

**PROPOSED REGULATION OF THE BOARD OF EXAMINERS
FOR LONG-TERM CARE**

LCB File No. R174-12

September 26, 2012

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

AUTHORITY: §§1,13, 17 and 19-24, NRS 654.110; §§2 and 25, NRS 654.110 and 654.140; §§3 and 18, NRS 654.110 and 654.170; §§4 and 9, NRS 654.110 and 654.150; §5, NRS 654.110, 654.140 and 654.150; §§6 and 14, NRS 654.110 and 654.180; §7, NRS 654.110, 654.140, 654.150 and 654.170; §8, NRS 654.110, 654.150 and 654.170; §§10 and 16, NRS 654.110 and 654.190; §11, NRS 654.110, 654.140, 654.155 and 654.170; §12, NRS 654.110 and 654.155; §15, NRS 654.110, 654.140 and 654.155.

A REGULATION relating to long-term care administrators; revising provisions concerning licensure of nursing facility administrators and administrators of residential facilities for groups; revising provisions relating to continuing education requirements for nursing facility administrators and administrators of residential facilities for groups; revising provisions concerning disciplinary proceedings against nursing facility administrators and administrators of residential facilities for groups; making various other changes relating to long-term care administrators; 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 and 3 of this regulation.

Sec. 2. 1. *An applicant for a license as a nursing facility administrator 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 \$200.

4. An application that is not completed within 1 year 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. 3. *1. Except as otherwise provided in NAC 654.169, to renew his or her license, in the 2 years immediately preceding the date for renewal of the license, an administrator of a residential facility for groups must have completed 16 continuing education units in programs approved by the Board pursuant to subsection 2. Two of the continuing education units must be in professional ethics and 2 of the continuing education units must be in training concerning the statutes and regulations relating to residential group and any other standards of care which apply to operators of residential facilities.*

2. The Board will approve programs for continuing education units for organizations, groups or persons that sponsor 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 domains of practice in the field of long-term care.

3. An administrator of a residential facility for groups who is approved by the Board to serve as a mentor pursuant to NAC 654.156 may receive credit for not more than 10 continuing education units during each renewal period by supervising the study of an applicant for a license as an administrator of a residential facility for groups. One continuing education unit will be awarded for each 4 hours of actual supervision.

Sec. 4. 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 the applicant:

(a) Is 21 years of age or older;

(b) Has one of the following:

(1) A *baccalaureate or* master's degree in the administration of nursing facilities or a related field from a college or university recognized by the United States Department of Education ~~;~~ *and 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) In an internship or residency program in a facility providing long-term nursing care;

(2) A baccalaureate *or master's* degree *in any field* from a college or university recognized by the United States Department of Education and ~~;~~ *if the applicant 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~~ *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) *Has completed 8 hours of training concerning the statutes and regulations relating to long-term care and any other standards of care which apply to nursing facility administrators that is approved by the Board; and*

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

2. ~~[In addition to the requirements set forth in NRS 654.150 and 654.180, a]~~ 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 Long Term Care Administrator Boards; and

(b) At least 1,000 hours of training in a period of not less than 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 or she supervises; and

(c) The administrator to record the dates and times that each person he or she 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. A person or entity ~~[seeking the]~~ **must obtain** approval of the Board to provide a program for training administrators described in subsection 1. ***The person or entity seeking approval*** must submit to the Board a description of the training program and any additional information required by the Board.

Sec. 5. NAC 654.110 is hereby amended to read as follows:

654.110 ~~1.~~ In addition to the requirements of NRS 654.150 and 654.180 and NAC 654.100, an applicant for a license as a nursing facility administrator must:

~~1.~~ **1.** Provide a statement to the Board indicating that to the best of the applicant's knowledge he or she is of good health and free from contagious disease;

~~2.~~ **2.** Indicate whether the applicant suffers from any mental impairment that would affect his or her ability to perform the duties of a nursing facility administrator;

~~3.~~ ~~Provide proof that he or she is~~

3. *Be* able to communicate adequately in the English language both verbally and in writing;

~~4.~~ **4.** Indicate whether the applicant has been investigated or is being 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 or her by any authority in any state; and

~~5.~~ **5.** Provide a statement to the Board indicating whether *since the age of 18 years* the applicant has ever been ~~convicted~~ :

(a) Charged with any misdemeanor, gross misdemeanor or felony; or

(b) Convicted of [a] any misdemeanor, gross misdemeanor or felony . [or any offense involving moral turpitude.]

