

**PROPOSED REGULATION OF THE
AGING AND DISABILITY SERVICES OF THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

LCB File No. R026-14

SUPPORTED LIVING ARRANGEMENT SERVICES

NAC 435.500 is hereby amended to read as follows:

NAC 435.500 Policy and scope. (NRS 435.333)

1. It is the policy of the Division to establish such standards for ~~{supported-living arrangement}~~ *Supported Living Arrangement* services ~~{furnished}~~ *provided* to persons with ~~{mental-retardation}~~ *intellectual disability* or persons with a related condition within the community ~~{as}~~ *that* will ensure ~~{that}~~ their basic and specialized needs are fulfilled.

2. NAC 435.500 to 435.740, inclusive, reflect the desire of the Division to ensure that ~~{supported-living-arrangement}~~ *Supported Living Arrangement* services are provided in accordance with ~~{modern-concepts-of-care}~~ *best practices for care*, protection, supervision, guidance and training.

3. NAC 435.500 to 435.740, inclusive, do not preclude any person who is seeking ~~{supported-living-arrangement}~~ *Supported Living Arrangement* services, or any person or agency which is making referrals or will be paying for such services, from requiring higher standards or additional services not in conflict with NAC 435.500 to 435.740, inclusive, as a condition of the provision of ~~{supported-living-arrangement}~~ *Supported Living Arrangement* services, referral or payment of a specified rate.

[Men. Hygiene & Men. Retardation Div., Residences § 1, eff. 2-5-82]—(NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006)

NAC 435.505 Definitions. (NRS 435.333) As used in NAC 435.500 to 435.740, inclusive, unless the context otherwise requires, the words and terms defined in NAC 435.5054 to 435.5086, inclusive, have the meanings ascribed to them in those sections.

[Men. Hygiene & Men. Retardation Div., Residences § 2 subsecs. 2 & 3, eff. 2-5-82]—(NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006)

NAC 435.5054 “Certificate” defined. (NRS 435.333) “Certificate” has the meaning ascribed to it in NRS 435.331.

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

NAC 435.5058 is hereby amended to read as follows:

NAC 435.5058 “Guardian” defined. (NRS 435.333) “Guardian” means a person who has qualified as the guardian of a person with ~~{mental-retardation}~~ *intellectual disability* or a person with a related condition pursuant to testamentary or judicial appointment.

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

Chapter 435 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC 435.XXX “~~{Mental-Retardation}~~ *Intellectual Disability*” defined. (NRS.433.174) “~~{Mental Retardation}~~ *Intellectual Disability*” has the meaning ascribed to it in NRS 433.174 (Added to NRS by 1975, 1591)

Chapter 435 of NAC is hereby amended by adding thereto a new section to read as follows:
NAC 435.XXX *“Person with related conditions” defined. “Person with related conditions” has the meaning ascribed to it in NRS 433.211.*

NAC 435.5062 is hereby amended to read as follows:

NAC 435.5062 **“Parent” defined.** (NRS 435.333) “Parent” means the natural or adoptive parent of a person with ~~mental retardation~~ *intellectual disability* or a person with a related condition who is less than 18 years of age.

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

NAC 435.5066 **“Person” defined.** (NRS 435.333) “Person” has the meaning ascribed to it in NRS 435.007.

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

NAC 435.507 is hereby amended to read as follows:

NAC 435.507 **“Provider of ~~supported living arrangement~~ *Supported Living Arrangement services*” defined.** (NRS 435.333) “Provider of ~~supported living arrangement~~ *Supported Living Arrangement services*” means a natural person who, or a partnership, firm, corporation, association, state or local government or agency thereof that, has been ~~issued a provisional certificate or certificate~~ *certified by the Division.*

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

NAC 435.5074 is hereby amended to read as follows:

NAC 435.5074 **“Provisional certificate” defined.** (NRS 435.333) “Provisional certificate” means a temporary certificate issued by the Division *to a new provider* pending the issuance of a certificate pursuant to the *successful* completion of ~~the~~ *the initial* quality assurance review.

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

Chapter 435 of NAC is hereby amended by adding thereto a new section to read as follows:
NAC.XXX *“Probationary certificate” defined. “Probationary certificate” means a temporary certificate issued by the Division following completion of a quality assurance review, which may result in one or more sanctions. The “probationary certificate” is time limited. The issuance of a probationary certificate constitutes grounds for revocation of current certificate.*

NAC 435.5078 is hereby amended to read as follows:

NAC 435.5078 **“Quality ~~assurance review~~ *Assurance Review*” defined.** (NRS 435.333) “Quality ~~assurance review~~ *Assurance Review*” means a review of the provision of ~~supported living arrangement~~ *Supported Living Arrangement services* by the holder of a provisional certificate or a provider of ~~supported living arrangement~~ *Supported Living Arrangement services* pursuant to NAC 435.524.

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

NAC 435.5082 is hereby amended to read as follows:

NAC 435.5082 **“Regional ~~center~~ *Center*” defined.** (NRS 435.333) “Regional ~~center~~ *Center*” means ~~a facility~~ *an agency* of the Division which provides services for persons with ~~mental retardation~~ *intellectual disability* and persons with related conditions for a designated geographic location in the State and includes any of the following:

1. The Desert Regional Center;
2. The Sierra Regional Center; and
3. The Rural Regional Center.

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

NAC 435.5086 is hereby amended to read as follows:

NAC 435.5086 “Supported ~~living arrangement~~ *Living Arrangement* services” defined. (NRS 435.333) “Supported ~~living arrangement~~ Living Arrangement services” has the meaning ascribed to it in NRS 435.3315.

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

(a) Intermittent Supported Living Services. “Intermittent Supported Living services” are services provided by an individual or organizational provider to individuals residing in their own home not requiring one-on-one supervision and/or 24-hour care. Intermittent service providers may not reside in the home nor maintain an office for the purpose of doing business in the home of the individual receiving the paid service.

