

**ADOPTED REGULATION OF THE
BOARD OF EXAMINERS FOR
LONG-TERM CARE ADMINISTRATORS**

LCB File No. R129-09

Effective October 15, 2010

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

AUTHORITY: §§1, 4 and 7, NRS 654.110; §§2, 3, 6 and 17-20, NRS 654.110 and 654.190; §5, NRS 654.110, 654.140, 654.155, 654.170 and 654.180; §§8 and 12, NRS 654.110 and 654.150; §§9 and 15, NRS 654.110 and 654.180; §§10 and 13, NRS 654.110 and 654.170; §11, NRS 654.110, 654.150 and 654.170; §14, NRS 654.110 and 654.155; §16, NRS 654.110, 654.140 and 654.155; §21, NRS 654.110, 654.140 and 654.190.

A REGULATION relating to long-term care administrators; prescribing certain standards of conduct for nursing facility administrators; establishing the requirements for approval to serve as a mentor to an applicant for a license as an administrator of a residential facility for groups; establishing procedures for the issuance of subpoenas on behalf of the Chair of the Board of Examiners for Long-Term Care Administrators; revising certain provisions concerning licensure as a nursing facility administrator; increasing the fee for renewal of such a license; revising certain provisions concerning licensure as an administrator of a residential facility for groups; increasing the fee for renewal of such a license; increasing the fee for a secondary license as an administrator of a residential facility for groups; revising provisions concerning disciplinary proceedings against nursing facility administrators and administrators of residential facilities for groups; establishing minimum administrative fines that will be imposed for certain violations; and providing other matters properly relating thereto.

Section 1. Chapter 654 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *A nursing facility administrator shall:*

1. Ensure that the nursing facility is in compliance with all applicable requirements of:

(a) Chapter 449 of NRS and chapter 449 of NAC; and

(b) Part 483 of Title 42 of the Code of Federal Regulations.

2. Oversee and direct the persons employed by the nursing facility as necessary to ensure that the residents of the nursing facility receive needed services and protective supervision.

Sec. 3. *1. Only a person who has qualified as a licensed nursing facility administrator and who holds a license for the current licensing period may use the title “Nursing Facility Administrator,” and may use the abbreviation “N.F.A.” after his or her name. No other person may use or be designated by such a title or abbreviation or any other words, letters, sign, card or device tending to or intended to indicate that the person is a licensed nursing facility administrator.*

2. If the Board imposes an administrative fine on a licensee for a violation of subsection 1, the amount of the fine will be at least \$500 for a first violation and at least \$1,000 for a second or subsequent violation, but will not exceed \$10,000 for each violation.

Sec. 4. *1. A person who wishes to mentor an applicant for a license as an administrator of a residential facility for groups as required for such applicants pursuant to subsection 10 of NAC 654.155 must be approved to serve as a mentor by the Board.*

2. The Board may approve a person to serve as a mentor if the person completes an application provided by the Board and demonstrates that he or she:

(a) Holds a license issued by the Board as an administrator of a residential facility for groups;

(b) Has at least 2 years of experience as an administrator of a residential facility for groups;

(c) Has completed a course that has been approved by the Board for the training of mentors within 2 years after the date on which the application for approval is submitted; and

(d) Is able to communicate effectively orally and in writing.

3. The Board may deny approval for a person to serve as a mentor if:

(a) The person has been the subject of a disciplinary action brought by the Board; or

(b) The person has been the administrator of record of a residential facility for groups that has been the subject of an action brought by the Health Division of the Department of Health and Human Services against the holder of the license to operate the facility.

4. The Board's approval of a person to serve as a mentor expires 2 years after the date on which the Board grants the approval. A person who wishes to continue to serve as a mentor must reapply for approval in accordance with the provisions of this section.

Sec. 5. 1. *An applicant for a license as an administrator of a residential facility for groups must complete an application provided by the Board.*

2. The applicant's responses on the application must be typed or printed legibly. An application that is illegible or incomplete will be returned to the applicant.

3. The application must be accompanied by a nonrefundable fee of \$150.

4. An application that is not completed within 2 years after the date on which it is submitted to the Board is void, and after that date the applicant must submit a new application accompanied by the required application fee to apply for a license.

