
SENATE BILL NO. 129—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON SENIOR
CITIZENS, VETERANS AND ADULTS WITH SPECIAL NEEDS)

PREFILED FEBRUARY 4, 2011

Referred to Committee on Health and Human Services

SUMMARY—Requires training of certain persons who operate or work in certain facilities. (BDR 40-155)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to public health; requiring certain persons who operate or work in facilities for the dependent, facilities for intermediate care, facilities for skilled nursing and homes for individual residential care to complete certain training; requiring the State Board of Health to adopt regulations concerning such training; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 1** of this bill requires an applicant for a license to operate a facility for
2 the dependent, a facility for intermediate care, a facility for skilled nursing or a
3 home for individual residential care to obtain training concerning the care of older
4 persons before a license is issued to the applicant and annually thereafter. **Section 1**
5 also requires the holders of licenses to operate, and the administrators and
6 employees of, those facilities to obtain such training. **Section 1** further requires the
7 State Board of Health to adopt regulations governing the training requirements,
8 including the number of hours of training, topics of instruction and methods of
9 instruction.

10 **Sections 6 and 7** of this bill amend the grounds for which disciplinary action
11 may be taken against a facility or home to include violations of the provisions of
12 **section 1**.

13 **Section 11** of this bill provides that an administrator who is licensed as an
14 administrator of a residential facility for groups or as a nursing facility
15 administrator may be disciplined for failure to comply with the provisions of
16 **section 1**.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 449 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *An applicant for a license to operate a facility for the*
4 *dependent, facility for intermediate care, facility for skilled*
5 *nursing or home for individual residential care must receive*
6 *training concerning the care of older persons before a license to*
7 *operate such a facility or home is issued to the applicant.*

8 2. *A licensee who holds a license to operate a facility for the*
9 *dependent, facility for intermediate care, facility for skilled*
10 *nursing or home for individual residential care must annually*
11 *receive training concerning the care of older persons before the*
12 *license to operate such a facility or home may be renewed.*

13 3. *If an applicant or licensee who is required by this section*
14 *to obtain training is a:*

15 (a) *Firm, association, organization, partnership, business*
16 *trust, corporation or company, the board of directors, officers or*
17 *members thereof and the person in charge of the facility or home*
18 *must receive the training required by this section; or*

19 (b) *Political subdivision of the State or other governmental*
20 *agency, the person in charge of the facility or home must receive*
21 *the training required by this section.*

22 4. *An administrator of a facility for the dependent, facility for*
23 *intermediate care, facility for skilled nursing or home for*
24 *individual residential care must receive training concerning the*
25 *care of older persons before the facility or home provides care to a*
26 *person and annually thereafter.*

27 5. *An employee who will provide care to a resident in a*
28 *facility for the dependent, facility for intermediate care, facility for*
29 *skilled nursing or home for individual residential care must*
30 *receive training concerning the care of older persons before the*
31 *employee provides care to a person in the facility or home and*
32 *annually thereafter.*

33 6. *The Board shall adopt regulations establishing the*
34 *requirements for training concerning the care of older persons*
35 *required by this section. The regulations must prescribe, without*
36 *limitation:*

37 (a) *The number of hours of initial training required for each*
38 *applicant, administrator and employee and the number of hours*
39 *for the training required annually thereafter;*

40 (b) *The procedure and requirements for the approval of a*
41 *program to provide training;*



1 (c) *The topics of instruction that must be included in the*
2 *training, which must include, without limitation:*

3 (1) *Recognizing the abuse of older persons, including*
4 *sexual abuse and violations of NRS 200.5091 to 200.50995,*
5 *inclusive;*

6 (2) *Responding to reports of the alleged abuse of older*
7 *persons, including sexual abuse and violations of NRS 200.5091*
8 *to 200.50995, inclusive;*

9 (3) *Instruction concerning the federal, state and local laws,*
10 *and any changes to those laws, relating to:*

11 (I) *The abuse of older persons; and*

12 (II) *Facilities for the dependent, facilities for*
13 *intermediate care, facilities for skilled nursing or homes for*
14 *individual residential care, as applicable for the person receiving*
15 *the training; and*

16 (d) *The approved methods of instruction, which must include*
17 *the use of the Internet.*

18 7. *The facility for the dependent, facility for intermediate*
19 *care, facility for skilled nursing or home for individual residential*
20 *care shall pay the costs related to training required by this section.*