(b) “Host Home Supported Living Services” A host home is a Supported Living Arrangement within an integrated community neighborhood which provides direct services and protective oversight to no more than two individuals who desire or need a family living setting. New host home applicants must enter into a contractual relationship with an organizational provider, certified by the Regional Center, who will qualify the individuals providing the direct services. (See NAC 435.151{3})

(c) “24 Hour Supported Living Services” 24 hour Supported Living Services are residential support services provided 24 hours per day by an organizational provider. These services are delivered within non-organizational provider owned homes in integrated community neighborhood settings, with exceptions of homes specifically approved by the Regional Center Director for short term transitional living. Homes are limited to four individuals and, under special circumstances, may go up to five with prior authorization by the Regional Center. 24 hour Supported Living services may not be provided by a host home.

NAC 435.510 is hereby amended to read as follows:

NAC 435.510 Certificate required for payment from Division. (NRS 435.333) A provider of ~~supported living arrangement~~ *Supported Living Arrangement* services must have a certificate to be eligible to receive payment from the Division for the provision of ~~supported living arrangement~~ *Supported Living Arrangement* services.

~~[Men. Hygiene & Men. Retardation Div., Residences § 4 subsec. 3, eff. 2-5-82]~~—(NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006)

NAC 435.515 is hereby amended to read as follows:

NAC 435.515 Provisional certificate: Submission and contents of application. (NRS 435.333) ~~[An]~~ *A completed* application for a provisional certificate must be submitted to the Division ~~[and to each regional center in which the applicant wishes to provide supported living arrangement services]~~, on a form furnished by the Division, and must include, without limitation:†

~~1. For a provider of supported living arrangement services who is a natural person:~~

~~(a) Three or more letters of reference;~~

~~(b) A statement which is signed by the provider and which states that the provider agrees to maintain the confidentiality of any person who receives supported living arrangement services;~~

~~(c) Proof that the applicant has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American Red Cross or American Heart Association;~~

- (d) ~~Proof that the applicant is currently certified in standard first aid through a course from:

 - (1) ~~The American Red Cross;~~
 - (2) ~~The American Heart Association; or~~
 - (3) ~~An equivalent course in standard first aid, if the applicant submits proof that such course meets or exceeds the requirements of the American Red Cross or the American Heart Association;~~~~
- (e) ~~Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository for Nevada Records of Criminal History and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary;~~
- (f) ~~A copy of the social security card of the applicant;~~
- (g) ~~Proof that the applicant has sufficient working capital to ensure that the applicant would be financially capable of providing supported living arrangement services for a period of at least 3 months; and~~
- (h) ~~Any other information required by the Division.] *In accordance with NRS 435.334 the appropriate fee specified in this chapter. †*~~

~~2. For **[a] an individual** provider of **[supported living arrangement]** intermittent **Supported Living Arrangement** services: ~~[that is an organization consisting of a partnership, firm, corporation, association, state or local government or agency thereof:~~~~

- (a) ~~A copy of the business license of the organization;~~
- (b) ~~A copy of the bylaws, articles of incorporation, articles of association, articles of organization, partnership agreement, constitution and any other substantially equivalent documents of the organization, and any amendments thereto;~~
- (c) ~~A list of the members of the governing body of the organization;~~
- (d) ~~If the applicant is an association or a corporation:

 - (1) ~~The name, title and principal business address of each officer and member of its governing body;~~
 - (2) ~~The signature of the Chief Executive Officer or an authorized representative; and~~
 - (3) ~~If the applicant is a corporation, the name and address of each person holding more than 10 percent of its stock;~~~~
- (e) ~~Proof that at least one supervisor, administrator or manager of the provider satisfies the same or similar criteria of a qualified mental retardation professional set forth in 42 C.F.R. § 483.430;~~
- (f) ~~For each member of the governing body:

 - (1) ~~Three or more letters of reference; and~~
 - (2) ~~Written verification, on a form prescribed by the Division, stating that the fingerprints of the member of the governing body were taken and directly forwarded electronically or by another means to the Central Repository for Nevada Records of Criminal History and that the member of the governing body has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission~~~~

- ~~to the Federal Bureau of Investigation for a report on the member's background and to such other law enforcement agencies as the Division deems necessary;~~
- ~~(g) Proof that the applicant has sufficient working capital to ensure that the provider is financially capable of providing supported living arrangement services for a period of at least 3 months;~~
- ~~(h) Copies of any policies and procedures of the organization relating to the provision of supported living arrangement services; and~~
- ~~(i) Such other information as may be required by the Division.~~
- (a) *The applicant must be a natural person who is 18 years of age or older;*
- (b) *Three or more positive, professional references;*
- (c) *A Business Associates Agreement which is signed by the provider and which states that the provider agrees to maintain the confidentiality of any person who receives Supported Living Arrangement services;*
- (d) *Proof that the applicant has successfully completed a classroom course in cardiopulmonary resuscitation according to the guidelines of the American Red Cross or American Heart Association;*
- (e) *Proof that the applicant is currently certified in standard first aid through a classroom course from:*
- (1) *The American Red Cross;*
- (2) *The American Heart Association; or*
- (3) *An equivalent course in standard first aid, if the applicant submits proof that such course meets or exceeds the requirements of the American Red Cross or the American Heart Association;*
- (f) *Proof of qualification of meeting criteria of a Qualified Intellectual Disability Professional (QIDP), as set forth in 42CFR 8 483.340, unless, under special circumstances, waived by the Regional Center;*
- (g) *Proof that the applicant of Supported Living Arrangement services have a State and Federal Bureau of Investigation (FBI) criminal history clearance;*
- (h) *Proof that the applicant has clearance from the Office of Inspector General Exclusionary List;*
- (i) *A copy of the state business license and registration with the State of Nevada Secretary of State, as applicable and also if applicable, a local business license or written verification of exemption;*
- (j) *Proof that liability insurance is maintained in accordance with the requirements of State of Nevada Risk Management Regulations;*
- (k) *Proof of Workers Compensation Insurance or Affidavit of Rejection in accordance with Nevada State Law;*
- (l) *Proof that the applicant has sufficient working capital to ensure that the applicant would be financially capable of providing Supported Living Arrangement services for a period of at least three months without receiving compensation; and*
- (m) *Any other information required by the Division.*
3. *For a provider of Supported Living Arrangement services that is a for-profit or non-profit organization consisting of a partnership, firm, corporation, association, state or local government or agency thereof:*
- (a) *The applicant must be 18 years of age or older;*
- (b) *Three or more positive, professional reference checks for the organization;*