Sec. 6. 1. *The Chair of the Board may, pursuant to NRS 654.190, issue a subpoena on his or her own initiative or at the application of a party.*

2. An application for a subpoena must be made in writing and set forth the reason and necessity for the subpoena.

3. An application for a subpoena must be accompanied by the proposed subpoena. The proposed subpoena must:

(a) Be suitable for execution by the Chair;

(b) Describe with reasonable specificity any documents or objects that must be produced;

and

(c) Include the time and place for the attendance of witnesses or the production of documents or objects.

4. The Chair may refuse to issue a subpoena that he or she determines is unreasonable or oppressive.

5. A person served with a subpoena issued pursuant to this section may request relief from compliance with its terms by filing a motion with the Board. The motion must be filed before the time set forth in the subpoena for compliance. The Chair may, upon receipt of the motion:

(a) Quash the subpoena if the person demonstrates that the subpoena is unreasonable or oppressive;

(b) Modify the terms of the subpoena;

(c) Grant additional time for the person to comply with the subpoena; or

(d) If the subpoena is for the production of documents or objects, require the party on whose behalf the subpoena is issued to advance the reasonable cost of producing the documents or objects as a condition of the Chair's requiring the person to comply with the subpoena.

6. A subpoena must be served in the manner prescribed by law for the service of subpoenas in civil actions. If the Chair issues a subpoena at the request of a party, the party is responsible for the service of the subpoena.

Sec. 7. NAC 654.020 is hereby amended to read as follows:

654.020 “Board” means the ~~[Nevada State]~~ Board of Examiners for ~~[Administrators of Facilities for]~~ Long-Term Care ~~[.]~~ *Administrators.*

Sec. 8. NAC 654.100 is hereby amended to read as follows:

654.100 1. In addition to the requirements set forth in NRS 654.150 and 654.180, an applicant for a license as a nursing facility administrator must submit evidence satisfactory to the Board that he:

(a) Is 21 years of age or older;

(b) Has one of the following:

(1) A master’s degree in the administration of nursing facilities or a related field ~~[of health administration]~~ from a college or university recognized by the United States Department of Education ; ~~[or approved by the Superintendent of Public Instruction, if the master’s program included a requirement for an internship or residency in a facility providing long-term nursing care;]~~

(2) A baccalaureate degree from a college or university recognized by the United States Department of Education ~~[or approved by the Superintendent of Public Instruction]~~ and, if he has not completed an internship or residency in a facility providing long-term nursing care, has successfully completed at least 1,000 hours:

(I) In a program for training administrators ~~[.]~~ approved by the Board ~~[.]~~ or *the National Association of Long Term Care Administrator Boards; or*

(II) Of experience as an administrator of a facility providing long-term nursing care; or

(3) A certificate issued by the American College of Health Care Administrators for the completion of the program for the certification of nursing home administrators; and

(c) Is not the subject of any disciplinary proceeding.

2. In addition to the requirements set forth in NRS 654.150 and 654.180, a program for training administrators described in subsection 1 must require a person in the program to complete:

(a) All the activities and forms provided in *The NAB Five-Step Program Administrator-in-Training Internship Manual* published by the National Association of ~~[Boards of Examiners of]~~ Long Term Care ~~[Administrators;]~~ *Administrator Boards*; and

(b) At least 1,000 hours of training in a period of not less than ~~[26]~~ 20 weeks and include training in the following areas:

- (1) Administration of nursing facilities;
- (2) Personnel management of nursing facilities;
- (3) Nursing;
- (4) Rehabilitation of patients in nursing facilities;
- (5) Management of medical records in nursing facilities;
- (6) Activities for patients of nursing facilities;
- (7) Social services for patients of nursing facilities;
- (8) Admission of patients of nursing facilities;
- (9) Management of a business office;
- (10) Dietary needs of patients of nursing facilities;
- (11) Housekeeping and laundry services provided in nursing facilities; and
- (12) Maintenance and environmental management of nursing facilities.

3. In addition to the requirements set forth in subsection 2, a program for training administrators described in subsection 1 must require:

(a) A nursing facility administrator who is licensed in this State, *is in good standing with the Board* and has practiced as an administrator for at least 2 years to supervise the training of each person in the program in the areas set forth in subsection 2;

(b) The administrator to determine the order in which the training will be provided to each person he supervises; and

(c) The administrator to record the dates and times that each person he supervises completes the training required in each area set forth in subsection 2.

