

SENATE BILL NO. 455—COMMITTEE ON
HEALTH AND HUMAN SERVICES

MARCH 25, 2019

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing residential care.
(BDR 40-787)

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 residential care; categorizing providers of supported living arrangement services, providers of community-based living arrangement services and homes for residential care as providers of home-based residential care; requiring such a provider to obtain a license; requiring such a provider who wishes to serve certain populations to obtain an endorsement; prescribing authorized uses of fees for the licensing of such providers and certain facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law defines the term “supported living arrangement services” to refer
2 to flexible, individualized services provided in the home to a person with an
3 intellectual or developmental disability. (NRS 435.3315) Existing law defines the
4 term “community-based living arrangement services” to refer to similar services
5 provided to persons with mental illness. (NRS 433.605) Existing law defines the
6 term “home for individual residential care” to mean a home in which a natural
7 person furnishes food, shelter, assistance and limited supervision to not more than
8 two persons with intellectual disabilities or with physical disabilities or who are
9 aged or infirm. (NRS 449.0105) Existing law defines the term “residential facility
10 for groups” to mean an establishment, other than a home for individual residential
11 care or a home in which community-based living arrangement services or supported
12 living arrangement services are provided, that furnishes food, shelter, assistance
13 and limited supervision to a person with an intellectual disability or with a physical
14 disability or a person who is aged or infirm. (NRS 449.017) Existing law requires:
15 (1) a provider of community-based living arrangement services to be certified by
16 the Division of Public and Behavioral Health of the Department of Health and
17 Human Services; (2) a provider of supported living arrangement services to be



18 certified by the Aging and Disability Services Division of the Department; and (3) a
19 home for individual residential care or residential facility for groups to be licensed
20 by the Division of Public and Behavioral Health as a facility for the dependent.
21 (NRS 433.607, 435.332, 449.0045, 449.030)

22 **Section 12** of this bill replaces the term “home for individual residential care”
23 with the term “home for residential care,” which is defined to mean a home which
24 furnishes food, shelter, assistance and limited supervision to not more than 10
25 persons with intellectual disabilities or with physical disabilities or who are aged or
26 infirm. **Section 15** of this bill redefines the term “residential facility for groups” to
27 mean an establishment that furnishes food, shelter, assistance and limited
28 supervision to 11 or more such persons. **Section 7** of this bill defines the term
29 “provider of home-based residential care” to mean a home for residential care, a
30 provider of community-based living arrangement services or a provider of
31 supported living arrangement services. **Section 17** of this bill requires a provider of
32 home-based residential care to obtain a license from the Division of Public and
33 Behavioral Health. **Section 19** of this bill requires the State Board of Health to
34 adopt regulations governing the licensing of such providers. **Section 32** of this bill
35 requires employees and certain other persons who provide services at a provider of
36 home-based residential care to receive a background check. **Section 33** of this bill
37 requires the Chief Medical Officer to annually inspect each home for residential
38 care with more than two residents and each home operated by a provider of
39 supported living arrangement services or community-based living arrangement
40 services.

41 **Section 8** of this bill requires the Aging and Disability Services Division to
42 adopt regulations establishing endorsements of a license to operate a provider of
43 home-based residential care to serve specific populations. **Section 8** prohibits a
44 provider of home-based residential care from providing services to a population for
45 which an endorsement has been established unless the provider holds that
46 endorsement. **Sections 36 and 37** of this bill authorize the Division of Public and
47 Behavioral Health to take disciplinary action against a provider of home-based
48 residential care that violates this prohibition. **Section 8** requires the Aging and
49 Disability Services Division to investigate an applicant for an endorsement and
50 authorizes the Division to investigate the holder of an endorsement at any time.
51 **Section 104** of this bill repeals existing provisions regarding community-based
52 living arrangement services and supported living arrangement services.

53 **Sections 1-4, 13, 22-29, 32-37, 39, 45-47, 50-52, 60-68, 75, 77, 84, 90, 99, 100**
54 **and 102** of this bill provide for a provider of home-based residential care to be
55 treated similarly to a facility for the dependent in most circumstances. **Sections 20,**
56 **21, 28, 30, 31, 33, 38, 40-45, 49, 51, 69-76, 78, 80-83, 86-89, 94-101 and 103** of
57 this bill make conforming changes so that a home for residential care remains
58 subject to the same requirements relating to licensing and operation as under
59 existing law. **Sections 9-11, 14, 16, 18, 48, 53-59, 79, 85 and 91-93** of this bill
60 make other conforming changes.

61 Existing law authorizes fees collected by the Division of Public and Behavioral
62 Health for the licensing of a medical facility, facility for the dependent and certain
63 other facilities to be used by the Division to administer and carry out provisions
64 governing such facilities. (NRS 449.0308) **Section 24** of this bill additionally
65 authorizes the Division to: (1) collect such fees for the licensure of a provider of
66 home-based residential care; and (2) use such fees to protect the health, safety,
67 well-being and property of patients and residents of such facilities and recipients of
68 services from such providers.



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

1 **Section 1.** Chapter 439 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *“Provider of home-based residential care” has the meaning*
4 *ascribed to it in section 7 of this act.*

5 **Sec. 2.** NRS 439.950 is hereby amended to read as follows:

6 439.950 As used in NRS 439.950 to 439.983, inclusive, *and*
7 *section 1 of this act*, unless the context otherwise requires, the
8 words and terms defined in NRS 439.955, 439.960 and 439.965 *and*
9 *section 1 of this act* have the meanings ascribed to them in those
10 sections.

11 **Sec. 3.** NRS 439.970 is hereby amended to read as follows:

12 439.970 1. Except as otherwise provided in chapter 414 of
13 NRS, if a health authority identifies within its jurisdiction a public
14 health emergency or other health event that is an immediate threat to
15 the health and safety of the public in a health care facility , *a home*
16 *operated by a provider of home-based residential care* or the office
17 of a provider of health care, the health authority shall immediately
18 transmit to the Governor a report of the immediate threat.

19 2. Upon receiving a report pursuant to subsection 1, the
20 Governor shall determine whether a public health emergency or
21 other health event exists that requires a coordinated response for the
22 health and safety of the public. If the Governor determines that a
23 public health emergency or other health event exists that requires
24 such a coordinated response, the Governor shall issue an executive
25 order:

26 (a) Stating the nature of the public health emergency or other
27 health event;

28 (b) Stating the conditions that have brought about the public
29 health emergency or other health event, including, without
30 limitation, an identification of each health care facility , *provider of*
31 *home-based residential care* or provider of health care, if any,
32 related to the public health emergency or other health event;

33 (c) Stating the estimated duration of the immediate threat to the
34 health and safety of the public; and

35 (d) Designating an emergency team comprised of:

36 (1) The Chief Medical Officer or a person appointed
37 pursuant to subsection 5, as applicable; and

38 (2) Representatives of state agencies, divisions, boards and
39 other entities, including, without limitation, professional licensing
40 boards, with authority by statute to govern or regulate the health
41 care facilities , *providers of home-based residential care* and



1 providers of health care identified as being related to the public
2 health emergency or other health event pursuant to paragraph (b).