- (c) *A copy of the applicant's tax ID number;*
- (d) *A Business Associate Agreement which is signed by the provider and which states that the provider agrees to maintain the confidentiality of any person who receives Supported Living Services;*
- (e) *A copy of the state business license and registration with the State of Nevada Secretary of State, a local business license or verification of exemption, as applicable.*
- (f) *Proof that liability insurance is maintained in accordance with the requirements of state of Nevada Risk Management Regulations;*
- (g) *Proof of Worker's Compensation Insurance Coverage for all employees of supportive living services in accordance with Nevada State Law;*
- (h) *A copy of the bylaws, articles of incorporation, articles of association, articles of organization, partnership agreement, constitution and any other substantially equivalent documents of the organization, and any amendments thereto;*
- (i) *A list of the members of the governing body of the organization including terms;*
- (j) *If the applicant is an association or a corporation:*
 - (1) *The name, title and principal business address of each officer and member of its governing body and/or an affidavit that the organization is nonsectarian and a nonprofit organization under the Internal Revenue Code of 1954, as amended, 26 U.S.C. { 501 (3) (c);*
 - (2) *The signature of the chief executive officer or an authorized representative; and*
 - (3) *If the applicant is a corporation, the name and address of each person holding more than 10 percent of its stock;*
- (k) *Proof that at least one supervisor, administrator or manager of the provider satisfies the same or similar criteria of a Qualified Intellectual Disability Professional set forth in 42 C.F.R. § 483.430;*
- (l) *For Officers and Chief Operating Personnel and others who have responsibilities to oversee the provision of the individual services;*
 - (1) *Three of more positive, professional letters of reference;*
 - (2) *Proof of State and Federal Bureau of Investigation (FBI) criminal clearance;*
 - (3) *Proof of clearance from the Office of Inspector General Exclusionary List;*
- (m) *Proof that the applicant has sufficient working capital to ensure that the provider is financially capable of providing Supported Living Arrangement service for a period of at least three months without compensation;*
- (n) *Copies of any policies and procedures of the organization relating to the provision of Supported Living Arrangement services;*
- (o) *Evidence of office space independent of the location of where services are provided; and*
- (p) *Such other information as may be required by the Division.*

[Men. Hygiene & Men. Retardation Div., Residences § 4 subsecs. 1 & 2, eff. 2-5-82]—(NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006)

NAC 435.517 Provisional certificate: Incomplete application. (NRS 435.333)

1. The Division will review each application for a provisional certificate to determine whether the application is complete.
2. If the Division determines that an application for a provisional certificate is incomplete, the Division will notify the applicant that the application is incomplete and authorize the

applicant to submit any required information or documentation to complete the application. An applicant shall submit any additional information or documentation not later than 30 calendar days after receipt of the notification provided by the Division. The Division may deny the application if the applicant does not submit any required information or documentation in accordance with this subsection. If the application is denied pursuant to this subsection, the applicant may not resubmit an application for a provisional certificate for at least 12 months after the receipt of notification of the denial of the application required pursuant to NAC 435.520.

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

NAC 435.518 is hereby amended to read as follows:

NAC 435.518 Provisional certificate: Establishment of screening panel for applicant; training of applicant; issuance; validity. (NRS 435.333)

1. After the Division has determined that an application for a provisional certificate is complete *and meets Developmental Services standards for the provision of service*, the Division will establish a screening panel composed of employees of the Division to interview the applicant ~~and determine whether the applicant is qualified to participate in the training required pursuant to subsection 2).~~
2. ~~If the screening panel determines that an applicant is qualified to obtain a provisional certificate, the applicant must complete the training provided by the Division concerning the provision of supported living arrangement services;~~ *Upon successful completion of the interview, the Division will schedule the applicant for required training.*
3. Upon successful completion of the training required ~~pursuant to subsection 2)~~ *and receipt of State and FBI criminal clearance*, the Division will issue a provisional certificate to the applicant.
4. A provisional certificate is valid until the holder of the certificate completes the initial quality assurance review required pursuant to NAC 435.524.

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

NAC 435.520 is hereby amended to read as follows:

NAC 435.520 Provisional certificate: Grounds for denial of application; notice of denial. (NRS 435.333)

1. Each of the following acts and omissions constitutes a ground for denial of an application for a provisional certificate:
 - (a) Failure to submit a complete application for a provisional certificate within the time required pursuant to NAC 435.517;
 - ~~(b) The applicant is unable to, or lacks personnel who are sufficient in number or qualifications to, provide proper care for the number and types of intended recipients of supported living arrangement services;~~
 - ~~(c)~~ *b*) The applicant has misrepresented or failed to disclose any material fact in his or her application or in any financial record or other document requested by the Division;
 - ~~(d)~~ *c*) The applicant has been convicted of a crime relevant to any aspect of the provision of ~~supported living arrangement~~ *Supported Living Arrangement* services, *as per Medicaid Chapter 2100;* ~~or~~
 - ~~(e)~~ *d*) ~~The proposed supported living arrangement services to be provided by the applicant have any major deficiency which would preclude compliance with NAC 435.500 to 435.740, inclusive;~~ *The applicant does not meet established standards and qualifications as a Supported Living provider.*