4. Evidence of the successful completion of a program for training administrators submitted pursuant to subsection 1 must be a certificate of completion that is:

(a) On a form provided by the Board; and

(b) Signed by the administrator who supervised the applicant.

5. A program for training administrators completed in another state must be equivalent to those programs approved in this State.

6. Before an applicant for a license as a nursing facility administrator may begin a program for training administrators described in subsection 1, the applicant must obtain approval from the Board to do so.

7. ~~[Before the Board approves]~~ *A person or entity seeking the approval of the Board to provide* a program for training administrators described in subsection 1 ~~[, the Board will conduct an on-site evaluation]~~ *must submit to the Board a description* of the training program ~~[.]~~ *and any additional information required by the Board.*

Sec. 9. NAC 654.111 is hereby amended to read as follows:

654.111 1. An applicant who wishes to obtain a license as a nursing facility administrator without taking the examination required by NRS 654.150 must submit an application to the Board with the applicable fees and evidence satisfactory to the Board that:

(a) He has obtained a bachelor of arts or bachelor of science degree from a college or university accredited by the United States Department of Education.

(b) He is licensed as a nursing facility administrator in a state that requires a person to pass the examination administered by the National Association of ~~Boards of Examiners of~~ Long Term Care ~~Administrators~~ *Administrator Boards* to obtain such a license.

(c) His score on the examination administered by the National Association of ~~Boards of Examiners of~~ Long Term Care ~~Administrators~~ *Administrator Boards* is valid. For purposes of this paragraph, a score is valid if the applicant's license as a nursing facility administrator in another state has not lapsed or been suspended, revoked or otherwise restricted since the date that the score was issued by the National Association of ~~Boards of Examiners of~~ Long Term Care ~~Administrators.~~ *Administrator Boards.*

(d) His license in that state is in good standing and has been in good standing for the 2 years immediately preceding the date that he submits his application to the Board.

(e) He was licensed as a full-time administrator of record of a nursing facility for the 2 years immediately preceding the date that he submits his application to the Board.

(f) Any license as a nursing facility administrator granted to the applicant by the licensing authority of another jurisdiction has not been suspended, revoked or otherwise restricted for any reason other than nonrenewal of the license or failure to obtain the required continuing education credits in a jurisdiction in which the applicant is licensed but is not currently engaged in the

practice of nursing facility administration, evidence of which must be provided to the Board directly by the licensing authority of that jurisdiction.

(g) He has complied with all other requirements for licensure as a nursing facility administrator set forth in this chapter and chapter 654 of NRS.

2. The Board will review the evidence presented pursuant to this section to determine whether the applicant is eligible for licensure pursuant to this chapter and chapter 654 of NRS.

3. The Board may, upon good cause shown, waive any of the requirements of subsection 1 other than a requirement set forth in chapter 654 of NRS.

Sec. 10. NAC 654.112 is hereby amended to read as follows:

654.112 1. A nursing facility administrator may renew his license by submitting to the Board:

- (a) An application for the renewal of the license;
- (b) A nonrefundable renewal fee of ~~[\$250;]~~ **\$350;**
- (c) Evidence satisfactory to the Board that during the 2 years immediately preceding the application for renewal he has completed the requirements for continuing education set forth in subsection 2 of NAC 654.130; and
- (d) If applicable, the information required pursuant to subsection 2.

2. Every 4 years a nursing facility administrator who wishes to renew his license pursuant to this section must submit to the Board a complete set of fingerprints and written permission authorizing the Board or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. ~~Only a person who has qualified as a licensed nursing facility administrator and who holds a license for the current licensing period may use the title “Nursing Facility Administrator,” and may use the abbreviation “N.F.A.” after his name. No other person may use or be designated by such a title or abbreviation or any other words, letters, sign, card or device tending to or intended to indicate that the person is a licensed nursing facility administrator.~~

~~—4.]~~ If a nursing facility administrator does not renew his license on or before the date for renewal of the license, the license automatically expires and may be reinstated by the Board if the licensee submits an application for reinstatement and complies with the provisions of NAC 654.100 and 654.110 and complies with the provisions of NAC 654.140, unless exempted pursuant to NAC 654.111.

Sec. 11. NAC 654.130 is hereby amended to read as follows:

654.130 1. A program of study to train and qualify applicants for a license as nursing facility administrators offered by any accredited university or college is acceptable and approved for such a purpose.