21 8. *The administrator of a facility for intermediate care,*
22 *facility for skilled nursing or residential facility for groups who is*
23 *licensed pursuant to chapter 654 of NRS shall ensure that each*
24 *employee of the facility who provides care to residents has*
25 *obtained the training required by this section. If an administrator*
26 *or employee of a facility or home does not obtain the training*
27 *required by this section, the Health Division shall notify the Board*
28 *of Examiners for Long-Term Care Administrators that the*
29 *administrator is in violation of this section.*

30 9. *The holder of a license to operate a facility for the*
31 *dependent, facility for intermediate care, facility for skilled*
32 *nursing or home for individual residential care shall ensure that*
33 *each person who is required to comply with the requirements for*
34 *training and any regulations adopted by the Board pursuant to*
35 *this section complies with such requirements. The Health Division*
36 *may, for any violation of this section, take disciplinary action*
37 *against a facility or home pursuant to NRS 449.160 and 449.163.*

38 **Sec. 2.** NRS 449.037 is hereby amended to read as follows:

39 449.037 1. The Board shall adopt:

40 (a) Licensing standards for each class of medical facility or
41 facility for the dependent covered by NRS 449.001 to 449.240,
42 inclusive, *and section 1 of this act* and for programs of hospice
43 care.

44 (b) Regulations governing the licensing of such facilities and
45 programs.



1 (c) Regulations governing the procedure and standards for
2 granting an extension of the time for which a natural person may
3 provide certain care in his or her home without being considered a
4 residential facility for groups pursuant to NRS 449.017. The
5 regulations must require that such grants are effective only if made
6 in writing.

7 (d) Regulations establishing a procedure for the indemnification
8 by the Health Division, from the amount of any surety bond or other
9 obligation filed or deposited by a facility for refractive surgery
10 pursuant to NRS 449.068 or 449.069, of a patient of the facility who
11 has sustained any damages as a result of the bankruptcy of or any
12 breach of contract by the facility.

13 (e) Any other regulations as it deems necessary or convenient to
14 carry out the provisions of NRS 449.001 to 449.240, inclusive ~~§~~ ,
15 *and section 1 of this act.*

16 2. The Board shall adopt separate regulations governing the
17 licensing and operation of:

18 (a) Facilities for the care of adults during the day; and

19 (b) Residential facilities for groups,

20 ↪ which provide care to persons with Alzheimer's disease.

21 3. The Board shall adopt separate regulations for:

22 (a) The licensure of rural hospitals which take into consideration
23 the unique problems of operating such a facility in a rural area.

24 (b) The licensure of facilities for refractive surgery which take
25 into consideration the unique factors of operating such a facility.

26 (c) The licensure of mobile units which take into consideration
27 the unique factors of operating a facility that is not in a fixed
28 location.

29 4. The Board shall require that the practices and policies of
30 each medical facility or facility for the dependent provide
31 adequately for the protection of the health, safety and physical,
32 moral and mental well-being of each person accommodated in the
33 facility.

34 5. ~~The~~ *In addition to the training requirements prescribed*
35 *pursuant to section 1 of this act, the* Board shall establish minimum
36 qualifications for administrators and employees of residential
37 facilities for groups. In establishing the qualifications, the Board
38 shall consider the related standards set by nationally recognized
39 organizations which accredit such facilities.

40 6. The Board shall adopt separate regulations regarding the
41 assistance which may be given pursuant to NRS 453.375 and
42 454.213 to an ultimate user of controlled substances or dangerous
43 drugs by employees of residential facilities for groups. The
44 regulations must require at least the following conditions before
45 such assistance may be given:



1 (a) The ultimate user's physical and mental condition is stable
2 and is following a predictable course.

3 (b) The amount of the medication prescribed is at a maintenance
4 level and does not require a daily assessment.

5 (c) A written plan of care by a physician or registered nurse has
6 been established that:

7 (1) Addresses possession and assistance in the administration
8 of the medication; and

9 (2) Includes a plan, which has been prepared under the
10 supervision of a registered nurse or licensed pharmacist, for
11 emergency intervention if an adverse condition results.

12 (d) The prescribed medication is not administered by injection
13 or intravenously.

14 (e) The employee has successfully completed training and
15 examination approved by the Health Division regarding the
16 authorized manner of assistance.