2. If an application is denied, the Division will give the applicant a written notice of the denial. *If the application is denied pursuant to this subsection, the applicant may not resubmit an application for provisional certificate for at least twelve (12) months after the receipt of the notification of the denial of the application required pursuant to NAC.435XXX*

[Men. Hygiene & Men. Retardation Div., Residences § 5, eff. 2-5-82]—(NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006)

NAC 435.521 is hereby amended to read as follows:

NAC 435.521 Certificate: Determination of compliance with standards; issuance. (NRS 435.333)

1. If the holder of a provisional certificate wishes to obtain a certificate, the holder must comply with the standards for the provision of ~~{supported living arrangement}~~ **Supported Living Arrangement** services established by the Division pursuant to chapter 435 of NRS and NAC 435.500 to 435.740, inclusive. The Division will determine whether the holder of a provisional certificate has complied with such standards after conducting a quality assurance review.
2. If the Division determines that the holder of a provisional certificate has complied with the standards for the provision of ~~{supported living arrangement}~~ **Supported Living Arrangement** services, the Division will issue a certificate to the holder of the provisional certificate.
3. The Division may issue a certificate to a provider of ~~{supported living arrangement}~~ **Supported Living Arrangement** services for any period not to exceed ~~{2}~~ **3** years.
(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

NAC 435.522 is hereby amended to read as follows:

NAC 435.522 Certificate: Renewal. (NRS 435.333) Upon the expiration of a certificate the Division may renew the certificate of the provider of ~~{supported living arrangement}~~ **Supported Living Arrangement** services for any period not to exceed ~~{2}~~ **3** years ~~{if}~~ **after** the Division conducts a quality assurance review and determines that the provider is in compliance with the standards of the Division concerning the provision of ~~{supported living arrangement}~~ **Supported Living Arrangement** services set forth in chapter 435 of NRS and NAC 435.500 to 435.740, inclusive. *The current certificate remains in effect pending completion of the re-certification quality assurance review and validation process.*

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

NAC 435.523 is hereby amended to read as follows:

NAC 435.523 Standards for provision of quality care. (NRS 435.333) A provider of ~~{supported living arrangement}~~ **Supported Living Arrangement** services must comply with the following standards for the provision of quality care concerning ~~{supported living arrangement}~~ **Supported Living Arrangement** services:

1. Compliance with any state or federal statute or regulation required for the Division to receive state or federal funding concerning the provision of ~~{supported living arrangement}~~ **Supported Living Arrangement** services, including, without limitation, any standards of care set forth in:
 - (a) The State Plan for Medicaid;
 - (b) The **Medicaid Services Manual** ~~{established by the Division of Health Care Financing and Policy of the Department of Health and Human Services}~~; and

- (c) The ~~home and community-based services waiver~~ *Home and Community Based Waiver for Individuals with Intellectual Disabilities and Related Conditions* granted pursuant to 42 U.S.C. § 1396n by the Secretary of the United States Department of Health and Human Services;
2. Compliance with any state or federal requirements concerning fiscal management, reporting and employment law;
 3. ~~Conformance to the delivery of services required pursuant to any individual support plan prepared for a person who receives supported living arrangement services~~ *Compliance with the policies and procedures of the Division and Regional Centers and compliance with the Developmental Services Supported Living Standards of Service*;
 4. ~~Assurance of the health and welfare of persons receiving supported living arrangement services, which must be based upon the self-reporting of persons receiving supported living arrangement services, observations of the members of the staff of the Division or a regional center, and any other information available to the Division or a regional center; and~~ *Ensure prompt communication to the Regional Center of any changes in Chief Operating Personnel or ownership*;
 5. ~~Establishment of procedures for internal quality assurance.~~ *Conformance to the delivery of services required pursuant to any individual support plan prepared for a person who receives Supported Living Arrangement services*;
 6. *Assurance of the health and welfare of persons receiving Supported Living Arrangement services.*
 7. *Establishment of procedures for internal quality assurance.*
 8. *Cooperation with any Division or Regional Center investigation.*

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

NAC 435.524 is hereby amended to read as follows:

NAC 435.524 Quality assurance review: Conduct by Division or ~~regional center~~ *Regional Center*; determination of deficiency; imposition and appeal of sanctions. (NRS 435.333)

1. The Division or ~~regional center~~ *Regional Center* will conduct a quality assurance review to determine whether ~~an applicant for~~ *the holder of* a provisional certificate~~, the holder of a provisional certificate~~ or a *certified* provider of ~~supported living arrangement~~ *Supported Living Arrangement* services is in compliance with the standards of the Division or ~~regional center~~ *Regional Center* concerning the provision of ~~supported living arrangement~~ *Supported Living Arrangement* services set forth in chapter 435 of NRS and NAC 435.500 to 435.740, inclusive.
2. In conducting a quality assurance review, the Division or ~~regional center~~ *Regional Center* may:
 - (a) Obtain any information or otherwise review any aspect of the system of delivery of ~~supported living arrangement~~ *Supported Living Arrangement* services, including, without limitation:
 - (1) Any policies and procedures of the provider of ~~supported living arrangement~~ *Supported Living Arrangement* services;
 - (2) ~~Any~~ ~~p~~ *Personnel or clinical records, as required by the Division* and maintained by the provider of ~~supported living arrangement~~ *Supported Living Arrangement* services;

