

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

LCB FILE NO. R081-24I

**The following document is the initial draft regulation proposed
by the agency submitted on 04/12/2024**

Senior Living Community Referral Agency

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

AUTHORITY: NRS 449.0302, NRS 449.0305, 449.050 and Senate Bill 260 of the 2023 legislative session.

Section 1.

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

Section 2.

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

Section 3.

“Senior living community” has the meaning ascribed to it in Senate Bill 260 of the 2023 legislative session.

Section 4.

“Senior living community referral agency” has the meaning ascribed to it in Senate Bill 260 of the 2023 legislative session.

Section 5.

“Client” means a person who is referred by a Senior living community referral agency to a Senior Living Community.

Section 6.

“Financial assessment” means an assessment to determine the intended source of payment by a client for services which will be provided by a senior living community for 6 months, including the eligibility status of the client for services as determined by Medicaid or Medicare.

Section 7.

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

Section 8.

1. An applicant for a license to operate as a senior living community referral agency must submit to the Division a completed application on a form provided by the Division. The application for the initial license must include, without limitation:

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

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

2. Before issuing a license to operate a senior living community referral agency, the Bureau shall inspect the facility to ensure that the facility meets the provisions of Senate Bill 260 of the 2023 legislative session and sections 8 to 11 of this regulation.

Section 9.

1. Employees of a senior living community referral agency must have a working knowledge of the provisions of NRS and NAC that govern the licensing of any group housing arrangement facility that provides assistance, food, shelter or limited supervision to persons who are aged.

2. A senior living community referral agency who conducts a criminal background investigation pursuant to subsection 2 of Section 5 of SB 260 of the 2023 legislative session who determines that an employee or independent contractor has been convicted of a crime listed in NRS 449.174, shall terminate the employee or independent contractor from employment.

Section 10.

1. A senior living community referral agency shall:

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

(b) Submit to the senior living community to which a client is referred a copy of the needs assessment completed by the senior living community referral agency for the client.

(c) Meet the provisions of sections 4 to 5 of Senate Bill 260 of the 2023 legislative session.

2. A senior living community referral agency shall not give any incentive beyond the contracted amount to any person employed by the senior living community for referral of prospective clients, including but not limited to a discharge planner, case manager, social worker or any other person who has the responsibility of discharge planning.

Section 11.

1. Before a senior living community referral agency may provide any services to a client, the referral agency must obtain a written contract from the client, his or her legal representative to provide the services, or the senior living community to which a person has been referred. The contract must:

(a) Be signed by a representative of the senior living community referral agency, the person who is paying for the services, and the client or his or her representative; and

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

2. If, within 30 days after a client is admitted to a senior living community, the referral of the client to the senior living community is determined to be inappropriate by the facility, the Bureau or a licensed physician, then the senior living community referral agency shall:

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

(b) Assist the client with an acceptable referral to another senior living community for no additional fee.

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

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

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

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

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

↳ A senior living community referral agency shall maintain its file of a client for at least 5 years at the place of business of the senior living community referral agency.

Section 12.

NAC449.0061 is hereby amended to read as follows:

Referral agency” defined. (NRS 449.0302, 449.0305)

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

- 2. The term does not include a “senior living community referral agency” as defined in Section 3 of Senate Bill 260 of the 2023 legislative session who limits its services to those outlined in Senate Bill 260.***

Section 13.

NAC 449.013 is hereby amended to read as follows:

1. Except as otherwise provided in [NAC 449.0168](#), an applicant for a license to operate any of the following facilities, programs of hospice care or agencies must pay to the Division of Public and Behavioral Health the following nonrefundable fees:

(a) An ambulatory surgical center	\$9,784
(b) A home office or subunit agency of a home health agency	5,168
(c) A branch office of a home health agency	5,358
(d) A rural clinic	4,058
(e) An obstetric center	1,564
(f) A program of hospice care	7,054
(g) An independent center for emergency medical care	4,060
(h) A nursing pool	4,602
(i) A facility for treatment with narcotics	5,046
(j) A medication unit	1,200
(k) A referral agency	2,708
(l) A facility for refractive surgery	6,700
(m) A mobile unit	2,090
(n) An agency to provide personal care services in the home	1,374
(o) A facility for the care of adults during the day allowed to be occupied by not more than 50 clients at one time	1,164
(p) A facility for the care of adults during the day allowed to be occupied by more than 50 clients at one time	1,753
(q) A peer support recovery organization	1,000
(r) A community health worker pool	1,000
(s) An employment agency to provide nonmedical services	1,400
<i>(t) A senior living community referral agency</i>	<i>2,708</i>