2. Except as otherwise provided in NAC 654.169, to renew his license, a licensee must have completed 30 hours in the 2 years immediately preceding the date for renewal of his license in a program of study for continuing education or 30 continuing education units in a program

~~[accredited]~~ *approved by the Board* pursuant to subsection 5, or a combination of both.

3. A program of study for continuing education must be approved by the Board. A program of study is deemed approved by the Board if the program ~~is offered by:~~

~~—(a) The Board;~~

~~—(b) The American Hospital Association;~~

~~—(c) The Nevada Geriatric Education Center;~~

~~—(d) The Nevada System of Higher Education;~~

~~—(e) Any agency of the State of Nevada;~~

~~—(f) The American Nurses Association; or~~

~~—(g) The] is approved by the~~ National Association of ~~[Boards of Examiners for]~~ Long Term Care ~~[Administrators;~~

~~↪ unless the Board determines that the content of the program is not relevant or appropriate to the administration, supervision and management of a nursing facility or that the program does not grant a number of educational credits which corresponds to the number of classroom hours that the program requires.] Administrator Boards.~~

4. Subject to the approval of the Board, not more than a total of 10 hours may be obtained by:

(a) Having an article published in a publication concerned with health care, with 10 hours allowed for each published article containing at least 1,500 words;

(b) Having an article published in a publication concerned with health care, with 1 hour allowed for each hour spent writing the article; or

(c) Presenting a paper at a meeting of an organization concerned with long-term care, with 1 hour allowed for each hour spent presenting the paper.

5. The Board will ~~[accredit]~~ **approve** programs for continuing education units to organizations, groups or persons sponsoring educational programs which meet certain criteria as the Board may prescribe. Special forms for requesting approval must be used and are available from the office of the Board. Topics for programs for continuing education units **must be related to the field of long-term care and** may include, without limitation:

(a) ~~[The administration of nursing facilities;]~~ **Administration;**

- (b) ~~{The clinical}~~ **Clinical** management ; ~~{of nursing facilities;}~~
- (c) ~~{The human}~~ **Human** resource management ; ~~{of nursing facilities;}~~
- (d) ~~{The financial}~~ **Financial** management ; ~~{of nursing facilities;}~~
- (e) Environmental services; ~~{and}~~
- (f) Psychosocial care ~~{,}~~ ;
- (g) **Recreational activities; and**
- (h) **Ethics.**

6. A person who wishes to receive credit for continuing education received in a program which has not been approved pursuant to subsection 5 must submit a request for approval of continuing education units to the Board before the Board will award credit for the continuing education. A request made pursuant to this subsection must be submitted on a special form available from the office of the Board.

Sec. 12. NAC 654.140 is hereby amended to read as follows:

654.140 1. Examinations for licensure as a nursing facility administrator will be held at such times and places as the Board designates.

2. The written examination must be:

(a) Prepared by the National Association of ~~{Boards of Examiners for}~~ Long Term Care ~~{Administrators}~~ **Administrator Boards** or any testing service approved by the Board; and

(b) Administered, in a manner approved by the Board, by the National Association of ~~{Boards of Examiners for}~~ Long Term Care ~~{Administrators}~~ **Administrator Boards** or any testing service approved by the Board.

3. To pass the written examination, an applicant must receive a grade of at least 75 percent.

4. An applicant who fails an examination may obtain his score from the Board if he makes a written request within 45 days after the Board notifies him that he has failed the examination, or the applicant may purchase a diagnostic score report directly from the professional exam service.

5. An applicant who fails the examination may retake the examination. An applicant who fails the examination on two consecutive occasions must wait 1 year after the date of his last examination to apply for the examination.