- (3) Any documentation regarding any administrative or personnel *matters directly related to health and welfare of individuals served*;
 - (4) Any financial information concerning the provider of ~~{supported—living arrangement}~~ *Supported Living Arrangement* services or the persons receiving ~~{supported living arrangement}~~ *Supported Living Arrangement* services; and
 - (5) Any information concerning the quality of ~~{care}~~ *supports* provided to persons receiving ~~{supported living arrangement}~~ *Supported Living Arrangement* services;
 - (b) Conduct interviews with persons receiving ~~{supported living arrangement}~~ *Supported Living Arrangement* services, members of the staff of any providers of ~~{supported living arrangement}~~ *Supported Living Arrangement* services, and members of the family, guardians, friends ~~{or}~~, advocates *or other involved service agencies* of persons receiving ~~{supported—living arrangement—services}~~ *Supported Living Arrangement*; and
 - (e) Observe the services provided *and conduct environmental quality assurance reviews* ~~{to}~~ *for* persons receiving ~~{supported—living arrangement}~~ *Supported Living Arrangement* services.†
- ~~3. If the Division or regional center determines pursuant to a quality assurance review that there are any deficiencies in the provision of supported living arrangement services related to the health or welfare of the persons receiving such services, the Division may suspend or deny the issuance of a certificate and request a written plan of correction from the provider of supported living arrangement services or recommend or require changes concerning the provision of supported living arrangement services before issuing, renewing or reinstating a certificate.~~
- ~~4. The Division or regional center may impose sanctions upon a provider of supported living arrangement services for:~~
- ~~(a) Any aspect of the provision of supported living arrangement services which poses a probable risk of harm to the health or welfare of a person receiving supported living arrangement services;~~
 - ~~(b) Any refusal to participate in any aspect of a quality assurance review; or~~
 - ~~(c) The failure or refusal of the provider to implement or maintain any actions requested by the Division or a regional center to correct a deficiency identified during a quality assurance review.~~
- ~~5. For any sanction imposed pursuant to subsection 4, the Division may, without limitation:~~
- ~~(a) Require the provider of supported living arrangement services to:~~
 - ~~(1) Participate in training concerning the provision of supported living arrangement services;~~
 - ~~(2) Comply with additional measures of accountability concerning the provision of supported living arrangement services;~~
 - ~~(3) Comply with additional measures of review by the Division or regional center; or~~
 - ~~(4) Comply with additional performance requirements concerning the provision of supported living arrangement services;~~
 - ~~(b) Terminate, prohibit or limit any contracts that the Division or a regional center has with a provider of supported living arrangement services; or~~
 - ~~(c) Suspend or reduce a contractual payment owed to a provider of supported living arrangement services.~~

- ~~6. A provider of supported living arrangement services may appeal any sanction imposed pursuant to this section by submitting to the Division a written request of appeal within 15 calendar days after the date of receipt of the notification of any sanction imposed by the Division or a regional center. The Division will review the findings and submit a written decision within 30 calendar days after receipt of the written request of appeal. The decision of the Division is a final decision.~~
7. ~~The Division or regional center may conduct a quality assurance review for cause at any time during the certification of a provider of supported living arrangement services if there is an allegation of abuse, neglect or exploitation or a concern related to the health or welfare of a person who receives supported living arrangement services from the provider.~~ *The Division or Regional Center may conduct a quality assurance review at any time.*

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

NAC 435.525 is hereby amended to read as follows:

NAC 435.525 Establishment of policies by organization. (NRS 435.333) If the provider of ~~supported living arrangement services~~ *Supported Living Arrangement* is an organization, it shall, in conformance with NAC 435.500 to 435.740, inclusive, establish policies concerning the provision of ~~supported living arrangement~~ *Supported Living Arrangement* services and the welfare of the persons it serves *which meet Division and Regional Center Standards*.

[Men. Hygiene & Men. Retardation Div., Residences § 11, eff. 2-5-82]—(NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006)

NAC 435.535 is hereby amended to read as follows:

NAC 435.535 ~~Assistance in planning, carrying out and reviewing~~ *Planning, implementing, and monitoring* provision of services. (NRS 435.333)

1. A provider of ~~supported living arrangement services shall make arrangements for obtaining services from professionally qualified persons or other specially trained persons as needed to assist in planning, carrying out and reviewing the provision of supported living arrangement services~~ *Supported Living Arrangement services shall provide evidence of sufficient oversight services to ensure: adequate support plan development; staff training; implementation of plans; coordination of services; and monitoring of supports provided to individuals receiving Supported Living services.*
2. ~~Evidence of the use of such services must be on file with the provider of supported living arrangement services~~ *A provider of Supported Living Arrangement services shall make arrangements for obtaining specialized services (Nurse, Behavior Specialist, Nutritionist, or other specially trained persons) to assist in the program development, planning, carrying out and monitoring the provision of Supported Living Arrangement services.*

~~3.~~ (a) The need for such services must be determined initially by an individual support team and be reviewed by the team on a regular basis, ~~at least~~ *and no less than* annually.

(b) *Evidence of the use of such services and professional qualifications/credentials, criminal clearance check, acknowledgment of receiving and understanding policies and procedures of the organization and evidence of professional liability insurance must be on file with the provider of Supported Living Arrangement services.*

[Men. Hygiene & Men. Retardation Div., Residences § 18, eff. 2-5-82]—(NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006)

NAC 435.540 is hereby amended to read as follows:

NAC 435.540 Financial planning, records and reports. (NRS 435.333) A provider of ~~{supported living arrangement}~~ *Supported Living Arrangement* services shall:

1. Have a financial plan which ensures that there will be sufficient resources to meet the costs for ~~{care of the persons receiving supported living arrangement services from the provider}~~ *training and support of the persons receiving Supported Living Arrangement services from the provider*;
2. Maintain adequate financial records; and
3. Submit to the Division any financial report:
 - (a) Which the Division requests in writing; and
 - (b) The need for which is explained by the Division.