2. An applicant for the renewal of such a license must pay to the Division of Public and Behavioral Health the following nonrefundable fees:

(a) An ambulatory surgical center	\$4,892
(b) A home office or subunit agency of a home health agency	2,584
(c) A branch office of a home health agency	2,679
(d) A rural clinic	2,029
(e) An obstetric center	782
(f) A program of hospice care	3,527
(g) An independent center for emergency medical care	2,030
(h) A nursing pool	2,301
(i) A facility for treatment with narcotics	2,523
(j) A medication unit	600

(k) A referral agency	1,354
(l) A facility for refractive surgery	3,350
(m) A mobile unit	1,045
(n) An agency to provide personal care services in the home	687
(o) A facility for the care of adults during the day allowed to be occupied by not more than 50 clients at one time	814
(p) A facility for the care of adults during the day allowed to be occupied by more than 50 clients at one time	1,227
(q) A peer support recovery organization	500
(r) A community health worker pool	500
(s) An employment agency to provide nonmedical services	700
(t) <i>A senior living community referral agency</i>	1,354

3. An application for a license is valid for 1 year after the date on which the application is submitted. If an applicant does not meet the requirements for licensure imposed by [chapter 449](#) of NRS or the regulations adopted pursuant thereto within 1 year after the date on which the applicant submits his or her application, the applicant must submit a new application and pay the required fee to be considered for licensure.

Section 14.

NAC 449.0168 is hereby amended to read as follows:

449.0168 1. Except as otherwise provided in subsection 2, a holder of a license to operate a medical facility, facility for the dependent, program of hospice care, ***a senior living community referral agency as defined in Senate Bill 260 of the 2023 legislative session*** or referral agency who wishes or is required pursuant to [NAC 449.190](#), [449.307](#), [449.7473](#) or [449.758](#) to modify his or her license to reflect:

- (a) A change in the name of the facility, program or agency;
- (b) A change of the administrator of the facility, program or agency;
- (c) A change in the number of beds in the facility;
- (d) A change in the type of facility licensed or the addition of another type of facility to be licensed;
- (e) A change in the category of residents who may reside at the facility;
- (f) A change in the designation of a staging area for a mobile unit or, if the mobile unit is operated by an independent facility, a change in the address of the independent facility; or
- (g) A change in any of the services provided by an agency to provide nursing in the home,

↪ must submit an application for a new license to the Division and pay to the Division a fee of \$250.

2. An applicant who applies for a license pursuant to paragraph (c) of subsection 1 because of an increase in the number of beds in the facility must pay to the Division:

- (a) A fee of \$250; and
- (b) A fee for each additional bed as follows:

(1) If the facility is an intermediate care facility for persons with an intellectual disability or persons with a developmental disability	\$280
(2) If the facility is a residential facility for groups	184
(3) If the facility is a facility for the treatment of alcohol or other substance use disorders	190
(4) If the facility is a facility for hospice care	352
(5) If the facility is a home for individual residential care	266
(6) If the facility is a facility for modified medical detoxification	494
(7) If the facility is a hospital, other than a rural hospital	110
(8) If the facility is a rural hospital	62
(9) If the facility is a skilled nursing facility	108
(10) If the facility is an intermediate care facility, other than an intermediate care facility for persons with an intellectual disability or persons with a developmental disability	92
(11) If the facility is a facility for the treatment of irreversible renal disease	120
(12) If the facility is a halfway house for persons recovering from alcohol or other substance use disorders	368
(13) If the facility is a facility for transitional living for released offenders	146
3. If the address of the home office of a home health agency has not changed, a holder of a license to operate a subunit agency or branch office of the home health agency who wishes or is required pursuant to NAC 449.758 to modify his or her license to reflect a change in the address of the subunit agency or branch office of the home health agency must:	
(a) Submit an application for a new license to the Division; and	
(b) Pay to the Division a fee of \$250.	
4. A fee paid pursuant to this section is nonrefundable.	
5. As used in this section:	
(a) “Administrator” means the person who is responsible for the daily management of a medical facility, facility for the dependent or program of hospice care.	
(b) “Independent facility” has the meaning ascribed to it in NAC 449.9701 .	
(c) “Staging area” has the meaning ascribed to it in NAC 449.97018 .	