Sec. 13. NAC 654.152 is hereby amended to read as follows:

654.152 1. ~~【The fee for an application for a license as an administrator of a residential facility for groups is \$150. The fee accompanying the application is not refundable.~~

~~—2.】~~ Except as otherwise provided in NAC 654.169, ~~【a licensee】~~ *an administrator of a residential facility for groups* may renew his license by submitting to the Board:

(a) An application for the renewal of his license;

(b) A nonrefundable renewal fee of ~~【\$250;】~~ **\$350;**

(c) Evidence satisfactory to the Board that he has completed 16 hours of continuing education or has completed 16 continuing education units in a program ~~【accredited】~~ *approved* pursuant to subsection ~~【6.】~~ **5**, or a combination of both, in the 2 years immediately preceding his application for renewal; and

(d) If applicable, the information required pursuant to subsection ~~【3.】~~ **2.**

2. Every 4 years an administrator of a residential facility for groups who wishes to renew his license pursuant to this section must submit to the Board a complete set of fingerprints and written permission authorizing the Board or its designee to forward the fingerprints to the Central

Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~[4.]~~ **3.** If an administrator of a residential facility for groups does not renew his license on or before the date for renewal of the license, the license automatically expires and may be reinstated by the Board if the licensee submits an application for reinstatement and complies with ~~[subsection 1]~~ *section 5 of this regulation* and NAC 654.155 and complies with the provisions of NAC 654.162, unless exempted pursuant to NAC 654.157.

~~[5.]~~ **4.** A program of study for continuing education must be approved by the Board. ~~[A program of study is deemed approved by the Board if the program is offered by:~~

~~—(a) The Board;~~

~~—(b) The American Hospital Association;~~

~~—(c) The Nevada Geriatric Education Center;~~

~~—(d) The Nevada System of Higher Education;~~

~~—(e) Any agency of the State of Nevada;~~

~~—(f) The American Nurses Association; or~~

~~—(g) The National Association of Boards of Examiners of Long Term Care Administrators;~~

~~↪ unless the Board determines that the content of the program is not relevant or appropriate to the administration, supervision and management of a residential facility for groups or that the program does not grant a number of educational credits which corresponds to the number of classroom hours that the program requires.~~

~~—6.]~~ **5.** The Board will ~~[accredit]~~ *approve* programs for continuing education units for organizations, groups or persons sponsoring educational programs which meet certain criteria as the Board may prescribe. Special forms for requesting approval must be used and are available

from the office of the Board. Topics for programs for continuing education units *must be related to the field of long-term care and* may include, without limitation:

- (a) ~~[/The administration of residential facilities for groups;]~~ *Administration;*
- (b) ~~[/The clinical]~~ *Clinical* management ; ~~[/of residential facilities for groups;]~~
- (c) ~~[/The human]~~ *Human* resource management ; ~~[/of residential facilities for groups;]~~
- (d) ~~[/The financial]~~ *Financial* management ; ~~[/of residential facilities for groups;]~~
- (e) Environmental services; ~~[/and]~~
- (f) Psychosocial care ~~[/~~

~~—7.]~~;

(g) *Recreational activities; and*

(h) *Ethics.*

6. A licensee who is approved by the Board to serve as a mentor pursuant to section 4 of this regulation may receive credit for not more than 10 hours of continuing education during each renewal period by supervising the study of an applicant for a license as an administrator of a residential facility for groups. One hour of credit will be awarded for each 4 hours of actual supervision.

*7. A person who wishes to receive credit for continuing education received in a program which has not been approved pursuant to subsection 4 or 5 ~~[/or accredited pursuant to subsection 6]~~ must submit a request for ~~[/accreditation]~~ *approval* of continuing education units to the Board before the Board will award credit for the continuing education. A request made pursuant to this subsection must be submitted on a special form available from the office of the Board.*

Sec. 14. NAC 654.155 is hereby amended to read as follows:

654.155 In addition to the requirements of NRS 654.155 and 654.180, an applicant for a license as an administrator of a residential facility for groups must:

1. Possess a high school diploma, general equivalency diploma or degree from an accredited institution of higher learning;

2. Pass ~~{a-written}~~ an examination *administered by the National Association of Long Term Care Administrator Boards*;

3. *Complete a program of training approved by the Board* concerning the statutes and regulations relating to residential group care and any other standards of care which apply to operators of residential facilities;

~~{3.}~~ 4. Provide a statement to the Board indicating that to the best of his knowledge he is of good health and free from contagious disease;

~~{4.}~~ 5. Indicate whether he suffers from any mental impairment that would affect his ability to perform the duties of an administrator of a residential facility for groups;

~~{5.}~~ 6. Provide proof that he is able to communicate adequately in the English language both verbally and in writing;

~~{6.}~~ 7. Indicate whether he has been investigated for misconduct or had a license or certificate revoked, modified, limited or suspended, or whether any other disciplinary action or proceeding has been instituted against him by any authority in any state;

~~{7.}~~ 8. Provide a statement to the Board indicating whether he has ever been convicted of a felony or any offense involving moral turpitude; ~~and~~

~~—8.}~~ 9. Have:

(a) At least 2 years of experience in residential caregiving or as an administrator of a residential facility for groups within the 6-year period immediately preceding the date he submits his application; or

(b) Completed 40 hours of study or training approved by the Board that includes at least one of the topics set forth in subsection ~~[6]~~ 5 of NAC 654.152 ~~[4]~~; *and*

10. Complete 40 hours of study under the supervision of a mentor who has been approved by the Board pursuant to section 4 of this regulation.