[Men. Hygiene & Men. Retardation Div., Residences § 41, eff. 2-5-82]—(NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006)

NAC 435.555 is hereby amended to read as follows:

NAC 435.555 Evaluation and Assessment of ~~{need for services}~~ service needs. (NRS 435.333)

1. A provider of ~~{supported living arrangement}~~ *Supported Living Arrangement* services may not provide ~~{supported living arrangement}~~ *Supported Living Arrangement* services to a person until ~~{there has been an assessment of the need for supported living arrangement services for the person}~~ *they have adequately evaluated and determined their ability and capacity to meet the support needs of the person*, except as otherwise ~~{provided in}~~ *accepted within* subsection 4.
2. ~~{The assessment must be performed or approved by the Division.}~~ The ~~{assessment}~~ *evaluation* must include an interim ~~{individualized}~~ *residential habilitation* plan *to support the health and welfare needs of the person*.
3. ~~{Following the assessment, if the person is accepted by the provider of supported living arrangement services, the findings of the assessment must be entered into the person's record and maintained with the provider and the Division.}~~ *Within the first thirty days of Supported Living Arrangement services, the provider will complete an assessment of interests, skills and level of supervision needed for the development of habilitation plans.*
4. In an urgent situation, a provider of ~~{supported living arrangement}~~ *Supported Living Arrangement* services may accept a person for the provision of ~~{supported living arrangement}~~ *Supported Living Arrangement* services for a period of not more than 5 working days ~~{before the assessment}~~ *prior to the evaluation*, if the Division approves the acceptance of the person under such urgent circumstances.

[Men. Hygiene & Men. Retardation Div., Residences § 13, eff. 2-5-82]—(NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006)

NAC 435.565 is hereby amended to read as follows:

NAC 435.565 Written ~~{contract}~~ service agreement for provision of services. (NRS 435.333) A provider of ~~{supported living arrangement}~~ *Supported Living Arrangement* services shall enter into a written ~~{contract}~~ *service agreement* for the provision of ~~{supported living arrangement}~~ *Supported Living Arrangement* services with ~~{each person or his or her parent or guardian, if applicable, and}~~ the Division *for each person in accordance with the individual support plan and as agreed to by the person and/or their guardian. An annual review of service provision is required.*

[Men. Hygiene & Men. Retardation Div., Residences § 15, eff. 2-5-82]—(NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006)

NAC 435.675 is hereby amended to read as follows:

NAC 435.675 Administration of medication. (NRS 435.333)

1. As used in this section:

(a) “Direct support staff” means any member of the staff of a provider of Supported Living Arrangement services who works directly with a person with intellectual disability or a person with related condition to provide Supported Living Arrangement services.

(b) “Provider of health care” means:

(1) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(2) A dentist licensed pursuant to chapter 631 of NRS;

(3) A registered nurse licensed pursuant to chapter 632 of NRS;

(4) An advanced practitioner of nursing certified pursuant to chapter 632 of NRS;

(5) A physician assistant licensed pursuant to chapter 630 of NRS; or

(6) An osteopathic physician assistant certified pursuant to chapter 633 of NRS.

~~1~~2. A member of the direct support staff of a provider of ~~{supported living arrangement}~~ Supported Living Arrangement services may administer medication to persons receiving ~~{supported living arrangement}~~ Supported Living Arrangement services if the member ~~{has successfully completed a program concerning the administration of medication which is approved by the Division}~~ is currently certified in Medication Administration through a Division approved program.

~~2~~3. A person who is receiving ~~{supported living arrangement}~~ Supported Living Arrangement services may have ~~{his or her}~~ medication administered by:

(a) A provider of health care; or

(b) A member of the direct support staff of a provider of ~~{supported living arrangement}~~ Supported Living Arrangement services who has successfully completed ~~{a program concerning}~~ training on the administration of medication which is approved by the Division if:

(1) The member of the direct support staff administers the medication according to the instructions of a provider of health care;

(2) The person, ~~{or his or her}~~ parent of a minor or guardian, as applicable, provides written authorization to receive medication from a member of the direct support staff of the provider of ~~{supported living arrangement}~~ Supported Living Arrangement services in accordance with NRS 453.375 and 454.213; and

(3) The person submits to a physical examination by ~~{his or her provider of health care}~~ a physician, advanced practitioner of nursing, or physician’s assistant on an annual basis and the provider of health care determines that the person is medically cleared to receive medication from the member of the direct support staff.

~~3~~4. A member of the direct support staff of a provider of ~~{supported living arrangement}~~ Supported Living Arrangement services who has ~~{successfully completed a program concerning the administration of medication which is approved by the Division}~~ current certification in Medication Administration through a Division approved program:

(a) May administer medication pursuant to this section;

- (b) Must refer a person who is receiving ~~{supported living arrangement}~~ *Supported Living Arrangement* services to a provider of health care if:
- (1) The medical condition of the person changes or the person develops a new or additional medical condition;
 - (2) The medication ~~{prescribed by the provider of health care}~~ *ordered by the licensed prescriber* does not accomplish the objectives of the medication, as identified by the provider of health care, after the medication has been administered according to the prescription;
 - (3) Any emergency situation develops; or
 - (4) The provider of health care of the person instructs the member of the direct support staff to refer the person to the provider of health care; and
- (c) Shall not administer:
- (1) Any medication to a person who has been admitted to a medical facility;
 - ~~(2)~~ Any medication which requires dose titration or an assessment of the needs of the person who is receiving ~~{supported living arrangement}~~ *Supported Living Arrangement* services concerning the medication; ~~;~~
 - ~~(3) Any substance which is categorized as a controlled substance in schedule II by the Office of Diversion Control of the Drug Enforcement Administration of the United States Department of Justice pursuant to 21 C.F.R. § 1308.12;~~
 - ~~(4) Any opioid agonist medication;~~ *Any medication required to be administered by injection with the exception of an epinephrine pen injection for acute/emergent anaphylactic response with order from licensed prescriber and documented training of staff on use and monitoring potential side effects.*
 - ~~(5)~~ Any extended release medication which must be crushed, cut or otherwise altered before the administration of the medication; or
 - ~~(6)~~ Any nutrition or medication ~~{which is prescribed by a provider of health care}~~ *ordered by a licensed prescriber which is* to be administered enterally.