3 3. If additional state agencies, divisions, boards or other
4 entities are identified during the course of the response to the public
5 health emergency or other health event as having authority
6 regarding a health care facility, *provider of home-based residential*
7 *care* or provider of health care that is related to the public health
8 emergency or other health event, the Governor shall direct that
9 agency, division, board or entity to appoint a representative to the
10 emergency team.

11 4. The Chief Medical Officer or a person appointed pursuant to
12 subsection 5, as applicable, is the chair of the emergency team.

13 5. If the Chief Medical Officer has a conflict of interest relating
14 to a public health emergency or other health event or is otherwise
15 unable to carry out the duties prescribed pursuant to NRS 439.950 to
16 439.983, inclusive, *and section 1 of this act*, the Director shall
17 temporarily appoint a person to carry out the duties of the Chief
18 Medical Officer prescribed in NRS 439.950 to 439.983, inclusive,
19 *and section 1 of this act* until such time as the public health
20 emergency or other health event has been resolved or the Chief
21 Medical Officer is able to resume those duties. The person
22 appointed by the Director must meet the requirements prescribed by
23 NRS 439.095.

24 6. The Governor shall immediately transmit the executive
25 order to:

26 (a) The Legislature or, if the Legislature is not in session, to the
27 Legislative Commission and the Legislative Committee on Health
28 Care; and

29 (b) Any person or entity deemed necessary or advisable by the
30 Governor.

31 7. The Governor shall declare a public health emergency or
32 other health event terminated before the estimated duration stated in
33 the executive order upon a finding that the public health emergency
34 or other health event no longer poses an immediate threat to the
35 health and safety of the public. Upon such a finding, the Governor
36 shall notify each person and entity described in subsection 6.

37 8. If a public health emergency or other health event lasts
38 longer than the estimated duration stated in the executive order, the
39 Governor is not required to reissue an executive order, but shall
40 notify each person and entity identified in subsection 6.

41 9. The Attorney General shall provide legal counsel to the
42 emergency team.

43 **Sec. 4.** NRS 439.973 is hereby amended to read as follows:

44 439.973 During a public health emergency or other health
45 event, the Governor may, upon consultation with the emergency



1 team, request from a governor of a contiguous state assistance in
2 carrying out an inspection of any health care facility , *home*
3 *operated by a provider of home-based residential care* or the office
4 of a provider of health care. The Governor may enter into an
5 agreement for the provision of such services relating to inspections.

6 **Sec. 5.** NRS 439B.225 is hereby amended to read as follows:

7 439B.225 1. As used in this section, "licensing board" means
8 any division or board empowered to adopt standards for the issuance
9 or renewal of licenses, permits or certificates of registration
10 pursuant to NRS ~~[433.601 to 433.621, inclusive, 435.3305 to~~
11 ~~435.339, inclusive.]~~ chapter 449, 625A, 630, 630A, 631, 632, 633,
12 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A,
13 641B, 641C, 652 or 654 of NRS.

14 2. The Committee shall review each regulation that a licensing
15 board proposes or adopts that relates to standards for the issuance or
16 renewal of licenses, permits or certificates of registration issued to a
17 person , ~~[or]~~ facility *or provider* regulated by the board, giving
18 consideration to:

19 (a) Any oral or written comment made or submitted to it by
20 members of the public or by persons , ~~[or]~~ facilities *or providers*
21 affected by the regulation;

22 (b) The effect of the regulation on the cost of health care in this
23 State;

24 (c) The effect of the regulation on the number of licensed,
25 permitted or registered persons and facilities *or providers* available
26 to provide services in this State; and

27 (d) Any other related factor the Committee deems appropriate.

28 3. After reviewing a proposed regulation, the Committee shall
29 notify the agency of the opinion of the Committee regarding the
30 advisability of adopting or revising the proposed regulation.

31 4. The Committee shall recommend to the Legislature as a
32 result of its review of regulations pursuant to this section any
33 appropriate legislation.

34 **Sec. 6.** Chapter 449 of NRS is hereby amended by adding
35 thereto the provisions set forth as sections 7 and 8 of this act.

36 **Sec. 7. "Provider of home-based residential care" means:**

37 1. *A home for residential care;*

38 2. *A provider of community-based living arrangement*
39 *services; or*

40 3. *A provider of supported living arrangement services.*

41 **Sec. 8. 1. The Aging and Disability Services Division of the**
42 *Department of Health and Human Services shall adopt*
43 *regulations establishing endorsements of a license to operate a*
44 *provider of home-based residential care to serve specific*
45 *populations of persons with intellectual disabilities, developmental*



1 *disabilities or physical disabilities, persons who are aged or infirm*
2 *and persons with mental illness. The Aging and Disability Services*
3 *Division may adopt regulations prescribing:*

4 (a) *A reasonable fee for the issuance of an endorsement; and*
5 (b) *Requirements concerning the provision of home-based*
6 *residential care to members of such populations.*

7 2. *A provider of home-based residential care shall not provide*
8 *services to a population for which an endorsement has been*
9 *established pursuant to subsection 1 unless the provider holds that*
10 *endorsement.*

11 3. *The Aging and Disability Services Division:*

12 (a) *Shall, upon receiving an application for the issuance or*
13 *renewal of an endorsement, conduct an investigation into the*
14 *qualifications of the personnel, methods of operation, policies and*
15 *purposes of the applicant. Such an investigation:*

16 (1) *Must include, without limitation, an inspection of any*
17 *premises operated by the applicant for or holder of an*
18 *endorsement; and*

19 (2) *May include, with the consent of a person to whom the*
20 *applicant for or holder of an endorsement provides services or his*
21 *or her representative, an inspection of the home of such a person.*

22 (b) *May, at any other time, conduct an investigation into the*
23 *qualifications of the personnel, methods of operation, policies and*
24 *purposes of the applicant for or holder of an endorsement. Such*
25 *an investigation may include, without limitation, an inspection of*
26 *any premises operated by the applicant for or holder of an*
27 *endorsement and, with the consent of a person to whom the holder*
28 *provides services or his or her representative, the home of such a*
29 *person.*