Sec. 15. NAC 654.157 is hereby amended to read as follows:

654.157 1. An applicant who wishes to obtain a license as an administrator of a residential facility for groups without taking the examination required by NRS 654.155 must submit evidence satisfactory to the Board that:

(a) He is licensed as an administrator of a residential facility for groups in a state that requires a person to pass the national examination administered by the National Association of ~~[Boards of Examiners of]~~ Long Term Care ~~[Administrators]~~ *Administrator Boards* to obtain such a license;

(b) His license in that state is in good standing; and

(c) He has complied with all other requirements for licensure as an administrator of a residential facility for groups set forth in this chapter and chapter 654 of NRS.

2. An applicant who wishes to be licensed pursuant to this section will be denied licensure if he has a record of any disciplinary, civil or criminal action taken against him for activities that the Board finds to be contrary to the qualifications for a licensee that is listed on a federal, state or private registry or data bank, including, without limitation, the Healthcare Integrity and Protection Data Bank maintained by the Health Resources and Services Administration of the United States Department of Health and Human Services.

Sec. 16. NAC 654.162 is hereby amended to read as follows:

654.162 1. Examinations for licensure as an administrator of a residential facility for groups will be held at ~~[least twice each year at]~~ such times and places as the Board designates. The fee for each examination ~~[is \$200 or the fee]~~ *will be* established by the ~~[Professional Examination Service, whichever is higher.]~~ *Board in an amount to cover the cost of administering the examination.* The fee is not refundable.

2. A passing grade will be determined by the National Association of ~~[Boards of Examiners of]~~ Long Term Care ~~[Administrators.]~~ *Administrator Boards.* An applicant who fails the examination may obtain his score if he makes a written request to the Board within 45 days after the Board notifies him that he failed the examination.

3. An applicant who fails the examination may retake the examination not more than three times within the year after the date on which he first took the examination. An applicant must pay the fee for the examination each time he retakes the examination.

Sec. 17. NAC 654.165 is hereby amended to read as follows:

654.165 1. Only a person who holds a valid license for the current licensing period as an administrator of a residential facility for groups may use the title “Residential Facility Administrator,” and may use the abbreviation “R.F.A.” after his name. No other person may use or be designated by such a title or abbreviation or any other words, letters, sign, card or device tending to or intended to indicate that the person is licensed as an administrator of a residential facility for groups.

2. If the Board imposes an administrative fine on a licensee for a violation of subsection 1, the amount of the fine will be at least \$500 for a first violation and at least \$1,000 for a second or subsequent violation, but will not exceed \$10,000 for each violation.

Sec. 18. NAC 654.181 is hereby amended to read as follows:

654.181 **1.** Each person licensed as a nursing facility administrator or an administrator of a residential facility for groups shall notify the Board, in writing:

~~1.~~ **(a)** Of any change in his residential address within 15 days after such a change; or

~~2.~~ **(b)** Any time he becomes the administrator of record of a different facility within 15 days after such an event.

2. *If the Board imposes an administrative fine on a licensee for a violation of subsection 1, the amount of the fine will be at least \$500 for a first violation and at least \$1,000 for a second or subsequent violation, but will not exceed \$10,000 for each violation.*

Sec. 19. NAC 654.190 is hereby amended to read as follows:

654.190 **1.** Each person licensed as a nursing facility administrator or an administrator of a residential facility for groups shall conspicuously display his original license in a public place within the facility of which he is the administrator of record.

