

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R111-12

These regulations are being proposed in accordance with NRS 449.0302 (1) (e).

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

Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth as sections one to three, inclusive, of this regulation.

Section 1. *1. If the Central Repository for Nevada Records of Criminal History determines that a background investigation conducted pursuant to NRS 449.122 cannot be completed because pertinent information is missing, the Health Division shall send a notice to the applicant or licensee investigated, requiring the applicant or licensee to obtain the missing information or proof that the missing information cannot be obtained and provide it to the Health Division. The applicant or licensee must submit the information required pursuant to this subsection to the Central History Repository within 30 days of notice by the Health Division that information obtained through the background check is incomplete, or the individual is subject to automatic denial or revocation of his or her license pursuant to NRS 449.160. If a suitability determination cannot be made because a hearing date has not been set, the applicant or licensee shall notify the Health Division of the hearing date. The applicant or licensee shall forward to the Central History Repository the deposition as soon as it is available so that the Repository can make a suitability determination.*

2. The Health Division may deny a license until a suitability determination is made pursuant to subsection 1.

Sec. 2. *1. If the Central Repository for Nevada Records of Criminal History determines that a background investigation conducted pursuant to NRS 449.123 cannot be completed because pertinent information is missing, the Health Division shall notify the agency, facility or home that the investigation could not be completed. The agency, facility or home shall notify the employee or independent contractor investigated pursuant to NRS 449.123 within 10 working days that he or she must obtain the missing information or proof that the missing information cannot be obtained. The employee or independent contractor must submit the information required pursuant to this subsection to the Central History Repository within 30 days of notice by the agency, facility or home that the information obtained through the background check is incomplete or provide proof to the agency, facility or home that the missing information*

cannot be obtained, or the individual is subject to termination of employment. If a suitability determination cannot be made because a hearing date has not been set, the employee or independent contractor shall notify the agency, facility or home of the hearing date. The employee or independent contractor shall forward to the Central History Repository the deposition as soon as it is available so that the Repository can make a suitability determination.

2. The administrator of, or the person licensed to operate, a facility listed in NRS 449.123 shall not allow an employee or independent contractor to work or will allow him or her to work under direct supervision while caring for patients/clients/residents until a suitability determination is made.

3. An agency, facility or home shall terminate an employee or independent contractor that does not comply with this section.

Sec. 3. *The administrator of, or the person licensed to operate, a facility listed in NRS 449.123 shall not allow an employee or independent contractor to work or will allow him or her to work under direct supervision while caring for patients/clients/residents until the corrected information obtained pursuant to NRS 449.123 shows that the person has not been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.174.*