REVISED PROPOSED REGULATION OF THE

HEALTH CARE PURCHASING AND COMPLIANCE DIVISION

OF THE NEVADA HEALTH AUTHORITY

LCB File No. R081-24

December 10, 2025

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

AUTHORITY: §§ 1-10 and 13-16, Section 3 of Senate Bill No. 299, chapter 194, Statutes of Nevada 2025, at page 1220; §§ 11 and 12, sections 2 and 3 of Senate Bill No. 299, chapter 194, Statutes of Nevada 2025, at page 1220.

A REGULATION relating to senior living community referral agencies; prescribing requirements for registration to operate a senior living community referral agency; prescribing requirements relating to the employees of a senior living community referral agency; prescribing certain requirements governing the referral of a person by a senior living community referral agency; prohibiting a senior living community referral agency from receiving certain compensation or providing certain incentives; prescribing the fee for certain modifications to a registration; providing for the imposition of administration sanctions against senior living community referral agencies under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes specific requirements governing the operation of senior living community referral agencies and requires a senior living community referral agency to register with the Health Care Purchasing and Compliance Division of the Nevada Health Authority. (NRS 449.0032, as amended by Section 217 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3713, NRS 449.114, 449.1145, section 2 of Senate Bill No. 299, chapter 194, Statutes of Nevada 2025, at page 1220) Existing law requires the Division to adopt regulations necessary to carry out the provisions governing senior living community referral agencies. (Section 3 of Senate Bill No. 299, chapter 194, Statutes of Nevada 2025, at page 1220) Existing law defines the terms: (1) "senior living community referral agency" to mean a business that refers persons who are aged to senior living communities for a fee paid by the senior living community, the person who is aged or the representative of the person; and (2) "senior living community" to mean certain residential facilities and other housing arrangements that provide assistance, food, shelter or limited supervision to persons who are aged. (NRS 449.0179, 449.0181)

Section 2 of this regulation requires an applicant for registration to operate a senior living community referral agency to submit an application on a form provided by the Division. **Section 2** also requires the Bureau of Health Care Quality and Compliance of the Division to inspect a senior living community referral agency before issuing the registration. **Sections 11 and 12** of this regulation prescribe the fees for the issuance and renewal of registration to operate a senior living community referral agency and the modification of such a registration in certain circumstances.

Section 3 of this regulation requires an employee of a senior living community referral agency to have certain knowledge necessary to properly perform his or her duties. **Section 3** also requires a senior living community referral agency to terminate an employee who has been convicted of certain crimes and make available to the Division, upon request, all personnel files. **Section 4** of this regulation requires a senior living community referral agency to conduct assessments of the needs of a person who is aged and ability for the person to pay before referring the person to a senior living community.

If a referral is determined to be inappropriate within 30 days after the admission of a person to a senior living community, **section 5** of this regulation requires a senior living community referral agency to refund any fee paid by the person or his or her representative or refer the person to an appropriate senior living community for no additional fee. **Section 5** also prohibits a senior living community referral agency from: (1) receiving certain fees or other compensation; or (2) providing certain incentives to an employee or independent contractor of a senior living community. **Section 6** of this regulation requires a senior living community referral agency to: (1) maintain a file for each person referred by the referral agency; and (2) provide certain records to the Division upon request. **Section 8** of this regulation provides that a senior living community referral agency is not generally subject to provisions governing certain other types of referral agencies. **Sections 7, 9, 10 and 13-16** of this regulation make various changes so that senior living community referral agencies are subject to the same administrative sanctions and the same procedures for the imposition of such sanctions as other facilities regulated by the Division.

Section 1. Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

Sec. 2. ***1. An applicant for registration to operate a senior living community referral agency must submit to the Division a completed application on a form provided by the Division.***

2. Before issuing a registration to operate a senior living community referral agency, the Bureau shall inspect the senior living community referral agency to ensure that the agency is in compliance with this chapter and chapter 449 of NRS.

Sec. 3. ***1. An employee of a senior living community referral agency must have sufficient knowledge of the provisions of law and regulations that govern the licensing of senior living communities to successfully perform the duties of his or her employment with the senior living community referral agency.***

2. If a senior living community referral agency discovers that an employee or prospective employee has been convicted of crime listed in NRS 449.174 after conducting an investigation into the criminal background of the employee pursuant to NRS 449.1145, the senior living community referral agency shall terminate the employment or deny the prospective employment, as applicable.