~~2.—The fee for an application for a license as a nursing facility administrator is \$200 and must be submitted to the Board with the application. The fee accompanying the application is not refundable.]~~

Sec. 6. NAC 654.111 is hereby amended to read as follows:

654.111 1. An applicant who *holds a license as a nursing facility administrator or its equivalent from another jurisdiction and* wishes to obtain a license as a nursing facility administrator *in this State* without taking the examination required by NRS 654.150 must submit an application to the Board with the applicable fees *as required by section 2 of this regulation* and evidence satisfactory to the Board that:

(a) The applicant ~~[has obtained a bachelor of arts or bachelor of science]~~ :

(1) Has obtained a baccalaureate or master's degree in the administration of nursing facilities or a related field from a college or university ~~[accredited]~~ *recognized* by the United States Department of Education ~~[-~~

~~—(b)] and 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) In an internship or residency program in a facility providing long-term nursing care;

(2) Has obtained a baccalaureate or master's degree in any field from a college or university recognized by the United States Department of Education and has successfully completed at least 1,000 hours in a program for training administrators approved by the Board or the National Association of Long Term Care Administrator Boards; or

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

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

(c) The applicant's score on the examination administered by the National Association of Long Term Care 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 Long Term Care Administrator Boards.

(d) The applicant's license in that state is in good standing and has been in good standing for the 2 years immediately preceding the date that he or she submits his or her application to the Board.

(e) The applicant was licensed as a full-time administrator of record of a nursing facility for ~~the~~ 2 years *of the 5-year period* immediately preceding the date ~~that~~ *on which* he or she submits his or her 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) *The applicant has completed 8 hours of training concerning the statutes and regulations relating to long-term care and any other standards of care which apply to nursing facility administrators that is approved by the Board.*

(h) The applicant 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. 7. NAC 654.112 is hereby amended to read as follows:

654.112 1. ~~[A]~~ *Except as otherwise provided in NAC 654.169, a* nursing facility administrator may renew his or her license by submitting to the Board:

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

(b) A nonrefundable renewal fee of \$350;

(c) Evidence satisfactory to the Board that during the 2 years immediately preceding the application for renewal he or she 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 or her license pursuant to this section must submit to the Board ~~[a]~~ :

(a) *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 ~~[H]~~ ; *or*

(b) *Written verification, on a form prescribed by the Board, stating that the fingerprints of the nursing facility administrator were taken and directly forwarded electronically or by another means to the Central Repository and that the nursing facility administrator 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 for its report.

3. If a nursing facility administrator does not renew his or her license on or before the date for renewal of the license, the license automatically expires . ~~[and may be]~~

4. *A person whose license as a nursing facility administrator expires pursuant to subsection 3 may apply to have his or her license* 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.]~~ *To have his or her license reinstated, the person must:*

(a) *Submit to the Board an application for a license as a nursing facility administrator and pay the application fee as required pursuant to section 2 of this regulation;*

(b) *Submit to the Board:*

(1) *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; or*

(2) *Written verification, on a form prescribed by the Board, stating that the fingerprints of the person were taken and directly forwarded electronically or by another means to the Central Repository and that the person 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 for its report;*

(c) Complete 8 hours of training concerning the statutes and regulations relating to long-term care and any other standards of care which apply to nursing facility administrators that is approved by the Board; and

(d) Except as otherwise provided in subsection 5, take the written examination required pursuant to NRS 654.150 and receive a passing grade as determined by the National Association of Long Term Care Administrator Boards.

5. A person who applies to have his or her license reinstated pursuant to subsection 4 is not required to take the written examination if the person:

(a) Applies to have his or her license reinstated not later than 5 years after the date on which the license expired; and

(b) Has taken and received a passing grade on the written examination not later than 5 years after the date on which the license expired.