30 (c) *May deny or revoke an endorsement for failure to comply*
31 *with any regulation of the Aging and Disability Services Division,*
32 *any requirements of this chapter or any regulations adopted by the*
33 *Division of Public and Behavioral Health pursuant thereto.*

34 4. *The Division of Public and Behavioral Health may accept*
35 *any finding by the Aging and Disability Services Division that an*
36 *applicant for or holder of an endorsement is in compliance with*
37 *the provisions of this chapter and the regulations adopted*
38 *pursuant thereto as conclusive evidence of such compliance.*

39 5. *As used in this section:*

40 (a) *“Developmental disability” has the meaning ascribed to it*
41 *in NRS 435.007.*

42 (b) *“Intellectual disability” has the meaning ascribed to it in*
43 *NRS 435.007.*

44 (c) *“Mental illness” has the meaning ascribed to it in*
45 *NRS 433.164.*



1 **Sec. 9.** NRS 449.001 is hereby amended to read as follows:
2 449.001 As used in this chapter, unless the context otherwise
3 requires, the words and terms defined in NRS 449.0015 to
4 449.0195, inclusive, *and section 7 of this act* have the meanings
5 ascribed to them in those sections.

6 **Sec. 10.** NRS 449.0026 is hereby amended to read as follows:
7 449.0026 “Community-based living arrangement services”
8 ~~[has the meaning ascribed to it in NRS 433.605.]~~ *means flexible,*
9 *individualized services, including, without limitation, training and*
10 *habilitation services, that are:*

11 1. *Provided in the home for compensation to persons with*
12 *mental illness or persons with developmental disabilities who are*
13 *served by the Division or any other entity; and*

14 2. *Designed and coordinated to assist such persons in*
15 *maximizing their independence.*

16 **Sec. 11.** NRS 449.0045 is hereby amended to read as follows:
17 449.0045 “Facility for the dependent” includes:

- 18 1. A facility for the treatment of abuse of alcohol or drugs;
- 19 2. A halfway house for recovering alcohol and drug abusers;
- 20 3. A facility for the care of adults during the day;
- 21 4. A residential facility for groups;
- 22 5. An agency to provide personal care services in the home;
- 23 6. A facility for transitional living for released offenders;
- 24 7. ~~[A home for individual residential care;~~

25 ~~—8.]~~ A peer support recovery organization; and

26 ~~[9.]~~ 8. A community health worker pool.

27 **Sec. 12.** NRS 449.0105 is hereby amended to read as follows:

28 449.0105 “Home for ~~[individual]~~ residential care” means a
29 home ~~[in]~~ which ~~[a natural person]~~ furnishes food, shelter,
30 assistance and limited supervision, for compensation, to not more
31 than ~~[two]~~ 10 persons with intellectual disabilities or with physical
32 disabilities or who are aged or infirm, unless the persons receiving
33 those services are related within the third degree of consanguinity or
34 affinity to the person providing those services. *The term includes,*
35 *without limitation, a home with not more than 10 residents that*
36 *provides assisted living services.* The term does not include:

- 37 1. A halfway house for recovering alcohol and drug abusers; or
- 38 2. A home in which community-based living arrangement
39 services or supported living arrangement services are provided by a
40 provider of such services during any period in which the provider is
41 engaged in providing the services.

42 **Sec. 13.** NRS 449.0153 is hereby amended to read as follows:

43 449.0153 1. “Nursing pool” means a person or agency which
44 provides for compensation, through its employees or by contractual
45 arrangement with other persons, nursing services to any natural



1 person, medical facility , *provider of home-based residential care*
2 or facility for the dependent.

3 2. The term does not include:

4 (a) An independent contractor who provides such services
5 without the assistance of employees;

6 (b) A nursing pool based in a medical facility , *home operated*
7 *by a provider of home-based residential care* or facility for the
8 dependent;

9 (c) A provider of community-based living arrangement services
10 during any period in which the provider of community-based living
11 arrangement services is engaged in providing community-based
12 living arrangement services; or

13 (d) A provider of supported living arrangement services during
14 any period in which the provider of supported living arrangement
15 services is engaged in providing supported living arrangement
16 services.

17 **Sec. 14.** NRS 449.0159 is hereby amended to read as follows:

18 449.0159 “Provider of supported living arrangement services”
19 means a natural person who or a partnership, firm, corporation,
20 association, state or local government or agency thereof that has
21 been issued a ~~certificate pursuant to NRS 435.3305 to 435.339,~~
22 ~~inclusive.]~~ *license to provide supported living arrangement*
23 *services pursuant to this chapter* and the regulations adopted
24 pursuant ~~to NRS 435.3305 to 435.339, inclusive.]~~ *thereto.*

25 **Sec. 15.** NRS 449.017 is hereby amended to read as follows:

26 449.017 1. Except as otherwise provided in subsection 2,
27 “residential facility for groups” means an establishment that
28 furnishes food, shelter, assistance and limited supervision to ~~a~~
29 ~~person]~~ *11 or more persons* with an intellectual disability or with a
30 physical disability or ~~a person]~~ who ~~is]~~ *are* aged or infirm. The
31 term includes, without limitation, an assisted living facility ~~]~~ *with*
32 *11 or more residents.*

33 2. The term does not include:

34 (a) An establishment which provides care only during the day;

35 (b) A natural person who provides care for no more than two
36 persons in his or her own home;

37 (c) A natural person who provides care for one or more persons
38 related to him or her within the third degree of consanguinity or
39 affinity;

40 (d) A halfway house for recovering alcohol and drug abusers; or

41 (e) A home in which community-based living arrangement
42 services or supported living arrangement services are provided by a
43 provider of such services during any period in which the provider is
44 providing the services.