3. A senior living community referral agency shall, upon the request of the Division, make available to the Division all personnel files, including, without limitation, any personnel files maintained electronically.

Sec. 4. ***1. A senior living community referral agency may refer a person who is aged only to a senior living community that appropriately meets the physical, psychosocial and financial needs and wishes of the person, as determined based on the assessment required by subsection 2.***

2. Before referring a person who is aged to a senior living community, a senior living community referral agency shall complete:

(a) An assessment of the needs of the person that:

(1) Documents his or her ability to function independently; and

(2) Includes, without limitation, a complete list of the areas in which the person requires assistance; and

(b) An assessment of the ability of the person to pay for the services provided by a senior living community for at least the first 6 months the person resides at the senior living community.

3. Upon referring a person who is aged to a senior living community, a senior living community referral agency shall provide to the senior living community a copy of the assessment completed pursuant to paragraph (a) of subsection 2.

Sec. 5. *1. If, within 30 days after a person is admitted to a senior living community as the result of a referral by a senior living community referral agency, the senior living community, the Division, the Board or a physician licensed to practice in this State determines that the referral was inappropriate, the senior living community referral agency shall:*

(a) Refund the full amount of any fee paid to the senior living community referral agency by the person or his or her representative; or

(b) Refer the person to an appropriate senior living community for no additional fee.

2. A senior living community referral agency may not receive:

(a) More than one fee from a person who is aged or his or her representative within any 6-month period, unless, during that period, the person or his or her representative requests another referral from the senior living community referral agency.

(b) Fees from both a person referred to a senior living community and the senior living community for the same referral.

(c) Any fee or compensation from a senior living community, except as provided in a contract entered into pursuant to paragraph (e) of subsection 1 of NRS 449.1145.

3. A senior living community referral agency shall not provide any incentive to an employee or independent contractor of a senior living community, including, without

limitation, a discharge planner, case manager, social worker or any other person who is wholly or partially responsible for discharge planning, for any action relating to:

(a) The acceptance of or provision of care or services by the senior living community to a person who is aged; or

(b) The discharge of a person who is aged by the senior living community.

Sec. 6. *1. A senior living community referral agency shall:*

(a) Except as otherwise required by subsection 2 of NRS 449.114, maintain an organized file for each person whom the agency refers to a senior living community until at least 3 years after the date on which the senior living community referral agency makes the referral.

(b) Maintain a copy of each contract entered into pursuant to paragraph (e) of subsection 1 of NRS 449.1145, for at least 3 years after the date on which the contract expires.

2. The file maintained pursuant to paragraph (a) of subsection 1 must include, without limitation:

(a) A copy of each assessment of the person to whom the file pertains completed by the senior living community referral agency pursuant to subsection 2 of section 4 of this regulation;

(b) A copy of the record of each statement of disclosure or consent provided to the person to whom the file pertains pursuant to subsection 1 of NRS 449.114; and

(c) Information outlining the process used by the senior living community referral agency for determining the appropriate referral of the person to whom the file pertains.

3. A senior living community referral agency shall provide to the Division upon request:

(a) A copy of each statement of disclosure or consent maintained pursuant to subsection 2 of NRS 449.114;

(b) A copy of each contract maintained pursuant to paragraph (b) of subsection 1; and

(c) A copy of each assessment completed by the senior living community referral agency pursuant to subsection 2 of section 4 of this regulation.

Sec. 7. ***"License" has the meaning ascribed to it in NAC 449.0048 and additionally includes a registration to operate a senior living community referral agency.***

Sec. 8. NAC 449.0061 is hereby amended to read as follows:

449.0061 "Referral agency" means a business that provides referrals to residential facilities for groups 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. ***The term does not include a senior living community referral agency, as defined in NRS 449.0181, that does not refer clients for compensation except as described in that section.***

Sec. 9. NAC 449.0118 is hereby amended to read as follows:

449.0118 In addition to the grounds set forth in NRS 449.160 and any other grounds specifically applicable to a particular license, the Division may deny an application for a license ***or registration*** or may suspend or revoke a license ***or registration*** upon any of the following grounds:

1. The failure or refusal of an applicant ***,*** ~~[or]~~ licensee ***or registrant*** to comply with any of the provisions of chapter 449 of NRS or the regulations adopted by the ***Division or*** State Board of Health.

