be maintained.

Sec. 9. 1. *Employees of a referral agency must have a working knowledge of the provisions of NRS and NAC that govern the licensing of residential facilities for groups.*

2. *An employee of a referral agency who is not licensed as a nurse, social worker, physician or physician’s assistant shall not gather any information needed to complete a needs*

assessment or financial assessment of a client, or engage in the process of referring a client to a residential facility for groups.

Sec. 10. 1. A referral agency shall:

(a) Complete a needs assessment and financial assessment for each client and make referrals for the services that would best meet the physical, psychosocial and financial needs and wishes of the client; and

(b) Submit to the residential facility for groups to which a client is referred a copy of the needs assessment completed by the referral agency for the client.

2. A referral agency shall not:

(a) Accept any fee, inducement or incentive, for any reason, from a residential facility for groups, or from any person or entity associated with a residential facility for groups; or

(b) Give a discharge planner, case manager, social worker or any other person who has the responsibility of discharge planning, a fee or incentive for prospective clients.

Sec. 11. 1. Before a referral agency may provide any services to a client, the referral agency must obtain a written contract from the client or his legal representative to provide the services. The contract must:

(a) Be signed by a representative of the referral agency and the person who is paying for the services or his representative; and

(b) Include, without limitation, a description of the services to be provided pursuant to the contract and all fees associated with the provision of those services.

2. If, within 30 days after a client is admitted to a residential facility for groups, the referral of the client to the residential facility for groups is determined by the facility, the bureau or a physician to be inappropriate, the referral agency shall:

(a) Refund the full amount of the fee paid by the client or his representative; or

(b) Assist the client with an acceptable referral to another residential facility for groups for no additional fee.

3. A referral agency shall not receive more than one fee from a client within any 6-month period unless, during that period, the client or his representative requests another referral by the referral agency.

4. A referral agency shall maintain an organized file for each client that includes, without limitation:

(a) A copy of the needs assessment and financial assessment completed by the referral agency for the client;

(b) A copy of the completed contract to provide the services to the client; and

(c) Information outlining the process used by the referral agency for determining the appropriate referral of the client.

FLUSH *A referral agency shall maintain its file of a client for at least 5 years at the place of business of the referral agency.*

Sec. 12. NAC 449.002 is hereby amended to read as follows:

449.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 449.0022 to 449.0074, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 13. NAC 449.0034 is hereby amended to read as follows:

449.0034 “Facility” means a medical facility, ~~or~~ facility for the dependent ~~or~~ *referral agency.*

Sec. 14. 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 medical facilities , ~~for~~ programs of hospice care *or agencies* must pay to the health division the following nonrefundable fees:

- (a) An ambulatory surgical center.....\$1,200
- (b) A facility for the treatment of irreversible renal disease1,200
- (c) A home office or subunit agency of a home health agency.....1,200
- (d) A branch office of a home health agency500
- (e) A rural clinic1,200
- (f) An obstetric center1,200
- (g) A program of hospice care1,200
- (h) An independent center for emergency medical care1,200
- (i) A nursing pool.....750
- (j) A facility for treatment with narcotics750
- (k) A medication unit500
- (l) A referral agency.....750*

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

- (a) An ambulatory surgical center.....\$600
- (b) A facility for the treatment of irreversible renal disease600
- (c) A home office or subunit agency of a home health agency.....600
- (d) A branch office of a home health agency100
- (e) A rural clinic600
- (f) An obstetric center600

(g) A program of hospice care600

(h) An independent center for emergency medical care600

(i) A nursing pool600

(j) A facility for treatment with narcotics600

(k) A medication unit100

(l) A referral agency600

3. 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 submits his application, he must submit a new application and pay the required fee to be considered for licensure.

Sec. 15. 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, ~~or~~ program of hospice care *or referral agency* who wishes or is required pursuant to NAC 449.190, 449.307, 449.7473 or 449.758 to modify his license to reflect:

- (a) A change in the name of the facility ~~for program;~~, *program or agency;*
- (b) A change of the administrator of the facility ~~for program;~~, *program or agency;*
- (c) A change in the number of beds in the facility;
- (d) A change in the type of facility licensed or the addition of another type of facility to be licensed; or
- (e) A change in the category of residents who may reside at the facility,

FLUSH must submit an application for a new license to the health division and pay to the health division a fee of \$160.

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 health division:

- (a) A fee of \$160; and
- (b) A fee of \$50 for each additional bed in the facility.

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

- (a) Submit an application for a new license to the health division; and
- (b) Pay to the health division a fee of \$160.

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

5. As used in this section, “administrator” means the person who is responsible for the daily management of a medical facility, facility for the dependent or program of hospice care.