1 **Sec. 16.** NRS 449.0185 is hereby amended to read as follows:
2 449.0185 “Supported living arrangement services” ~~has the~~
3 ~~meaning ascribed to it in NRS 435.3315.~~ *means flexible,*
4 *individualized services provided in the home for compensation to a*
5 *person with an intellectual disability or a person with a*
6 *developmental disability who is served by the Aging and Disability*
7 *Services Division of the Department of Health and Human*
8 *Services that are designed and coordinated to assist the person in*
9 *maximizing the person’s independence, including, without*
10 *limitation, training and habilitation services.*

11 **Sec. 17.** NRS 449.030 is hereby amended to read as follows:
12 449.030 Except as otherwise provided in NRS 449.03013,
13 449.03015 and 449.03017, no person, state or local government or
14 agency thereof may operate or maintain in this State any medical
15 facility , *provider of home-based residential care* or facility for the
16 dependent without first obtaining a license therefor as provided in
17 NRS 449.029 to 449.2428, inclusive ~~[]~~ , *and section 8 of this act.*

18 **Sec. 18.** NRS 449.0301 is hereby amended to read as follows:
19 449.0301 The provisions of NRS 449.029 to 449.2428,
20 inclusive, *and section 8 of this act* do not apply to:

21 1. Any facility *or home* conducted by and for the adherents of
22 any church or religious denomination for the purpose of providing
23 facilities *or homes* for the care and treatment of the sick who
24 depend solely upon spiritual means through prayer for healing in the
25 practice of the religion of the church or denomination, except that
26 such a facility *or home* shall comply with all regulations relative to
27 sanitation and safety applicable to other facilities *or homes* of a
28 similar category.

29 2. Foster homes as defined in NRS 424.014.

30 3. Any medical facility, facility for the dependent , ~~[or]~~ facility
31 which is otherwise required by the regulations adopted by the Board
32 pursuant to NRS 449.0303 *or provider of home-based residential*
33 *care* to be licensed that is operated and maintained by the United
34 States Government or an agency thereof.

35 **Sec. 19.** NRS 449.0302 is hereby amended to read as follows:

36 449.0302 1. The Board shall adopt:

37 (a) Licensing standards for each class of medical facility , ~~[or]~~
38 facility for the dependent *or provider of home-based residential*
39 *care* covered by NRS 449.029 to 449.2428, inclusive, *and section 8*
40 *of this act* and for programs of hospice care.

41 (b) Regulations governing the licensing of such facilities ,
42 *providers* and programs.

43 (c) Regulations governing the procedure and standards for
44 granting an extension of the time for which a natural person may
45 provide certain care in his or her home without being considered a



1 ~~[residential facility for groups pursuant to NRS 449.017.]~~ *home for*
2 *residential care.* The regulations must require that such grants are
3 effective only if made in writing.

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

10 (e) Any other regulations as it deems necessary or convenient to
11 carry out the provisions of NRS 449.029 to 449.2428, inclusive ~~[]~~,
12 *and section 8 of this act.*

13 2. The Board shall adopt separate regulations governing the
14 licensing and operation of:

15 (a) Facilities for the care of adults during the day; ~~[and]~~

16 (b) Residential facilities for groups ~~[]~~; *and*

17 (c) *Homes for residential care,*

18 → which provide care to persons with Alzheimer's disease.

19 3. The Board shall adopt separate regulations for:

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

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

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

27 4. The Board shall require that the practices and policies of
28 each medical facility, *provider of home-based residential care* or
29 facility for the dependent provide adequately for the protection of
30 the health, safety and physical, moral and mental well-being of each
31 person accommodated in the facility ~~[]~~ *or by the provider.*

32 5. In addition to the training requirements prescribed pursuant
33 to NRS 449.093, the Board shall establish minimum qualifications
34 for administrators and employees of residential facilities for groups
35 ~~[]~~ *and homes for residential care with more than two residents.* In
36 establishing the qualifications, the Board shall consider the related
37 standards set by nationally recognized organizations which accredit
38 such facilities ~~[]~~ *and homes.*

39 6. The Board shall adopt separate regulations regarding the
40 assistance which may be given pursuant to NRS 453.375 and
41 454.213 to an ultimate user of controlled substances or dangerous
42 drugs by employees of residential facilities for groups ~~[]~~ *and homes*
43 *for residential care.* The regulations must require at least the
44 following conditions before 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) Except as otherwise authorized by the regulations adopted
13 pursuant to NRS 449.0304, the prescribed medication is not
14 administered by injection or intravenously.

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

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

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

31 (b) The residents of the facility *or home* reside in their own
32 living units which:

33 (1) Except as otherwise provided in subsection 8, contain
34 toilet facilities;

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

36 (3) Are shared with another occupant only upon consent of
37 both occupants.

38 (c) The facility *or home* provides personalized care to the
39 residents of the facility *or home* and the general approach to
40 operating the facility *or home* incorporates these core principles:

41 (1) The facility *or home* is designed to create a residential
42 environment that actively supports and promotes each resident's
43 quality of life and right to privacy;

44 (2) The facility *or home* is committed to offering high-
45 quality supportive services that are developed by the facility *or*



1 *home* in collaboration with the resident to meet the resident's
2 individual needs;

3 (3) The facility *or home* provides a variety of creative and
4 innovative services that emphasize the particular needs of each
5 individual resident and the resident's personal choice of lifestyle;

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

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

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

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

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

28 (a) Strict application of that requirement would result in
29 economic hardship to the ~~[facility]~~ *home* requesting the exception;
30 and

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

32 (1) Cause substantial detriment to the health or welfare of
33 any resident of the ~~[facility:]~~ *home*;

34 (2) Result in more than two residents sharing a toilet facility;
35 or

36 (3) Otherwise impair substantially the purpose of that
37 requirement.


38 9. The Board shall, if it determines necessary, adopt
39 regulations and requirements to ensure that each residential facility
40 for groups *and home for residential care with more than two*
41 *residents* and its staff are prepared to respond to an emergency,
42 including, without limitation:

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



1 (b) The adoption of plans to provide for the evacuation of a
2 residential facility for groups *or home for residential care with*
3 *more than two residents* in an emergency, including, without
4 limitation, plans to ensure that nonambulatory patients may be
5 evacuated;

6 (c) Educating the residents of residential facilities for groups
7 *and homes for residential care with more than two residents*
8 concerning the plans adopted pursuant to paragraphs (a) and (b); and

9 (d) Posting the plans or a summary of the plans adopted
10 pursuant to paragraphs (a) and (b) in a conspicuous place in each
11 residential facility for groups  *or home for residential care with*
12 *more than two residents.*


13 10. The regulations governing the licensing and operation of
14 facilities for transitional living for released offenders must provide
15 for the licensure of at least three different types of facilities,
16 including, without limitation:

17 (a) Facilities that only provide a housing and living
18 environment;

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

23 (c) Facilities that provide or arrange for the provision of alcohol
24 and drug abuse programs, in addition to providing a housing and
25 living environment and providing or arranging for the provision of
26 other supportive services.

27 ↪ The regulations must provide that if a facility was originally
28 constructed as a single-family dwelling, the facility must not be
29 authorized for more than eight beds.