2. The failure or refusal of an applicant or licensee to comply with a reasonable order from the Division to remove a resident from a facility or program.

3. Operating a facility ***, agency*** or program without a license ~~[,]~~ ***or registration,*** if a license ***or registration*** is required before operating.

4. Accepting for care, at any given time, more residents than the number specified in the license.

5. The failure or refusal of a licensee ***or registrant*** to return an adequate plan of correction to the Division within 10 days after the receipt by the licensee ***or registrant*** of a statement of deficiencies.

6. The failure or refusal to cooperate fully with an investigation or inspection by the Bureau.

7. Misappropriation of the property of a resident of a facility.

8. Abuse, neglect or exploitation of an infirm person, a person with an intellectual disability or a person with a disability, or of a person who is 60 years of age or older.

9. The failure of a medical facility or facility for the dependent to pay the costs for the maintenance of the medical records of the facility required pursuant to paragraph (c) of subsection 1 of NAC 449.009.

Sec. 10. NAC 449.0119 is hereby amended to read as follows:

449.0119 An applicant ***,*** ~~[or]~~ licensee ***or registrant*** who is aggrieved by an action of the Division relating to the denial, suspension or revocation of a license ***, a registration*** or an endorsement may appeal pursuant to the procedures set forth in NAC 439.300 to 439.395, inclusive.

Sec. 11. NAC 449.013 is hereby amended to read as follows:

449.013 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 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) A freestanding birthing 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 community health worker pool 1,000

(r) An employment agency to provide nonmedical services 1,400

(s) A senior living community referral agency 2,708

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 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) A freestanding birthing 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 community health worker pool 500

(r) An employment agency to provide nonmedical services 700

(s) A senior living community referral agency 1,354

3. Upon the issuance or renewal of a license to operate an ambulatory surgical center, program of hospice care, agency to provide personal care services in the home or rural clinic, the

licensee shall pay to the Division a nonrefundable fee equal to 6 percent of the renewal fee set forth in subsection 2. The Division shall use the fees collected pursuant to this subsection during the immediately following fiscal year to support the system for the reporting of information on cancer and other neoplasms.

4. 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.

Sec. 12. 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 or referral agency ***or a holder of a registration to operate a senior living community 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 ***or registration*** 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 registered*** or the addition of another type of facility to be licensed ~~[;]~~ ***or registered;***

(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 ***or registration*** 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 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 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 ***, senior living community referral agency*** 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.

Sec. 13. NAC 449.01685 is hereby amended to read as follows:

449.01685 1. The Division may charge and collect a fee from any licensee ***or registrant*** who is involved in a complaint submitted to the Division to recover the costs of investigating the complaint after the investigation is completed and the complaint is substantiated. The fee will be based upon the hourly rate established for each surveyor of health facilities as determined by the budget of the Division.

2. As used in this section, "substantiated" means supported or established by evidence or proof.

Sec. 14. NAC 449.9982 is hereby amended to read as follows:

449.9982 As used in NAC 449.9982 to 449.99939, inclusive, ***and section 7 of this regulation,*** unless the context otherwise requires, the words and terms defined in NAC 449.99821 to 449.99841, inclusive, ***and section 7 of this regulation*** have the meanings ascribed to them in those sections.

Sec. 15. NAC 449.998255 is hereby amended to read as follows:

449.998255 "Facility" means a medical facility ***,*** ~~[or]~~ facility for the dependent ~~[.]~~ ***or senior living community referral agency.***

Sec. 16. NAC 449.99917 is hereby amended to read as follows:

449.99917 1. The temporary manager must:

(a) Be a person qualified to operate the facility pursuant to the provisions of chapter 449 of NRS relating to the licensing of the facility;

(b) Demonstrate prior competency as an administrator of a medical facility ***,*** ~~[or]~~ a facility for the dependent ***or a senior living community referral agency, as appropriate,*** or have other relevant experience pertinent to the deficiencies identified; and

(c) Have had no disciplinary action taken against him or her by any licensing board or professional society in any state.

2. The temporary manager may be an employee of the Division or a private person or agency that contracts with the Division to serve in that capacity.

3. The temporary manager must not be:

(a) An employee of the facility or an affiliated facility; or

(b) A person or agency that has served as a consultant to the facility or an affiliated facility within the 2 years preceding the appointment of the temporary manager.