Sec. 8. 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 or her license, a licensee must have *, in the 2 years immediately preceding the date for renewal of the license,* completed 30 ~~hours in the 2 years immediately preceding the date for renewal of the license in a program of study for continuing education or 30~~ continuing education units in a program approved by the Board pursuant to subsection 5. ~~[, or a combination of both.]~~ *Two of the continuing education units must be in professional ethics and 2 of the continuing education units must be in*

training concerning the statutes and regulations relating to long-term care and any other standards of care which apply to nursing facility administrators.

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 approved by the National Association of Long Term Care Administrator Boards.~~

—4.] Subject to the approval of the Board, not more than a total of 10 ~~[hours]~~ *continuing education units* may be obtained by:

(a) ~~[Having]~~ *Except as otherwise provided in subsection 4, having* an article published in a publication concerned with health care, with 10 ~~[hours]~~ *continuing education units* allowed for each published article containing at least 1,500 words;

(b) ~~[Having]~~ *Except as otherwise provided in subsection 4, having* an article published in a publication concerned with health care, with 1 ~~[hour]~~ *continuing education unit* 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]~~ *continuing education unit* allowed for each hour spent presenting the paper.

4. *If an article is self-published by a nursing facility administrator, the nursing facility administrator may not receive the continuing education units that are described in paragraphs (a) and (b) of subsection 3.*

5. The Board will approve programs for continuing education units ~~[to]~~ *for* organizations, groups or persons ~~[sponsoring]~~ *that sponsor* 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 *domains of practice in the* field of long-term care . ~~[and may include, without limitation:~~

- ~~—(a) Administration;~~
- ~~—(b) Clinical management;~~
- ~~—(c) Human resource management;~~
- ~~—(d) Financial management;~~
- ~~—(e) Environmental services;~~
- ~~—(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. 9. 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 Long Term Care 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 Long Term Care 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 or her score from the Board if the applicant makes a written request within 45 days after the Board notifies the applicant that he or she has failed the examination, or the applicant may purchase a diagnostic score report directly from the professional exam service.~~

~~—5.] A passing grade will be determined by the National Association of Long Term Care Administrator Boards.~~

4. 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 or her last examination to apply for the examination.

Sec. 10. NAC 654.144 is hereby amended to read as follows:

654.144 1. Only a person who has qualified as a licensed nursing facility administrator and who holds a license *issued by the Board* 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]~~ *person* 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. 11. NAC 654.152 is hereby amended to read as follows:

654.152 1. Except as otherwise provided in NAC 654.169, an administrator of a residential facility for groups may renew his or her license by submitting to the Board:

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

(b) A nonrefundable renewal fee of \$350;

(c) Evidence satisfactory to the Board that ~~the licensee has completed 16 hours of continuing education or has completed 16 continuing education units in a program approved pursuant to subsection 5, or a combination of both, in~~ *during* the 2 years immediately preceding ~~his or her~~ *the* application for renewal ~~;~~ *he or she has completed the requirements for continuing education set forth in subsection 1 of section 3 of this regulation;* and

(d) If applicable, the information required pursuant to subsection 2.

2. Every 4 years an administrator of a residential facility for groups who wishes to renew his or her license pursuant to this section must submit to the Board ~~a~~ :

(a) 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 ~~;~~ ; or

(b) Written verification, on a form prescribed by the Board, stating that the fingerprints of the administrator of a residential facility for groups were taken and directly forwarded electronically or by another means to the Central Repository and that the administrator of a residential facility for groups 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 for its report.