30 11. As used in this section, "living unit" means an individual
31 private accommodation designated for a resident within the facility
32  *or home.*

33 **Sec. 20.** NRS 449.0304 is hereby amended to read as follows:

34 449.0304 1. The Board shall adopt regulations authorizing an
35 employee of a residential facility for groups, *a home for residential*
36 *care*, an agency to provide personal care services in the home or a
37 facility for the care of adults during the day, with the consent of the
38 person receiving services, to:

39 (a) Check, record and report the temperature, blood pressure,
40 apical or radial pulse, respiration or oxygen saturation of a person
41 receiving services from the facility, *home* or agency;

42 (b) Using an auto-injection device approved by the Food and
43 Drug Administration for use in the home, administer to a person
44 receiving services from the facility, *home* or agency insulin



1 furnished by a registered pharmacist as directed by a physician or
2 assist such a person with the self-administration of such insulin; and

3 (c) Using a device for monitoring blood glucose approved by the
4 Food and Drug Administration for use in the home, conduct a blood
5 glucose test on a person receiving services from the facility, *home*
6 or agency or assist such a person to conduct a blood glucose test on
7 himself or herself.

8 2. The regulations adopted pursuant to this section:

9 (a) Must require the tasks described in subsection 1 to be
10 performed in conformance with the Clinical Laboratory
11 Improvement Amendments of 1988, Public Law No. 100-578, 42
12 U.S.C. § 263a, if applicable, and any other applicable federal law or
13 regulation;

14 (b) Must prohibit the use of a device for monitoring blood
15 glucose on more than one person; and

16 (c) May require a person to receive training before performing
17 any task described in subsection 1.

18 **Sec. 21.** NRS 449.0305 is hereby amended to read as follows:

19 449.0305 1. Except as otherwise provided in subsection 5, a
20 person must obtain a license from the Board to operate a business
21 that provides referrals to residential facilities for groups ~~or~~ *homes*
22 *for residential care.*

23 2. The Board shall adopt:

24 (a) Standards for the licensing of businesses that provide
25 referrals to residential facilities for groups ~~or~~ *homes for*
26 *residential care;*

27 (b) Standards relating to the fees charged by such businesses;

28 (c) Regulations governing the licensing of such businesses; and

29 (d) Regulations establishing requirements for training the
30 employees of such businesses.

31 3. A licensed nurse, social worker, physician or hospital, or a
32 provider of geriatric care who is licensed as a nurse or social
33 worker, may provide referrals to residential facilities for groups *or*
34 *homes for residential care* through a business that is licensed
35 pursuant to this section. The Board may, by regulation, authorize a
36 public guardian or any other person it determines appropriate to
37 provide referrals to residential facilities for groups *or homes for*
38 *residential care* through a business that is licensed pursuant to this
39 section.

40 4. A business that is licensed pursuant to this section or an
41 employee of such a business shall not:

42 (a) Refer a person to a residential facility for groups *or home for*
43 *residential care* that is not licensed.

44 (b) Refer a person to a residential facility for groups *or home*
45 *for residential care* if the business or its employee knows or



1 reasonably should know that the facility **[] or home**, or the services
2 provided by the facility **[] or home**, are not appropriate for the
3 condition of the person being referred.

4 (c) Refer a person to a residential facility for groups **or home for**
5 **residential care** that is owned by the same person who owns the
6 business.

7 ↪ A person who violates the provisions of this subsection is liable
8 for a civil penalty to be recovered by the Attorney General in the
9 name of the Board for the first offense of not more than \$10,000 and
10 for a second or subsequent offense of not less than \$10,000 nor
11 more than \$20,000. Unless otherwise required by federal law, the
12 Board shall deposit all civil penalties collected pursuant to this
13 section into a separate account in the State General Fund to be used
14 to administer and carry out the provisions of NRS 449.001 to
15 449.430, inclusive, **and sections 7 and 8 of this act**, 449.435 to
16 449.531, inclusive, and chapter 449A of NRS and to protect the
17 health, safety, well-being and property of the patients and residents
18 of facilities **and providers of home-based residential services** in
19 accordance with applicable state and federal standards.

20 5. This section does not apply to a medical facility that is
21 licensed pursuant to NRS 449.029 to 449.2428, inclusive, **and**
22 **section 8 of this act** on October 1, 1999.

23 **Sec. 22.** NRS 449.0306 is hereby amended to read as follows:

24 449.0306 1. Money received from licensing medical facilities
25 **, providers of home-based residential care** and facilities for the
26 dependent must be forwarded to the State Treasurer for deposit in
27 the State General Fund to the credit of the Division.

28 2. The Division shall enforce the provisions of NRS 449.029 to
29 449.245, inclusive, **and section 8 of this act**, and may incur any
30 necessary expenses not in excess of money authorized for that
31 purpose by the State or received from the Federal Government.

32 **Sec. 23.** NRS 449.0307 is hereby amended to read as follows:

33 449.0307 The Division may:

34 1. Upon receipt of an application for a license, conduct an
35 investigation into the premises, facilities, qualifications of
36 personnel, methods of operation, policies and purposes of any
37 person proposing to engage in the operation of a medical facility, a
38 facility for the dependent **, a provider of home-based residential**
39 **care** or facility which is required by the regulations adopted by the
40 Board pursuant to NRS 449.0303 to be licensed. The facility **or**
41 **provider** is subject to inspection and approval as to standards for
42 safety from fire, on behalf of the Division, by the State Fire
43 Marshal.

44 2. Upon receipt of a complaint against a medical facility,
45 facility for the dependent **, provider of home-based residential care**



1 or facility which is required by the regulations adopted by the Board
2 pursuant to NRS 449.0303 to be licensed, except for a complaint
3 concerning the cost of services, conduct an investigation into the
4 premises, facilities, qualifications of personnel, methods of
5 operation, policies, procedures and records of that facility *or*
6 *provider* or any other medical facility, facility for the dependent ,
7 *provider of home-based residential care* or facility which is
8 required by the regulations adopted by the Board pursuant to NRS
9 449.0303 to be licensed which may have information pertinent to
10 the complaint.