2. *If the Board imposes an administrative fine on a licensee for a violation of subsection 1, the amount of the fine will be at least \$250 for a first violation and at least \$500 for a second or subsequent violation, but will not exceed \$10,000 for each violation.*

Sec. 20. NAC 654.220 is hereby amended to read as follows:

654.220 **1.** Any person who becomes aware that a person licensed pursuant to the provisions of chapter 654 of NRS is engaged in conduct which constitutes grounds for disciplinary action may file a complaint with the Board. The complaint must be in writing and signed by the complainant.

2. The Board will permit the licensee to provide proof satisfactory to the Board that he was not engaged in conduct which is grounds for disciplinary action.

3. A member of the Board, or a committee appointed by the Board to review cases, will review each complaint and conduct an investigation to determine whether there is a reasonable basis for the complaint. A member of the Board who participated in the investigation may not participate in the decision whether to take further action on the complaint following the investigation and may not participate in any subsequent hearing or action by the Board relating to the complaint.

4. If a member of the Board, or a committee appointed by the Board to review cases, decides to proceed with disciplinary action, the member of the Board or committee will *refer the case to a prosecutor to* bring charges against the licensee ~~[]~~ *in the manner set forth in NRS 622A.300.* If charges are brought against the licensee, the Board will:

(a) Set a time and place for a formal hearing; *and*

(b) ~~[Serve a copy of the complaint upon the licensee by personal service not less than 10 business days before the hearing or by certified mail to the last known address of the licensee not less than 21 business days before the hearing; and~~

~~—(c)]~~ Conduct the hearing in compliance with the provisions of ~~[chapter]~~ *chapters* 233B *and* 622A of NRS.

5. If the Board determines by a finding of substantial evidence that the licensee was engaged in conduct which is grounds for disciplinary action, it may order that the licensee:

(a) Be placed on probation for a specified time with conditions that the Board considers appropriate ~~[]~~ *which may include, without limitation, restricting the number of facilities for which the licensee may act as an administrator of record.*

(b) Receive a public reprimand.

(c) Have restrictions placed on his practice, including, without limitation, prohibiting the licensee from transporting patients or residents by motor vehicle if the licensee has been convicted for any offense for driving under the influence of intoxicating liquor or a controlled substance.

(d) Receive a suspension for a specified time or until further order of the Board.

(e) Have his license revoked.

(f) Participate in a *program for the treatment of* substance abuse . ~~[program.]~~

(g) Pay an administrative fine , *pursuant to NRS 654.190*, of not more than ~~[\$2,500.]~~

\$10,000 for each violation.

6. If the Board determines that the licensee was not engaged in conduct which is grounds for disciplinary action, the Board will dismiss the charges in writing and notify the licensee that the charges have been dismissed.

7. If discipline is imposed against a licensee pursuant to this section, the Board will report the disciplinary action to the Healthcare Integrity and Protection Data Bank maintained by the Health Resources and Services Administration of the United States Department of Health and Human Services or its successor.

8. The Board may, subject to the provisions of NRS 654.190, accept the voluntary surrender of a license.

Sec. 21. NAC 654.250 is hereby amended to read as follows:

654.250 1. Except as otherwise provided in subsection 6, a person licensed as a nursing facility administrator may not be the administrator of record of more than one nursing facility at the same time for more than 90 days in a calendar year.

2. Except as otherwise provided in subsections 3 and 6, a person licensed as an administrator of a residential facility for groups may be an administrator of record for not more than 150 beds located in not more than five residential facilities for groups.

3. ~~[Effective June 1, 1998, if]~~ ***If*** a person licensed as an administrator of a residential facility for groups operates more than one residential facility for groups, the administrator must:

(a) Immediately notify the Board that he is operating more than one residential facility for groups; and

(b) Obtain a secondary administrator's license for each additional residential facility for groups that he is operating by paying a nonrefundable fee of ~~[\$25]~~ ***\$100*** for each license.

↪ The Board may impose an administrative fine on a licensee for failure to comply with paragraph (a). The amount of such a fine will be at least \$500 for a first violation and at least \$1,000 for a second or subsequent violation, but will not exceed \$10,000 for each violation.

4. The Board will label each secondary administrator's license issued pursuant to subsection 3 as an "A," "B," "C" or "D" license.

5. An administrator of a residential facility for groups who obtains a secondary administrator's license pursuant to subsection 3 shall surrender and return each secondary administrator's license to the Board upon:

(a) Relinquishing his responsibilities at the residential facility for groups for which the license was obtained; or

(b) The closure of the residential facility for groups for which the license was obtained.

