

## Digest for Adopted Regulation R\_111-12

Existing law requires the State Board of Health to adopt regulations that it deems necessary or convenient for the licensing and regulation of certain medical and other related facilities. (NRS 449.0302) Existing law also requires each applicant for a license to operate certain facilities, hospitals, agencies, programs or homes and the employees, temporary employees or independent contractors of such facilities, hospitals, agencies, programs or homes to submit to an initial background investigation and to additional background investigations at least once every 5 years. (NRS 449.122, 449.123) **Sections 3 and 4** of this regulation require the Division of Public and Behavioral Health of the Department of Health and Human Services to notify an applicant, licensee, employee, temporary employee or independent contractor, as applicable, when the Central Repository for Nevada Records of Criminal History has determined that additional information is necessary to complete the background investigation of the person. The person being investigated is then required to provide the information within 30 days to the Central Repository and the Division or the administrator of, or the person licensed to operate, the facility, hospital, agency, program or home, as applicable. If the background investigation cannot be completed because criminal charges are pending against the person, the person must provide notice of each court proceeding relating to the charges and notify the Central Repository of the final disposition of the charges as soon as the information is available.

**Section 3** further allows the Division to take certain disciplinary action if an applicant or licensee fails to comply with the requirements to provide information and to delay action concerning a license until the background investigation is complete. **Section 4** requires the administrator of, or the person licensed to operate, the facility, hospital, agency, program or home to terminate the employment of an employee or contract with an independent contractor or

notify the temporary employment service that its employee is prohibited from providing services if the employee, temporary employee or independent contractor willfully fails to provide the information. **Section 4** also provides the administrator of, or person licensed to operate, the facility, hospital, agency, program or home with alternative actions pending completion of the investigation by the Central Repository and during any period in which an employee, temporary employee or independent contractor seeks to correct information provided by the Central Repository.

**Section 5** of this regulation repeals a regulation that duplicates language which has been incorporated into NRS.