11 3. Employ such professional, technical and clerical assistance
12 as it deems necessary to carry out the provisions of NRS 449.029 to
13 449.245, inclusive ~~[]~~, *and section 8 of this act.*

14 **Sec. 24.** NRS 449.0308 is hereby amended to read as follows:

15 449.0308 1. Except as otherwise provided in this section, the
16 Division may charge and collect from a medical facility, facility for
17 the dependent , ~~[or]~~ facility which is required by the regulations
18 adopted by the Board pursuant to NRS 449.0303 to be licensed *or*
19 *provider of home-based residential care* or a person who operates
20 such a facility *or provider* without a license issued by the Division
21 ~~[the]~~ :

22 (a) *The actual costs incurred by the Division for the*
23 *enforcement of the provisions of NRS 449.029 to 449.2428,*
24 *inclusive, and section 8 of this act, including, without limitation,*
25 *the actual cost of conducting an inspection or investigation of the*
26 *facility [] ; and*

27 (b) *Any costs necessary to protect the health, safety, well-being*
28 *and property of the patients and residents of such facilities and the*
29 *recipients of services from such providers.*

30 2. The Division shall not charge and collect the actual cost for
31 enforcement pursuant to subsection 1 if the enforcement activity is:

32 (a) Related to the issuance or renewal of a license for which the
33 Board charges a fee pursuant to NRS 449.050 or 449.089; or

34 (b) Conducted pursuant to an agreement with the Federal
35 Government which has appropriated money for that purpose.

36 3. Any money collected pursuant to subsection 1 may be used
37 by the Division to ~~[administer]~~ :

38 (a) *Administer* and carry out the provisions of NRS 449.029 to
39 449.2428, inclusive, *and section 8 of this act* and the regulations
40 adopted pursuant thereto ~~[]~~ ; and

41 (b) *Protect the health, safety, well-being and property of:*

42 (1) *Patients and residents of medical facilities, facilities for*
43 *the dependent and facilities which are required by the regulations*
44 *adopted by the Board pursuant to NRS 449.0303 to be licensed;*
45 *and*



1 (2) *Recipients of services from providers of home-based*
2 *residential care.*

3 4. The provisions of this section do not apply to any costs
4 incurred by the Division for the enforcement of the provisions of
5 NRS 449.24185, 449.2419 or 449.24195.

6 **Sec. 25.** NRS 449.040 is hereby amended to read as follows:

7 449.040 Any person, state or local government or agency
8 thereof desiring a license under the provisions of NRS 449.029 to
9 449.2428, inclusive, *and section 8 of this act* must file with the
10 Division an application on a form prescribed, prepared and
11 furnished by the Division, containing:

12 1. The name of the applicant and, if a natural person, whether
13 the applicant has attained the age of 21 years.

14 2. The type of facility *or provider* to be operated.

15 3. The location of the facility ~~[]~~ *or provider.*

16 4. In specific terms, the nature of services and type of care to
17 be offered, as defined in the regulations.

18 5. ~~[The]~~ *For a medical facility, facility for the dependent,*
19 *facility which is required by the regulations adopted by the Board*
20 *pursuant to NRS 449.0303 to be licensed, home for residential*
21 *care or a provider of supported living arrangement services or*
22 *community-based living arrangement services that will operate a*
23 *home, the* number of beds authorized by the Director of the
24 Department of Health and Human Services or, if such authorization
25 is not required, the number of beds the facility *or home* will contain.

26 6. *For a provider of supported living arrangement services or*
27 *community-based living arrangement services that will not operate*
28 *a home, the number of persons to whom the provider will provide*
29 *services.*

30 7. The name of the person in charge of the facility ~~[]~~ *or*
31 *provider.*

32 ~~[7.]~~ 8. Such other information as may be required by the
33 Division for the proper administration and enforcement of NRS
34 449.029 to 449.2428, inclusive ~~[]~~, *and section 8 of this act.*

35 ~~[8.]~~ 9. Evidence satisfactory to the Division that the applicant
36 is of reputable and responsible character. If the applicant is a firm,
37 association, organization, partnership, business trust, corporation or
38 company, similar evidence must be submitted as to the members
39 thereof and the person in charge of the facility *or provider* for which
40 application is made. If the applicant is a political subdivision of the
41 State or other governmental agency, similar evidence must be
42 submitted as to the person in charge of the institution for which
43 application is made.

44 ~~[9.]~~ 10. Evidence satisfactory to the Division of the ability of
45 the applicant to comply with the provisions of NRS 449.029



1 to 449.2428, inclusive, *and section 8 of this act* and the standards
2 and regulations adopted by the Board.

3 ~~H0~~ **II.** Evidence satisfactory to the Division that the facility
4 *or provider* conforms to the zoning regulations of the local
5 government within which the facility *or provider* will be operated or
6 that the applicant has applied for an appropriate reclassification,
7 variance, permit for special use or other exception for the facility ~~H~~
8 *or provider*.

9 **Sec. 26.** NRS 449.080 is hereby amended to read as follows:

10 449.080 1. If, after investigation, the Division finds that the:

11 (a) Applicant is in full compliance with the provisions of NRS
12 449.029 to 449.2428, inclusive ~~H~~, *and section 8 of this act*;

13 (b) Applicant is in substantial compliance with the standards and
14 regulations adopted by the Board;

15 (c) Applicant, if he or she has undertaken a project for which
16 approval is required pursuant to NRS 439A.100, has obtained the
17 approval of the Director of the Department of Health and Human
18 Services; and

19 (d) Facility *or provider* conforms to the applicable zoning
20 regulations,

21 ↪ the Division shall issue the license to the applicant.

22 2. A license applies only to the person to whom it is issued, is
23 valid only for the premises described in the license and is not
24 transferable.

25 **Sec. 27.** NRS 449.085 is hereby amended to read as follows:

26 449.085 Each license issued by the Division shall be in the
27 form prescribed by the Division and shall contain:

28 1. The name of the person or persons authorized to operate
29 such licensed facility ~~H~~ *or provider*;

30 2. The location of such licensed facility ~~H~~ *or provider*; and

31 3. The number of beds authorized in such licensed facility ~~H~~
32 *or provider*, the nature of services offered and the service delivery
33 capacity.