~~{4. As used in this section:~~

- ~~—(a) “Direct support staff” means any member of the staff of a provider of supported living arrangement services who works directly with a person with mental retardation or a person with a related condition to provide supported living arrangement services.~~
- ~~—(b) “Provider of health care” means:~~
- ~~—(1) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;~~
 - ~~—(2) A dentist licensed pursuant to chapter 631 of NRS;~~
 - ~~—(3) A registered nurse licensed pursuant to chapter 632 of NRS;~~
 - ~~—(4) An advanced practitioner of nursing certified pursuant to chapter 632 of NRS;~~
 - ~~—(5) A physician assistant licensed pursuant to chapter 630 of NRS; or~~
 - ~~—(6) An osteopathic physician assistant certified pursuant to chapter 633 of NRS.~~

[Men. Hygiene & Men. Retardation Div., Residences § 37, eff. 2-5-82]—(NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006)

NAC 435.695 is hereby amended to read as follows:

NAC 435.695 Maintenance of records. (NRS 435.333) A provider of ~~{supported living arrangement}~~ *Supported Living Arrangement* services shall keep a separate record regarding each person for whom ~~{he or she provides supported living arrangement}~~ *Supported Living Arrangement* services *are provided*. Each such record must include *the* information needed for

providing services, *substantiating billing*, for planning and for periodic reevaluation of the needs of the person ~~{who is receiving the supported living arrangement services}~~. The record must be available for review by the person who is receiving the ~~{supported living arrangement}~~ *Supported Living Arrangement* services, the provider and the Division.

[Men. Hygiene & Men. Retardation Div., Residences § 42, eff. 2-5-82]—(NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006)

NAC 435.705 is hereby amended to read as follows:

NAC 435.705 Retention of records. (NRS 435.333)

1. ~~{A provider of {supported living arrangement}~~ *Supported Living Arrangement* services must retain the original records of each person who receives ~~{supported living arrangement}~~ *Supported Living Arrangement* services ~~{from the provider}~~ pursuant to [NAC 435.695](#), or photographic reproductions of such records, for at least ~~{3}~~ 6 years after termination of the provision of the ~~{supported living arrangement}~~ *Supported Living Arrangement* services.

2. *Administrative and fiscal records must be retained by the provider according to Regional Center and Medicaid policy.*

~~{2}~~3. All such records must be complete, current and readily available for review by representatives of the ~~{Department of Health and Human Services}~~ *Division*.

[Men. Hygiene & Men. Retardation Div., Residences § 44, eff. 2-5-82]—(NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006)

NAC 435.711 is hereby amended to read as follows:

NAC 435.711 Rights of person receiving services; resolution of complaints. (NRS 435.333)

~~{1.—Any person who receives supported living arrangement services has the same or similar rights which are afforded to mental health consumers pursuant to chapter 433 of NRS, and any regulations adopted pursuant thereto.}~~

~~{2}~~1. A person has the right to file a complaint against a provider of ~~{supported living arrangement}~~ *Supported Living Arrangement* services with the ~~{coordinator of supported living arrangement services of the regional center from the region in which the services are provided}~~ *Regional Center*.

~~{3.—A coordinator of supported living arrangement services who receives a complaint pursuant to subsection 2 shall process the complaint.}~~

~~{4}~~2. If the ~~{regional center}~~ *Regional Center* is unable to resolve the complaint to the satisfaction of the complainant, the complainant may forward the complaint to the Administrator or a designee ~~{thereof}~~. The Administrator shall review the complaint and render a decision concerning the complaint within 30 calendar days after receipt of the complaint. ~~{The decision of the Administrator is a final decision.}~~

1. *The decision of the Administrator is a final decision.*

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

Chapter 435 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC 435.XXX Purposes of administrative sanctions. (NRS 449.037) *The purposes of administrative sanctions are to:*

1. *Safeguard the rights, interests and well-being of individuals, including the protection of individuals served from actual or potential harm resulting from deficiencies;*
2. *Encourage and assist providers of Supported Living services to comply with the requirements of the Division, including those imposed by federal law;*
3. *Promote the efficient use of resources to ensure appropriate supports and services for individuals receiving supported living services.*

Chapter 435 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC 435.XXX Administrative Sanctions

1. *The Division or Regional Center may impose sanctions upon a provider of Supported Living Arrangement services for:*
 - (a) *Any aspect of the provision of Supported Living Arrangement services which poses a probable risk of harm to the health or welfare of a person receiving Supported Living Arrangement services*
 - (b) *Lack of personnel sufficient in number or qualifications to provide proper training and support for the persons receiving Supported Living services;*
 - (c) *Any refusal to participate in any aspect of a quality assurance review; or*
 - (d) *The failure or refusal of the provider to implement or sustain any corrective actions requested and/or imposed by the Division or a Regional Center to correct a deficiency;*
 - (e) *Failure to comply or participate with any Division or Regional Center investigation.*
2. *For any sanction imposed pursuant to subsection 1, the Division may, without limitation:*
 - (a) *Require the provider of Supported Living Arrangement services to:*
 - (1) *Participate in training concerning the provision of Supported Living Arrangement services;*
 - (2) *Comply with additional measures of accountability concerning the provision of Supported Living Arrangement services;*
 - (3) *Comply with additional measures of review by the Division or Regional Center;*
or
 - (4) *Comply with additional performance requirements concerning the provision of Supported Living Arrangement services;*
 - (b) *Subject the provider to the recapture or reduction of payments for failure to provide or document services, falsification of documents, or when the state must pay for services and supports as a result of the provider's negligence;*
 - (c) *Terminate, prohibit, reduce or limit any contracts that the Division or a Regional Center has with a provider of Supported Living Arrangement services; or*
 - (d) *Suspend or reduce a contractual payment owed to a provider of Supported Living Arrangement services in whole or part for a specified time or amount.*
 - (e) *Deny, suspend or revoke the current certificate to provide Supported Living Arrangement services or the issue a time-limited, probationary certificate.*
 - (f) *Immediately terminate of current certificate to provide Supported Living Arrangements per NAC 435.735.*
3. *A provider of Supported Living Arrangement services may appeal any sanction imposed pursuant to this section by submitting to the Division a written request of appeal within 15 calendar days after the date of receipt of the notification of any sanction imposed by the Division or a Regional Center. The Division will review the findings and submit a written*

decision within 30 calendar days after receipt of the written request of appeal. The decision of the Division is a final decision.