3. If an administrator of a residential facility for groups does not renew his or her license on or before the date for renewal of the license, the license automatically expires. ~~and may be~~

4. A person whose license as an administrator of a residential facility for groups expires pursuant to subsection 3 may apply to have his or her license reinstated by the Board. ~~if the~~

~~licensee submits an application for reinstatement and complies with NAC 654.151 and 654.155 and complies with the provisions of NAC 654.162, unless exempted pursuant to NAC 654.157.~~

~~—4.— A program of study for continuing education must be approved by the Board.~~

~~—5.— The Board will 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) Administration;~~

~~—(b) Clinical management;~~

~~—(c) Human resource management;~~

~~—(d) Financial management;~~

~~—(e) Environmental services;~~

~~—(f) Psychosocial care;~~

~~—(g) Recreational activities; and~~

~~—(h) Ethics.~~

~~—6.— A licensee who is approved by the Board to serve as a mentor pursuant to NAC 654.156 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 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.] To have his or her license reinstated, the person must:~~

(a) Submit to the Board an application for a license as an administrator of a residential facility for groups and pay the application fee as required pursuant to NAC 654.151;

(b) Submit to the Board:

(1) 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; or

(2) Written verification, on a form prescribed by the Board, stating that the fingerprints of the person were taken and directly forwarded electronically or by another means to the Central Repository and that the person 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 for its report;

(c) Complete 8 hours of training concerning the statutes and regulations relating to residential group care and any other standards of care which apply to operators of residential facilities that is approved by the Board; and

(d) Take the written examination required pursuant to NRS 654.155 and receive a passing grade as determined by the National Association of Long Term Care Administrator Boards.

Sec. 12. 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 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;
4. Provide a statement to the Board indicating that to the best of the applicant's knowledge he or she is of good health and free from contagious disease;
5. Indicate whether the applicant suffers from any mental impairment that would affect the ability to perform the duties of an administrator of a residential facility for groups;
6. ~~Provide proof that he or she is~~ **Be** able to communicate adequately in the English language both verbally and in writing;
7. Indicate whether the applicant 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 or her by any authority in any state;
8. Provide a statement to the Board indicating whether *since the age of 18 years* the applicant has ever been ~~convicted~~ :
 - (a) *Charged with any misdemeanor, gross misdemeanor or felony; or*
 - (b) *Convicted of [a] any misdemeanor, gross misdemeanor or felony [or any offense involving moral turpitude]; and*
9. ~~Have~~ **Provide proof that he or she has** :
 - (a) At least ~~2~~ :

(1) *Two* years of experience in residential caregiving or as *a manager of a residential facility for groups* or an administrator of a residential facility for groups within the 6-year period immediately preceding the date *on which* he or she submits his or her application; or

(2) *One year of experience in the field of healthcare;*

(b) Completed ~~[40]~~ *100* hours of study or training approved by the Board ~~[that includes at least one of the topics set forth in subsection 5 of NAC 654.152;]~~ *in the domains of practice in the field of operating a residential facility for groups;* and

~~[10. Complete]~~

(c) *Completed* 40 hours of study under the supervision of a mentor who has been approved by the Board pursuant to NAC 654.156.

Sec. 13. NAC 654.156 is hereby amended to read as follows:

654.156 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 *paragraph (c) of* subsection ~~[10]~~ *9* of NAC 654.155 must *meet the requirements set forth in subsection 2 and* 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. 14. 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) ~~[The]~~ *For the 2 years immediately preceding the date on which he or she submits an application to the Board, the* applicant ~~[is]~~ *has been* 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 Long Term Care Administrator Boards to obtain such a license;
- (b) The applicant's license in that state is in good standing; and
- (c) The applicant 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 or she has a record of any disciplinary, civil or criminal action taken against him or her 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. 15. 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 such times and places as the Board designates. The fee for each examination will be established by the 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 Long Term Care Administrator Boards. ~~[An applicant who fails the examination may obtain his or her score if the applicant makes a written request to the Board within 45 days after the Board notifies him or her that he or she 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 the applicant first took the examination.]~~ An applicant ~~[must pay the fee for]~~ *who fails the examination twice must wait at least 1 year from the date of the last examination [each time] before he or she [retakes] may retake* the examination.

Sec. 16. NAC 654.165 is hereby amended to read as follows:

654.165 1. Only a person who holds a valid license *issued by the Board* 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 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 licensed as an administrator of a residential facility for groups.