17 7. The Board shall adopt separate regulations governing the
18 licensing and operation of residential facilities for groups which
19 provide assisted living services. The Board shall not allow the
20 licensing of a facility as a residential facility for groups which
21 provides assisted living services and a residential facility for groups
22 shall not claim that it provides "assisted living services" unless:

23 (a) Before authorizing a person to move into the facility, the
24 facility makes a full written disclosure to the person regarding what
25 services of personalized care will be available to the person and the
26 amount that will be charged for those services throughout the
27 resident's stay at the facility.

28 (b) The residents of the facility reside in their own living units
29 which:

30 (1) Except as otherwise provided in subsection 8, contain
31 toilet facilities;

32 (2) Contain a sleeping area or bedroom; and

33 (3) Are shared with another occupant only upon consent of
34 both occupants.

35 (c) The facility provides personalized care to the residents of the
36 facility and the general approach to operating the facility
37 incorporates these core principles:

38 (1) The facility is designed to create a residential
39 environment that actively supports and promotes each resident's
40 quality of life and right to privacy;

41 (2) The facility is committed to offering high-quality
42 supportive services that are developed by the facility in
43 collaboration with the resident to meet the resident's individual
44 needs;



1 (3) The facility provides a variety of creative and innovative
2 services that emphasize the particular needs of each individual
3 resident and the resident's personal choice of lifestyle;

4 (4) The operation of the facility and its interaction with its
5 residents supports, to the maximum extent possible, each resident's
6 need for autonomy and the right to make decisions regarding his or
7 her own life;

8 (5) The operation of the facility is designed to foster a social
9 climate that allows the resident to develop and maintain personal
10 relationships with fellow residents and with persons in the general
11 community;

12 (6) The facility is designed to minimize and is operated in a
13 manner which minimizes the need for its residents to move out of
14 the facility as their respective physical and mental conditions change
15 over time; and

16 (7) The facility is operated in such a manner as to foster a
17 culture that provides a high-quality environment for the residents,
18 their families, the staff, any volunteers and the community at large.

19 8. The Health Division may grant an exception from the
20 requirement of subparagraph (1) of paragraph (b) of subsection 7 to
21 a facility which is licensed as a residential facility for groups on or
22 before July 1, 2005, and which is authorized to have 10 or fewer
23 beds and was originally constructed as a single-family dwelling if
24 the Health Division finds that:

25 (a) Strict application of that requirement would result in
26 economic hardship to the facility requesting the exception; and

27 (b) The exception, if granted, would not:

28 (1) Cause substantial detriment to the health or welfare of
29 any resident of the facility;

30 (2) Result in more than two residents sharing a toilet facility;

31 or

32 (3) Otherwise impair substantially the purpose of that
33 requirement.

34 9. The Board shall, if it determines necessary, adopt
35 regulations and requirements to ensure that each residential facility
36 for groups and its staff are prepared to respond to an emergency,
37 including, without limitation:

38 (a) The adoption of plans to respond to a natural disaster and
39 other types of emergency situations, including, without limitation,
40 an emergency involving fire;

41 (b) The adoption of plans to provide for the evacuation of a
42 residential facility for groups in an emergency, including, without
43 limitation, plans to ensure that nonambulatory patients may be
44 evacuated;



1 (c) Educating the residents of residential facilities for groups
2 concerning the plans adopted pursuant to paragraphs (a) and (b); and

3 (d) Posting the plans or a summary of the plans adopted
4 pursuant to paragraphs (a) and (b) in a conspicuous place in each
5 residential facility for groups.

6 10. The regulations governing the licensing and operation of
7 facilities for transitional living for released offenders must provide
8 for the licensure of at least three different types of facilities,
9 including, without limitation:

10 (a) Facilities that only provide a housing and living
11 environment;

12 (b) Facilities that provide or arrange for the provision of
13 supportive services for residents of the facility to assist the residents
14 with reintegration into the community, in addition to providing a
15 housing and living environment; and

16 (c) Facilities that provide or arrange for the provision of alcohol
17 and drug abuse programs, in addition to providing a housing and
18 living environment and providing or arranging for the provision of
19 other supportive services.

20 ➤ The regulations must provide that if a facility was originally
21 constructed as a single-family dwelling, the facility must not be
22 authorized for more than eight beds.

23 11. As used in this section, "living unit" means an individual
24 private accommodation designated for a resident within the facility.