34 **Sec. 28.** NRS 449.089 is hereby amended to read as follows:

35 449.089 1. Each license issued pursuant to NRS 449.029 to
36 449.2428, inclusive, *and section 8 of this act* expires on
37 December 31 following its issuance and is renewable for 1 year
38 upon reapplication and payment of all fees required pursuant to
39 NRS 449.050 unless the Division finds, after an investigation, that
40 the facility *or provider* has not:

41 (a) Satisfactorily complied with the provisions of NRS 449.029
42 to 449.2428, inclusive, *and section 8 of this act* or the standards and
43 regulations adopted by the Board;



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

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

5 2. Each reapplication for an agency to provide personal care
6 services in the home, an agency to provide nursing in the home, a
7 community health worker pool, a facility for intermediate care, a
8 facility for skilled nursing, *a provider of home-based residential*
9 *care*, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv)
10 which accepts payment through Medicare, a psychiatric hospital that
11 provides inpatient services to children, a psychiatric residential
12 treatment facility, a residential facility for groups, a program of
13 hospice care, ~~fa home for individual residential care,~~ a facility for
14 the care of adults during the day, a facility for hospice care, a
15 nursing pool, a peer support recovery organization, the distinct part
16 of a hospital which meets the requirements of a skilled nursing
17 facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital
18 that provides swing-bed services as described in 42 C.F.R. § 482.58
19 or, if residential services are provided to children, a medical facility
20 or facility for the treatment of abuse of alcohol or drugs must
21 include, without limitation, a statement that the facility, hospital,
22 agency, program, pool, organization or home is in compliance with
23 the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

24 3. Each reapplication for an agency to provide personal care
25 services in the home, a community health worker pool, a facility for
26 intermediate care, a facility for skilled nursing, a facility for the care
27 of adults during the day, a peer support recovery organization, a
28 residential facility for groups or a home for individual ~~residential~~
29 care must include, without limitation, a statement that the holder of
30 the license to operate, and the administrator or other person in
31 charge and employees of, the facility, agency, pool, organization or
32 home are in compliance with the provisions of NRS 449.093.

33 **Sec. 29.** NRS 449.091 is hereby amended to read as follows:

34 449.091 1. The Division may cancel the license of a medical
35 facility, facility for the dependent , *provider of home-based*
36 *residential care* or a facility which is required by the regulations
37 adopted by the Board pursuant to NRS 449.0303 to be licensed and
38 issue a provisional license, effective for a period determined by the
39 Division, to such a facility *or provider* if it:

40 (a) Is in operation at the time of the adoption of standards and
41 regulations pursuant to the provisions of NRS 449.029 to 449.2428,
42 inclusive, *and section 8 of this act* and the Division determines that
43 the facility *or provider* requires a reasonable time under the
44 particular circumstances within which to comply with the standards
45 and regulations; or



1 (b) Has failed to comply with the standards or regulations and
2 the Division determines that the facility *or provider* is in the process
3 of making the necessary changes or has agreed to make the changes
4 within a reasonable time.

5 2. The provisions of subsection 1 do not require the issuance of
6 a license or prevent the Division from refusing to renew or from
7 revoking or suspending any license where the Division deems such
8 action necessary for the health and safety of the occupants of any
9 facility ~~[-]~~ *or recipients of services from any provider.*

10 **Sec. 30.** NRS 449.093 is hereby amended to read as follows:

11 449.093 1. An applicant for a license to operate a facility for
12 intermediate care, facility for skilled nursing, agency to provide
13 personal care services in the home, facility for the care of adults
14 during the day, residential facility for groups or home for
15 ~~[individual]~~ residential care must receive training to recognize and
16 prevent the abuse of older persons before a license to operate such a
17 facility, agency or home is issued to the applicant. If an applicant
18 has completed such training within the year preceding the date of
19 the application for a license and the application includes evidence
20 of the training, the applicant shall be deemed to have complied with
21 the requirements of this subsection.

22 2. A licensee who holds a license to operate a facility for
23 intermediate care, facility for skilled nursing, agency to provide
24 personal care services in the home, facility for the care of adults
25 during the day, residential facility for groups or home for
26 ~~[individual]~~ residential care must annually receive training to
27 recognize and prevent the abuse of older persons before the license
28 to operate such a facility, agency or home may be renewed.

29 3. If an applicant or licensee who is required by this section to
30 obtain training is not a natural person, the person in charge of the
31 facility, agency or home must receive the training required by this
32 section.

33 4. An administrator or other person in charge of a facility for
34 intermediate care, facility for skilled nursing, agency to provide
35 personal care services in the home, facility for the care of adults
36 during the day, residential facility for groups or home for
37 ~~[individual]~~ residential care must receive training to recognize and
38 prevent the abuse of older persons before the facility, agency or
39 home provides care to a person and annually thereafter.

40 5. An employee who will provide care to a person in a facility
41 for intermediate care, facility for skilled nursing, agency to provide
42 personal care services in the home, facility for the care of adults
43 during the day, residential facility for groups or home for
44 ~~[individual]~~ residential care must receive training to recognize and
45 prevent the abuse of older persons before the employee provides



1 care to a person in the facility, agency or home and annually
2 thereafter.

3 6. The topics of instruction that must be included in the
4 training required by this section must include, without limitation:

5 (a) Recognizing the abuse of older persons, including sexual
6 abuse and violations of NRS 200.5091 to 200.50995, inclusive;

7 (b) Responding to reports of the alleged abuse of older persons,
8 including sexual abuse and violations of NRS 200.5091 to
9 200.50995, inclusive; and

10 (c) Instruction concerning the federal, state and local laws, and
11 any changes to those laws, relating to:

12 (1) The abuse of older persons; and

13 (2) Facilities for intermediate care, facilities for skilled
14 nursing, agencies to provide personal care services in the home,
15 facilities for the care of adults during the day, residential facilities
16 for groups or homes for [individual] residential care, as applicable
17 for the person receiving the training.

18 7. The facility for intermediate care, facility for skilled nursing,
19 agency to provide personal care services in the home, facility for the
20 care of adults during the day, residential facility for groups or home
21 for [individual] residential care is responsible for the costs related to
22 the training required by this section.

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

32 9. The holder of a license to operate a facility for intermediate
33 care, facility for skilled nursing, agency to provide personal care
34 services in the home, facility for the care of adults during the day,
35 residential facility for groups or home for [individual] residential
36 care shall ensure that each person who is required to comply with
37 the requirements for training pursuant to this section complies with
38 such requirements. The Division may, for any violation of this
39 section, take disciplinary action against a facility, agency, *provider*
40 or home pursuant to NRS 449.160 and 449.163.

41 **Sec. 31.** NRS 449.094 is hereby amended to read as follows:

42 449.094 1. The Board shall establish minimum continuing
43 education requirements concerning the care of persons with any
44 form of dementia, including, without limitation, dementia caused by
45 Alzheimer's disease, for each person who is:



1 (a) Employed by a facility for skilled nursing, facility for
2 intermediate care , ~~[or]~~ residential facility for groups *or home for*
3 *residential care with more than two residents* which provides care
4 to persons with any form of dementia; and

5 (b) Licensed or certified by an occupational licensing board.

6 2. In establishing continuing education requirements pursuant
7 to subsection 1, the Board shall consider any other educational
8 requirements imposed on such employees to ensure that the
9 continuing education requirements established by the Board do not
10 duplicate or conflict with the existing educational requirements
11 imposed on those employees.