6. Upon application to the Board, a nursing facility administrator or an administrator of a residential facility for groups may, at the discretion of the Board, receive a waiver for a specified period of time from the limitations imposed by this section.

INFORMATIONAL STATEMENT
LCB File No. R129-09

**Permanent Regulation of the Nevada Board of Examiners for Long term Care
Administrators**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 654.

1. A description of how public comment was solicited, a summary of public response, and an explanation of how other interest persons may obtain a copy of the summary.

The Board of Examiners solicited public comment at the Board of Examiners for Long Term Care Administrators’ meeting conducted on June 2, 2010. Members of the public responded as follows: They provided oral presentations at the above Nevada Board of Examiners for Long Term Care Administrators at 702-486-5445, or by writing to the Nevada Board of Examiners for Long term Care Administrators, 3157 North Rainbow Blvd., #313, Las Vegas, Nevada 89108, e-mail address: beltca@govmail.state.nv.us. The oral presentations made at that meeting can be obtained through the Minutes of the Hearing held on June 2, 2010. The draft of those Minutes has been posted on BELTCA’s website at: beltca.Nevada.gov.

2. The number of persons who:

- (a) **Attended the hearing:** 15
- (b) **Testified at the hearing:** 6
- (c) **Submitted to the Board written comments:** No written

comments were submitted to, or received by the Board of Examiners for Long Term Care Administrators. Public responses were made orally at the Public Hearing held on June 2, 2010, and can be obtained from the Minutes of that Hearing posted on BELTCA’s website at: beltca.Nevada.gov. The Minutes were also distributed to all interested parties.

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

Persons wishing to comment on the proposed action of the Board were invited to appear at the scheduled public hearing or address their comments, data, views or arguments, in written form, to the Nevada Board of Examiners for Long Term Care Administrators, 3157 North Rainbow Blvd., #313, Las Vegas, Nevada 89108, at least two weeks prior to the scheduled public hearing.

A copy of this notice and the proposed permanent regulations to be adopted and amended were on file at the Nevada State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed permanent regulations to be adopted and amended were available at the Nevada Board of Examiners for Long Term Care Administrators, 3157 North Rainbow Blvd., #313, Las Vegas, Nevada 89108, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. The

text of the proposed permanent regulations includes the entire text of any section of the Nevada Administrative Code, which is proposed for amendment or repeal. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulation, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulations were also mailed to members of the public upon request. Under NRS 233B.064(2), when adopting any regulation, the Agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporation, and its reason for overruling the consideration urged against its adoption.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change follows:

The reasons being submitted to, or received by the Board of Examiners for Long Term Care Administrators, or by various associations and/or groups. The general public and others. The Board adopted the emergency regulation as amended since those affected and were represented at the Public Hearing were satisfied with the language contained therein.

5. The estimated economic effect of the adopted regulation on the business that it is to regulate and on the public. These must be stated separately, and each case must include; (a) Both adverse and beneficial effects; and (b) Both immediate and long-term effects.

a. Adverse and beneficial effects.

The proposed regulation presents no foreseeable or anticipated adverse economic effects to businesses or the public. It may have a financial impact upon licensees because of the increased cost in license renewal fees and the issuance of additional licenses for assisted living and/or group home administrators. The increase in fines for violations of the statutes and regulations could adversely affect licensees. However, the permanent regulations could have a beneficial economic effect on businesses and the general public. By increasing the fines, it will also increase the awareness of the administrators to their responsibilities as caretakers of the vulnerable elderly who have been entrusted with their well-being. Those impacts cannot be quantified at this time.

b. Immediate and long-term effects.

There are no immediate or long-term economic effects of the proposed permanent regulations with respect to the public or licensees, other than those stated above.

6. The estimated cost to the agency for enforcement of the adopted regulation.

Zero. The regulation merely implements new legislation and provides guidance. It is the legislation, not the regulation, which creates a financial burden.

7. A description of any regulations of other state or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The regulation implements brand new legislation. It does not duplicate or overlap with any other regulations.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions must be stated.

Not applicable.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulation does increase the existing fee for renewal of licenses, for the purpose of meeting increased costs to BELTCA. The increase in imposed fines is for the purpose of meeting legal, administrative and investigative fees for increased complaints against licensees for violations of laws. Those fees cannot be quantified at this time.