25 **Sec. 3.** NRS 449.060 is hereby amended to read as follows:

26 449.060 1. Each license issued pursuant to NRS 449.001 to
27 449.240, inclusive, *and section 1 of this act* expires on
28 December 31 following its issuance and is renewable for 1 year
29 upon reapplication and payment of all fees required pursuant to
30 NRS 449.050 unless the Health Division finds, after an
31 investigation, that the facility has not:

32 (a) Satisfactorily complied with the provisions of NRS 449.001
33 to 449.240, inclusive, *and section 1 of this act* or the standards and
34 regulations adopted by the Board;

35 (b) Obtained the approval of the Director of the Department of
36 Health and Human Services before undertaking a project, if such
37 approval is required by NRS 439A.100; or

38 (c) Conformed to all applicable local zoning regulations.

39 2. Each reapplication for an agency to provide personal care
40 services in the home, an agency to provide nursing in the home, a
41 facility for intermediate care, a facility for skilled nursing, a
42 residential facility for groups or a home for individual residential
43 care must include, without limitation, a statement that the facility,
44 agency or home is in compliance with the provisions of NRS
45 449.173 to 449.188, inclusive.



1 **3. Each reapplication for a facility for the dependent, facility**
2 **for intermediate care, facility for skilled nursing or home for**
3 **individual residential care must include, without limitation, a**
4 **statement that the holder of the license to operate, and the**
5 **administrator and employees of, the facility or home are in**
6 **compliance with the provisions of section 1 of this act.**

7 **Sec. 4.** NRS 449.070 is hereby amended to read as follows:

8 449.070 The provisions of NRS 449.001 to 449.240, inclusive,
9 **and section 1 of this act** do not apply to:

10 1. Any facility conducted by and for the adherents of any
11 church or religious denomination for the purpose of providing
12 facilities for the care and treatment of the sick who depend solely
13 upon spiritual means through prayer for healing in the practice of
14 the religion of the church or denomination, except that such a
15 facility shall comply with all regulations relative to sanitation and
16 safety applicable to other facilities of a similar category.

17 2. Foster homes as defined in NRS 424.014.

18 3. Any medical facility or facility for the dependent operated
19 and maintained by the United States Government or an agency
20 thereof.

21 **Sec. 5.** NRS 449.140 is hereby amended to read as follows:

22 449.140 1. Money received from licensing medical facilities
23 and facilities for the dependent must be forwarded to the State
24 Treasurer for deposit in the State General Fund.

25 2. The Health Division shall enforce the provisions of NRS
26 449.001 to 449.245, inclusive, **and section 1 of this act** and may
27 incur any necessary expenses not in excess of money appropriated
28 for that purpose by the State or received from the Federal
29 Government.

30 **Sec. 6.** NRS 449.160 is hereby amended to read as follows:

31 449.160 1. The Health Division may deny an application for
32 a license or may suspend or revoke any license issued under the
33 provisions of NRS 449.001 to 449.240, inclusive, **and section 1 of**
34 **this act** upon any of the following grounds:

35 (a) Violation by the applicant or the licensee of any of the
36 provisions of NRS 439B.410 or 449.001 to 449.245, inclusive, **and**
37 **section 1 of this act**, or of any other law of this State or of the
38 standards, rules and regulations adopted thereunder.

39 (b) Aiding, abetting or permitting the commission of any illegal
40 act.

41 (c) Conduct inimical to the public health, morals, welfare and
42 safety of the people of the State of Nevada in the maintenance and
43 operation of the premises for which a license is issued.

44 (d) Conduct or practice detrimental to the health or safety of the
45 occupants or employees of the facility.



1 (e) Failure of the applicant to obtain written approval from the
2 Director of the Department of Health and Human Services as
3 required by NRS 439A.100 or as provided in any regulation adopted
4 pursuant to this chapter, if such approval is required.

5 (f) Failure to comply with the provisions of NRS 449.2486.

6 2. In addition to the provisions of subsection 1, the Health
7 Division may revoke a license to operate a facility for the dependent
8 if, with respect to that facility, the licensee that operates the facility,
9 or an agent or employee of the licensee:

10 (a) Is convicted of violating any of the provisions of
11 NRS 202.470;

12 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
13 244.360, 244.3603 or 268.4124; or

14 (c) Is ordered by the appropriate governmental agency to correct
15 a violation of a building, safety or health code or regulation but fails
16 to correct the violation.

