

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

**LCB FILE NO. R105-24I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 05/16/2024**

**PROPOSED REGULATION OF THE NEVADA STATE BOARD  
OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS**

**LCB File No. R\*\*\*-24**

**February 26, 2024**

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

AUTHORITY: NRS 654.110; NRS 654.190.

A REGULATION relating to nursing facility administrators, administrators of residential facility for groups, or health services executives and grounds for disciplinary action related thereto.

**Legislative Counsel’s Digest:**

Existing law. . .

**Sec. 1** NAC 654.210 shall be amended to read as follows:

654.210. In addition to the reasons set forth in NRS 654.190, the Board may bring disciplinary action against a licensee or deny the issuance of or refuse to renew a license as a nursing facility administrator, administrator of a residential facility for groups or health services executive if the Board finds that the applicant or licensee:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license pursuant to this chapter.
2. Is guilty of unprofessional conduct, including, without limitation:

(a) Providing services to a patient or resident which the applicant or licensee is not capable of providing with reasonable skill and safety because of his or her use of alcohol or drugs, or because of lack of adequate training, skill or knowledge;

(b) Gross or repeated negligence in providing services;

(c) Willful noncompliance with any order of the Board or any other enforcement authority;

(d) Failure to notify the Board of the loss of a license issued by the Bureau of Health Care Quality and Compliance of the Division of Public and Behavioral Health of the Department of Health and Human Services;

(e) Failure to notify the Board of a change in circumstances as required pursuant to NAC 654.181;

(f) Paying or giving, or causing to be paid or given, a fee, commission or other valuable consideration, inducement or incentive for the solicitation , ~~or~~ procurement , *or referral* of a patient or resident *from a senior living community referral agency except where a nursing facility administrator, administrator of a residential facility for groups or health services executive first has ;*

*(1) Obtained an affirmation from the senior living community referral agency that it made a disclosure to the resident or the resident's representative pursuant to paragraph (a) of subsection of Section 4 of Chapter 109, Statutes of Nevada (2023) and that it obtained the consent for the referral from the resident or the resident's representative pursuant to paragraph (b) of subsection 1 of Section 4 of Chapter 109, Statutes of Nevada (2023); and*

*(2) Obtained a copy of the contract required by paragraph (e) of subsection 1 of Section 5 of Chapter 109, Statutes of Nevada (2023);*

(g) Paying or giving, or causing to be paid or given, a fee, commission or other valuable consideration, inducement or incentive for *the solicitation, procurement, or referral of* [referring] a patient or resident to a facility *other than as permitted in paragraph (f)*;

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

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

(j) Failing to protect the privacy of a resident or patient;

(k) Violating the confidentiality of a resident or patient;

(l) Failing to maintain records as required by law;

(m) Falsifying or altering the records of a resident or patient;

(n) Failing to protect a resident or patient from the incompetent, abusive or illegal practice of any person;

(o) Engaging in sexual contact with a resident or patient;

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

(q) Abusing, exploiting, isolating, neglecting or abandoning a resident or patient as defined in NRS 200.5092; or

(r) Willfully or repeatedly violating the provisions of this chapter [-] *or*

*(s) Accepting into the facility administered by the licensee a person whom the licensee knew or should have known could not be adequately cared for by the facility.*

3. Is convicted in any jurisdiction of:

- (a) A felony or any offense involving moral turpitude;
- (b) Any offense listed in paragraph (a) of subsection 1 of NRS 449.174;
- (c) Any violation of NRS 200.5091 to 200.50995, inclusive;
- (d) Any offense which is substantially related to the practice of an administrator or health services executive; or

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

4. Has a record of any disciplinary, civil or criminal action taken against the applicant or licensee that has been reported to or is required pursuant to the law of any jurisdiction to be reported to the National Practitioner Data Bank maintained by the Health Resources and Services Administration of the United States Department of Health and Human Services which the Board determines is contrary to the qualifications of an applicant or licensee.

5. Fails to pay an administrative fine levied by the Board pursuant to this chapter or NRS 654.190.

Sec. 2 NAC chapter 654 shall be amended to add the following new language:

*“Senior living community” has the meaning ascribed to it in Section 2 of Chapter 109, Statutes of Nevada (2023).*

Sec. 3 NAC chapter 654 shall be amended to add the following new language:

*“Senior living community referral agency” has the meaning ascribed to it in Section 3 of Chapter 109, Statutes of Nevada (2023).*

Sec. 4. NAC chapter 654 chapter shall be amended to add the following new language:

*Where a facility has a contract with a senior living community referral agency, a nursing facility administrator, administrator of a residential facility for groups or health services executive must obtain at least annually and maintain:*

- 1. A copy of the declaration page related to the current liability policy required by paragraph (b) of subsection 2 of Section 5 of Chapter 109, Statutes of Nevada (2023);*
- 2. A copy of the policy to protect the privacy of referred residents as required by paragraph (f) of subsection 2 of Section 5 of Chapter 109, Statutes of Nevada (2023); and*
- 3. A copy of the disclosure statement read to or provided to the resident or the resident's representative pursuant to paragraph (a) of subsection of Section 4 of Chapter 109, Statutes of Nevada (2023).*