NAC 435.725 is hereby amended to read as follows:

NAC 435.725 Grounds for revocation of provisional certificate or certificate. (NRS 435.333) Each of the following acts and omissions constitutes a ground for revocation of a provisional certificate or certificate:

1. Abuse, neglect exploitation or coercion of a person receiving Supported Living services;

~~1~~***2.*** A misrepresentation of or failure to disclose any material fact in the application for the provisional certificate or certificate or in any financial record or other document requested by the Division.

~~2~~***3.*** A lack of personnel in sufficient number or qualifications to provide proper ~~care~~***training*** and support for the persons receiving ~~supported living arrangement~~***Supported Living Arrangement*** services.

~~3~~***4.*** ~~{A provider of supported living arrangement services or any member of the staff of the provider has been convicted of a crime relevant to any aspect of the provision of supported living arrangement services}~~***The failure to conduct required background checks to include State and FBI criminal clearance checks and Office of Inspector General Exclusionary List status checks on employees, independent contractors, interns and volunteers and/or retain employment or services of those convicted of disqualifying offenses.***

~~4~~***5.*** A provider of ~~supported living arrangement~~***Supported Living Arrangement*** services has any deficiency concerning the provision of ~~supported living arrangement~~***Supported Living Arrangement*** services that may cause imminent risk of harm to the health or welfare of persons receiving ~~supported living arrangement~~***Supported Living Arrangement*** services.

~~5~~***6.*** A violation of any requirement set forth in NAC 435.500 to 435.740, inclusive.

~~6~~***7.*** An accumulation or pattern of minor violations of the provisions of NAC 435.500 to 435.740, inclusive, if the violations taken as a whole endanger the health or welfare of any person who is receiving ~~supported living arrangement~~***Supported Living Arrangement*** services;

~~7~~***8.*** ~~{Any fraudulent activity by a provider of supported living arrangement services or a member of the staff of the provider, including, without limitation, any fraudulent billing, falsification of records or misuse of the funds of a person who is receiving supported living arrangement services}~~***The failure or refusal to cooperate fully with all reviews, investigations or inspections by the Division;***

9. The failure or refusal of the provider to return an adequate plan of correction within 15 days after receipt of a statement of deficiencies;

10. The failure or refusal of the provider to implement or sustain any corrective actions requested by the Division or a Regional Center to correct a deficiency identified during any review or investigation;

11. Any fraudulent activity by a provider of Supported Living Arrangement services or a member of the staff of the provider, including, without limitation, any fraudulent billing, falsification of records or misuse of the funds of a person who is receiving Supported Living Arrangement services.

12. Misappropriation of the property of a person receiving Supported Living Arrangement services;

~~8~~***13.*** Failure to comply with any obligations set forth in the contract with the person

who is receiving ~~{supported living arrangement}~~ *Supported Living Arrangement* services and the Division;

14. Demonstration of harassing, coercive, intimidating, insulting, abusive language, or disruptive behavior that undermines the integrity of professional relationships with Regional Center employees, other providers of service, family members and/or people supported.

15. Failure to comply with any policies and procedures of the Division.

16. Failure to comply or participate in any Division or Regional Center investigation.

[Men. Hygiene & Men. Retardation Div., Residences § 45, eff. 2-5-82]—(NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006)

NAC 435.730 is hereby amended to read as follows:

NAC 435.730 Notice of intent to revoke certificate. (NRS 435.333) The Division will give a provider of ~~{supported living arrangement}~~ *Supported Living Arrangement* services written notice of any intended action to revoke the certificate of the provider. The notice will be ~~{given by personal service upon}~~ *sent by certified mail to the address on file for* the provider ~~{or sent to the provider}~~ at least 30 calendar days before the action is taken.

[Men. Hygiene & Men. Retardation Div., Residences § 46, eff. 2-5-82]—(NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006)

NAC 435.735 is hereby amended to read as follows:

NAC 435.735 Termination of services pending revocation of certificate. (NRS 435.333) If a revocation of the certificate of a provider of ~~{supported living arrangement}~~ *Supported Living Arrangement* services is pending and the Division determines that the grounds for the revocation place any person at a probable risk of harm, the Division may immediately terminate the provision of ~~{supported living arrangement}~~ *Supported Living Arrangement* services by the provider.

[Men. Hygiene & Men. Retardation Div., Residences § 47, eff. 2-5-82]—(NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006)

NAC 435.740 is hereby amended to read as follows:

NAC 435.740 Revocation of certificate: Request for hearing; appeal. (NRS 435.333)

1. To be afforded a hearing on an intended revocation of a certificate, the provider of ~~{supported living arrangement}~~ *Supported Living Arrangement* services must, within 15 working days after receiving notice of the intent to revoke, file with the Division a written request for a hearing.
2. When a decision to revoke a certificate is rendered by the Division, the provider of ~~{supported living arrangement}~~ *Supported Living Arrangement* services may appeal that decision to the Administrator if the provider files with the Division a written notice of appeal within 15 working days after receiving notice of the decision of the Division.
3. The Administrator *or designee* will consider an appeal and render ~~{his or her}~~ *the* decision on the appeal within 30 calendar days after a notice of the appeal is filed with the Division.

[Men. Hygiene & Men. Retardation Div., Residences § 48, eff. 2-5-82]—(NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006)