17 3. The Health Division shall maintain a log of any complaints
18 that it receives relating to activities for which the Health Division
19 may revoke the license to operate a facility for the dependent
20 pursuant to subsection 2. The Health Division shall provide to a
21 facility for the care of adults during the day:

22 (a) A summary of a complaint against the facility if the
23 investigation of the complaint by the Health Division either
24 substantiates the complaint or is inconclusive;

25 (b) A report of any investigation conducted with respect to the
26 complaint; and

27 (c) A report of any disciplinary action taken against the facility.

28 ➔ The facility shall make the information available to the public
29 pursuant to NRS 449.2486.

30 4. On or before February 1 of each odd-numbered year, the
31 Health Division shall submit to the Director of the Legislative
32 Counsel Bureau a written report setting forth, for the previous
33 biennium:

34 (a) Any complaints included in the log maintained by the Health
35 Division pursuant to subsection 3; and

36 (b) Any disciplinary actions taken by the Health Division
37 pursuant to subsection 2.

38 **Sec. 7.** NRS 449.163 is hereby amended to read as follows:

39 449.163 1. If a medical facility or facility for the dependent
40 violates any provision related to its licensure, including any
41 provision of NRS 439B.410 or 449.001 to 449.240, inclusive, *and*
42 *section 1 of this act*, or any condition, standard or regulation
43 adopted by the Board, the Health Division, in accordance with the
44 regulations adopted pursuant to NRS 449.165, may:



1 (a) Prohibit the facility from admitting any patient until it
2 determines that the facility has corrected the violation;

3 (b) Limit the occupancy of the facility to the number of beds
4 occupied when the violation occurred, until it determines that the
5 facility has corrected the violation;

6 (c) Impose an administrative penalty of not more than \$1,000
7 per day for each violation, together with interest thereon at a rate not
8 to exceed 10 percent per annum; and

9 (d) Appoint temporary management to oversee the operation of
10 the facility and to ensure the health and safety of the patients of the
11 facility, until:

12 (1) It determines that the facility has corrected the violation
13 and has management which is capable of ensuring continued
14 compliance with the applicable statutes, conditions, standards and
15 regulations; or

16 (2) Improvements are made to correct the violation.

17 2. If a violation by a medical facility or facility for the
18 dependent relates to the health or safety of a patient, an
19 administrative penalty imposed pursuant to paragraph (c) of
20 subsection 1 must be in a total amount of not less than \$1,000 and
21 not more than \$10,000 for each patient who was harmed or at risk of
22 harm as a result of the violation.

23 3. If the facility fails to pay any administrative penalty imposed
24 pursuant to paragraph (c) of subsection 1, the Health Division may:

25 (a) Suspend the license of the facility until the administrative
26 penalty is paid; and

27 (b) Collect court costs, reasonable attorney's fees and other
28 costs incurred to collect the administrative penalty.

29 4. The Health Division may require any facility that violates
30 any provision of NRS 439B.410 or 449.001 to 449.240, inclusive,
31 *and section 1 of this act*, or any condition, standard or regulation
32 adopted by the Board to make any improvements necessary to
33 correct the violation.

34 5. Any money collected as administrative penalties pursuant to
35 this section must be accounted for separately and used to protect the
36 health or property of the residents of the facility in accordance with
37 applicable federal standards.

38 **Sec. 8.** NRS 449.220 is hereby amended to read as follows:

39 449.220 1. The Health Division may bring an action in the
40 name of the State to enjoin any person, state or local government
41 unit or agency thereof from operating or maintaining any facility
42 within the meaning of NRS 449.001 to 449.240, inclusive ~~§~~, *and*
43 *section 1 of this act*:

44 (a) Without first obtaining a license therefor; or



1 (b) After his or her license has been revoked or suspended by
2 the Health Division.

3 2. It is sufficient in such action to allege that the defendant did,
4 on a certain date and in a certain place, operate and maintain such a
5 facility without a license.

6 **Sec. 9.** NRS 449.230 is hereby amended to read as follows:

7 449.230 1. Any authorized member or employee of the
8 Health Division may enter and inspect any building or premises at
9 any time to secure compliance with or prevent a violation of any
10 provision of NRS 449.001 to 449.245, inclusive **[]**, *and section 1*
11 *of this act.*

12 2. The State Fire Marshal or a designee of the State Fire
13 Marshal shall, upon receiving a request from the Health Division or
14 a written complaint concerning compliance with the plans and
15 requirements to respond to an emergency adopted pursuant to
16 subsection 9 of NRS 449.037:

17 (a) Enter and inspect a residential facility for groups; and

18 (b) Make recommendations regarding the adoption of plans and
19 requirements pursuant to subsection 9 of NRS 449.037,
20 **↳** to ensure the safety of the residents of the facility in an
21 emergency.