2. If the Board imposes an administrative fine on a ~~licensee~~ *person* 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. 17. NAC 654.168 is hereby amended to read as follows:

654.168 1. The Board may issue a provisional license to an applicant pending ~~receipt of the report of the Federal Bureau of Investigation concerning the criminal history of the applicant~~ *if final approval of the application by* the Board. ~~determines that the applicant is otherwise qualified.~~ A provisional license expires 90 days after the date it is issued and is renewable at the discretion of the Board.

2. Upon the written request of a nursing facility administrator or an administrator of a residential facility for groups who is in good standing, the Board will transfer the status of his or her license to inactive for a time not to exceed 2 *consecutive* years. A licensee whose license is on inactive status shall pay a nonrefundable fee of \$50 per year. Upon written request and approval by the Board, a licensee whose license is on inactive status may transfer his or her license to active status if the licensee meets the requirements ~~of~~ *for* continuing education and pays the fees for an active license.

Sec. 18. NAC 654.169 is hereby amended to read as follows:

654.169 *1.* A licensee who holds both a license as a nursing facility administrator and a license as an administrator of a residential facility for groups may renew his or her license as a nursing facility administrator and his or her license as an administrator of a residential facility for groups if, *except as otherwise provided in subsection 2,* the licensee has completed

~~a~~ :

(a) A total of 30 continuing education units in programs approved by the Board pursuant to NAC 654.130 ~~[or 654.152.]~~; and

(b) A total of 16 continuing education units in programs approved by the Board pursuant to section 3 of this regulation.

2. If a program of continuing education has been approved by the Board for continuing education units pursuant to both NAC 654.130 and section 3 of this regulation, a licensee who holds both a license as a nursing facility administrator and a license as an administrator of a residential facility for groups may use the continuing education units earned for the program to satisfy the requirements of paragraphs (a) and (b) of subsection 1.

Sec. 19. 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:

(a) Of any change in his or her residential address, *telephone number, electronic mail address or other contact information* within 15 days after such a change; ~~[or]~~

(b) Any time the person becomes the administrator of record of a different facility within 15 days after such an event ~~[or]~~; or

(c) *Of any change in the number of beds authorized in the facility of which the person 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 \$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. 20. 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 the person's original license *showing the person is the facility's administrator of record* in a public place within the facility of which he or she 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. 21. NAC 654.200 is hereby amended to read as follows:

654.200 After the receipt of satisfactory evidence that ~~[a]~~:

1. A license has been lost, mutilated or destroyed ~~[;]~~;
2. A licensee has changed his or her name; or
3. A facility at which a licensee is the administrator of record has a change in the number of beds authorized in the facility,

↳ the Board will issue a duplicate license upon payment of a nonrefundable fee of \$25.

Sec. 22. NAC 654.210 is hereby amended to read as follows:

654.210 In addition to the reasons set forth in NRS 654.190, the Board may bring disciplinary action against a licensee or deny the issuance of or refuse to renew a license as a nursing facility administrator or an administrator of a residential facility for groups if ~~[, after notice and hearing,]~~ the Board finds that the applicant or licensee:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license pursuant to this chapter.

2. Is guilty of unprofessional conduct, including, without limitation:

- (a) Providing services to a patient or resident which the applicant or licensee is not capable of providing with reasonable skill and safety because of his or her use of alcohol or drugs, or because of lack of adequate training, skill or knowledge;
- (b) Gross or repeated negligence in providing services;
- (c) Willful noncompliance with any order of the Board or any other enforcement authority;
- (d) Conviction for violation of any federal or state law or regulation governing the prescription, possession, distribution or use of a controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the past 7 years;
- (e) Failure to notify the Board of the loss of a license issued by the Bureau of ~~Licensure and Certification~~ *Health Care Quality and Compliance* of the Health Division of the Department of Health and Human Services;
- (f) Failure to notify the Board of a change in circumstances as required pursuant to NAC 654.181;
- (g) Paying or giving, or causing to be paid or given, a *fee*, commission or other valuable consideration, *inducement or incentive* for the solicitation or procurement of a patient or resident ; ~~[if the source and amount of the commission was not fully disclosed, both verbally and in writing, to the patient or resident, his or her family or his or her agent;]~~
- (h) ~~[Referring]~~ *Paying or giving, or causing to be paid or given, a fee, commission or other valuable consideration, inducement or incentive for referring* a patient or resident to a facility ; ~~[in which the applicant or licensee is employed or otherwise has an interest if the employment or interest was not disclosed, both verbally and in writing, to the patient or resident, his or her family or his or her agent by the applicant or licensee or a representative of the applicant or licensee;]~~