22 3. The State Health Officer or a designee of the State Health
23 Officer shall enter and inspect at least annually each building or the
24 premises of a residential facility for groups to ensure compliance
25 with standards for health and sanitation.

26 4. An authorized member or employee of the Health Division
27 shall enter and inspect any building or premises operated by a
28 residential facility for groups within 72 hours after the Health
29 Division is notified that a residential facility for groups is operating
30 without a license.

31 **Sec. 10.** NRS 449.240 is hereby amended to read as follows:

32 449.240 The district attorney of the county in which the facility
33 is located shall, upon application by the Health Division, institute
34 and conduct the prosecution of any action for violation of any
35 provisions of NRS 449.001 to 449.245, inclusive **[]**, *and section 1*
36 *of this act.*

37 **Sec. 11.** NRS 654.190 is hereby amended to read as follows:

38 654.190 1. The Board may, after notice and a hearing as
39 required by law, impose an administrative fine of not more than
40 \$10,000 for each violation on, recover reasonable investigative fees
41 and costs incurred from, suspend, revoke, deny the issuance or
42 renewal of or place conditions on the license of, and place on
43 probation or impose any combination of the foregoing on any
44 nursing facility administrator or administrator of a residential
45 facility for groups who:



1 (a) Is convicted of a felony relating to the practice of
2 administering a nursing facility or residential facility or of any
3 offense involving moral turpitude.

4 (b) Has obtained his or her license by the use of fraud or deceit.

5 (c) Violates any of the provisions of this chapter.

6 (d) Aids or abets any person in the violation of any of the
7 provisions of NRS 449.001 to 449.240, inclusive, *and section 1 of*
8 *this act*, as those provisions pertain to a facility for skilled nursing,
9 facility for intermediate care or residential facility for groups.

10 (e) Violates any regulation of the Board prescribing additional
11 standards of conduct for nursing facility administrators or
12 administrators of residential facilities for groups, including, without
13 limitation, a code of ethics.

14 (f) Engages in conduct that violates the trust of a patient or
15 resident or exploits the relationship between the nursing facility
16 administrator or administrator of a residential facility for groups and
17 the patient or resident for the financial or other gain of the licensee.

18 2. The Board shall give a licensee against whom proceedings
19 are brought pursuant to this section written notice of a hearing
20 pursuant to NRS 233B.121 and 241.034. A licensee may waive, in
21 writing, his or her right to attend the hearing.

22 3. The Board may compel the attendance of witnesses or the
23 production of documents or objects by subpoena. The Board may
24 adopt regulations that set forth a procedure pursuant to which the
25 Chair of the Board may issue subpoenas on behalf of the Board.
26 Any person who is subpoenaed pursuant to this subsection may
27 request the Board to modify the terms of the subpoena or grant
28 additional time for compliance.

29 4. An order that imposes discipline and the findings of fact and
30 conclusions of law supporting that order are public records.

31 5. The expiration of a license by operation of law or by order
32 or decision of the Board or a court, or the voluntary surrender of a
33 license, does not deprive the Board of jurisdiction to proceed with
34 any investigation of, or action or disciplinary proceeding against, the
35 licensee or to render a decision suspending or revoking the license.

36 **Sec. 12.** 1. Each person who holds a license to operate and
37 each person who is an administrator or employee of a facility for the
38 dependent, facility for intermediate care, facility for skilled nursing
39 or home for individual residential care on October 1, 2011, and who
40 is required to complete the training required by section 1 of this act
41 shall complete the training on or before October 1, 2012.

42 2. A statement that:

43 (a) The applicant has completed the training required by section
44 1 of this act must be included with an application for a license to
45 operate a facility for the dependent, facility for intermediate care,



1 facility for skilled nursing or home for individual residential care
2 submitted on or after October 1, 2011; and

3 (b) The holder of a license to operate, and the administrator and
4 employees of, a facility for the dependent, facility for intermediate
5 care, facility for skilled nursing or home for individual residential
6 care have completed the training required by section 1 of this act
7 must be included with a reapplication submitted for the facility or
8 home on or after October 1, 2012.

9 **Sec. 13.** This act becomes effective upon passage and approval
10 for the purpose of adopting regulations and on October 1, 2011, for
11 all other purposes.

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