(i) *Providing or giving, or causing to be paid or given, any financial incentive, including, without limitation, a discount on rent or other fees, to a patient, resident, or family member of or responsible party for a patient or resident, to fund a payment to a person or entity for referring the patient or resident to a facility;*

(j) Engaging in fraudulent, misleading or deceptive advertising;

~~(k)~~ (k) Receiving a conviction in any jurisdiction for a felony or for any offense involving moral turpitude, including, without limitation:

(1) Murder, voluntary manslaughter or mayhem;

(2) Assault with intent to kill or to commit sexual assault or mayhem;

(3) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(4) *Soliciting or engaging in prostitution;*

(5) *Except as otherwise provided in paragraph (l), domestic violence;*

(6) Abuse or neglect of a child or contributory delinquency;

~~(5)~~ (7) A violation of any provision of NRS 200.50955 or 200.5099;

~~(6)~~ (8) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years; and

~~(7)~~ (9) Any other felony involving the use of a firearm or other deadly weapon, within the immediately preceding 7 years;

~~(k)~~ (l) *Receiving a conviction in any jurisdiction for a misdemeanor for domestic violence within the immediately preceding 7 years;*

(m) Receiving a conviction in any jurisdiction for:

(1) Any offense which is substantially related to the practice of an administrator; or

(2) Any offense for driving under the influence of intoxicating liquor or a controlled substance;

~~[(n)]~~ (n) Failing to protect the privacy of a resident or patient;

~~[(m)]~~ (o) Violating the confidentiality of a resident or patient;

~~[(n)]~~ (p) Failing to maintain records as required by law;

~~[(o)]~~ (q) Falsifying or altering the records of a resident or patient;

~~[(p)]~~ (r) Failing to protect a resident or patient from the incompetent, abusive or illegal practice of any person;

~~[(q)]~~ (s) Engaging in sexual contact with a resident or patient;

~~[(r)]~~ (t) Engaging in conduct which endangers the safety of the general public, patients, residents, clients or employees by making actual or implied threats of violence or carrying out such threats;

~~[(s)]~~ (u) Abusing, exploiting, isolating or neglecting a resident or patient as defined in NRS 200.5092; or

~~[(t)]~~ (v) Willfully or repeatedly violating the provisions of this chapter.

3. Has a record of any disciplinary, civil or criminal action taken against the applicant or licensee that has been reported to or is required pursuant to the law of any jurisdiction to be reported 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 which the Board determines is contrary to the qualifications of an applicant or licensee.

Sec. 23. 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 or she 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]~~ *Except as otherwise provided in subsection 4, 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]~~ :

(a) *Will* refer the case to a prosecutor to bring charges against the licensee in the manner set forth in NRS 622A.300 ~~[~~

~~charges are brought against]~~ ; and

(b) *May recommend that the Board impose on* the licensee ~~[, the Board will:]~~ *one or more of the disciplinary actions set forth in subsection 8.*

5. *If the member of the Board or committee appointed to review the case recommends that the Board impose one or more of the disciplinary actions set forth in subsection 8:*

(a) *The Board will give the licensee written notice of the disciplinary action recommended by the member of the Board or committee appointed to review the case. The written notice must be:*

(1) Delivered personally to the licensee; or

(2) Sent by certified mail to the last known address of the licensee.

(b) Upon receipt of the written notice required pursuant to paragraph (a), the licensee may submit a written request to the Board to enter into a discipline agreement with the Board. The written request must:

(1) Be on a form prescribed by the Board; and

(2) State that the licensee knowingly, intelligently and voluntarily:

(I) Waives his or her right to a hearing on the charges brought against him or her;

and

(II) Agrees to the terms of the discipline recommended to the Board pursuant to paragraph (b) of subsection 4.

6. If a licensee submits a written request for a discipline agreement to the Board pursuant to paragraph (b) of subsection 5, the Board will consider whether to impose the discipline recommended pursuant to paragraph (b) of subsection 4 at a meeting of the Board held pursuant to NRS 654.100. At the meeting, the Board may not impose any discipline on the licensee other than the discipline recommended pursuant to paragraph (b) of subsection 4 that was agreed to by the licensee pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 5.

7. If:

(a) The Board does not impose discipline on the licensee at the meeting described in subsection 6; or

(b) The licensee does not submit a written request to enter into a discipline agreement with the Board pursuant to paragraph (b) of subsection 5,

↳ *the Board will set* a time and place for a formal hearing . ~~[-; and~~

—~~(b) Conduct~~ *The Board will conduct* the hearing in compliance with the provisions of chapters 233B and 622A of NRS.

~~[5.]~~ 8. If the Board determines by a finding of substantial evidence *at a hearing conducted pursuant to subsection 7* 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 the licensee's 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 or her license revoked.

(f) Participate in a program for the treatment of substance abuse.

(g) Pay an administrative fine, pursuant to NRS 654.190, of not more than \$10,000 for each violation.

~~[6.]~~ 9. If the Board determines *at a hearing conducted pursuant to subsection 7* 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.]~~ **10.** 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.]~~ **11.** The Board may, subject to the provisions of NRS 654.190, accept the voluntary surrender of a license.

Sec. 24. NAC 654.230 is hereby amended to read as follows:

654.230 1. A nursing facility administrator or an administrator of a residential facility for groups whose license has been revoked may apply to the Board for reinstatement of his or her license. The Board may reinstate the license if he or she has:

(a) Submitted evidence, satisfactory to the Board, that he or she has removed the deficiency which led to the revocation of the license;

(b) Applied for a license;

(c) Successfully passed the examination for licensure; ~~[and]~~

(d) *Completed 8 hours of training that is approved by the Board concerning the statutes and regulations relating to long-term care or residential group care, as applicable, and any other standards of care which apply to nursing facility administrators or operators of residential facilities, as applicable; and*

(e) Meets all the other requirements for licensure as a nursing facility administrator or an administrator of a residential facility for groups set forth in this chapter and chapter 654 of NRS.

2. After receipt of an application for reinstatement, the Board will schedule a formal hearing after providing notice in accordance with the provisions of chapter 233B of NRS.

3. If the conviction for which a licensee's license was revoked is reversed on appeal and the licensee is acquitted or discharged, his or her license becomes effective from the date of the acquittal or discharge.

Sec. 25. NAC 654.250 is hereby amended to read as follows:

654.250 1. Except as otherwise provided in subsection ~~{6.} 7~~, 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. *If a person licensed as a nursing facility administrator is the administrator of record of more than one nursing facility, the person must:*

(a) Immediately notify the Board that he or she is the administrator of record of than one nursing facility; and

(b) Obtain a secondary administrator's license for each additional nursing facility for which he or she is the administrator of record by paying a nonrefundable fee of \$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.

3. Except as otherwise provided in subsections ~~{3} 4~~ and ~~{6.} 7~~, 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.} 4.~~ 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 or she 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 or she is operating by paying a nonrefundable fee of \$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.]~~ **5. Each license and secondary license issued by the Board must include the name of nursing facility or the residential facility for groups for which the license or secondary license was obtained.** The Board will label each secondary administrator's license issued pursuant to subsection ~~[3]~~ **2 or 4** as an "A," "B," "C" or "D" license.

~~[5.—An]~~

6. A nursing facility administrator or 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]~~ **a** license to the Board ~~[upon:]~~ **not later than 15 calendar days after:**

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

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

~~[6.]~~ ↪ **The Board may impose an administrative fine on a licensee for failure to comply with this subsection. 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.

7. 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.