12 3. The administrator of a facility for skilled nursing, facility for
13 intermediate care , ~~[or]~~ residential facility for groups *or home for*
14 *residential care with more than two residents* which provides care
15 to persons with any form of dementia, including, without limitation,
16 dementia caused by Alzheimer's disease, shall ensure that each
17 employee of the facility *or home* who is required to comply with the
18 requirements for continuing education established by the Board
19 pursuant to this section complies with such requirements.

20 **Sec. 32.** NRS 449.119 is hereby amended to read as follows:

21 449.119 "Facility, hospital, agency, program or home" means
22 an agency to provide personal care services in the home, an
23 employment agency that contracts with persons to provide
24 nonmedical services related to personal care to elderly persons or
25 persons with disabilities in the home, an agency to provide nursing
26 in the home, a community health worker pool, a facility for
27 intermediate care, a facility for skilled nursing, a hospital described
28 in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through
29 Medicare, a psychiatric hospital that provides inpatient services to
30 children, a psychiatric residential treatment facility, a peer support
31 recovery organization, a residential facility for groups, a program of
32 hospice care, a ~~[home for individual]~~ *provider of home-based*
33 residential care, a facility for the care of adults during the day, a
34 facility for hospice care, a nursing pool, the distinct part of a
35 hospital which meets the requirements of a skilled nursing facility or
36 nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that
37 provides swing-bed services as described in 42 C.F.R. § 482.58 or,
38 if residential services are provided to children, a medical facility or
39 facility for the treatment of abuse of alcohol or drugs.

40 **Sec. 33.** NRS 449.131 is hereby amended to read as follows:

41 449.131 1. Any authorized member or employee of the
42 Division may enter and inspect any building or premises at any time
43 to secure compliance with or prevent a violation of any provision of
44 NRS 449.029 to 449.245, inclusive ~~[]~~ , *and section 8 of this act.*



1 2. The State Fire Marshal or a designee of the State Fire
2 Marshal shall, upon receiving a request from the Division or a
3 written complaint concerning compliance with the plans and
4 requirements to respond to an emergency adopted pursuant to
5 subsection 9 of NRS 449.0302:

6 (a) Enter and inspect a residential facility for groups **[H] or home**
7 **for residential care with more than two residents;** and

8 (b) Make recommendations regarding the adoption of plans and
9 requirements pursuant to subsection 9 of NRS 449.0302,
10 ↪ to ensure the safety of the residents of the facility **or home** in an
11 emergency.

12 3. The Chief Medical Officer or a designee of the Chief
13 Medical Officer shall enter and inspect at least annually each
14 building or the premises of a residential facility for groups , **each**
15 **home for residential care with more than two residents and each**
16 **home operated by a provider of supported living arrangement**
17 **services or a provider of community-based living arrangement**
18 **services** to ensure compliance with standards for health and
19 sanitation.

20 4. An authorized member or employee of the Division shall
21 enter and inspect any building or premises operated by a residential
22 facility for groups **or a provider of home-based residential care**
23 within 72 hours after the Division is notified that a residential
24 facility for groups **or a provider of home-based residential care** is
25 operating without a license.

26 **Sec. 34.** NRS 449.132 is hereby amended to read as follows:

27 449.132 Every medical facility, facility for the dependent ,
28 **provider of home-based residential care** or facility which is
29 required by the regulations adopted by the Board pursuant to NRS
30 449.0303 to be licensed may be inspected at any time, with or
31 without notice, as often as is necessary by:

32 1. The Division of Public and Behavioral Health to ensure
33 compliance with all applicable regulations and standards; and

34 2. Any person designated by the Aging and Disability Services
35 Division of the Department of Health and Human Services to
36 investigate complaints made against the facility **[H] or provider.**

37 **Sec. 35.** NRS 449.133 is hereby amended to read as follows:

38 449.133 The Division shall:

39 1. Prepare a report of the results of its inspections of medical
40 facilities , **providers of home-based residential care** and facilities
41 for the dependent regarding compliance with applicable regulations
42 and standards. The report must be provided to the facility **or**
43 **provider** and include, without limitation, a recommendation of the
44 Division for correcting any deficiencies and, if a deficiency is
45 discovered as a result of an investigation by a county, district or city



1 board of health or health officer, the recommendations of the board
2 or health officer.

3 2. Upon request, disclose to any person or governmental entity
4 the results of its inspections of facilities for skilled nursing, facilities
5 for intermediate care, ~~and~~ residential facilities for groups *and*
6 *homes for residential care* regarding their compliance with
7 applicable regulations and standards.

8 **Sec. 36.** NRS 449.160 is hereby amended to read as follows:

9 449.160 1. The Division may deny an application for a
10 license or may suspend or revoke any license issued under the
11 provisions of NRS 449.029 to 449.2428, inclusive, *and section 8 of*
12 *this act* upon any of the following grounds:

13 (a) Violation by the applicant or the licensee of any of the
14 provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, *and*
15 *section 8 of this act* or of any other law of this State or of the
16 standards, rules and regulations adopted thereunder.

17 (b) Aiding, abetting or permitting the commission of any illegal
18 act.

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

22 (d) Conduct or practice detrimental to the health or safety of the
23 occupants or employees of the facility ~~or~~ *or provider.*

24 (e) Failure of the applicant to obtain written approval from the
25 Director of the Department of Health and Human Services as
26 required by NRS 439A.100 or as provided in any regulation adopted
27 pursuant to NRS 449.001 to 449.430, inclusive, *and sections 7 and*
28 *8 of this act* and 449.435 to 449.531, inclusive, and chapter 449A of
29 NRS if such approval is required.

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

31 2. In addition to the provisions of subsection 1, the Division
32 may revoke a license to operate a facility for the dependent *or*
33 *provider of home-based residential care* if, with respect to that
34 facility ~~or~~ *or provider*, the licensee that operates the facility ~~or~~
35 *or provider*, or an agent or employee of the licensee:

36 (a) Is convicted of violating any of the provisions of
37 NRS 202.470;

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

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

43 3. The Division shall maintain a log of any complaints that it
44 receives relating to activities for which the Division may revoke the
45 license to operate a facility for the dependent *or provider of home-*



1 **based residential care** pursuant to subsection 2. The Division shall
2 provide to a facility for the care of adults during the day:

3 (a) A summary of a complaint against the facility if the
4 investigation of the complaint by the Division either substantiates
5 the complaint or is inconclusive;

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

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

9 ↪ The facility shall make the information available to the public
10 pursuant to NRS 449.2486.

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

14 (a) Any complaints included in the log maintained by the
15 Division pursuant to subsection 3; and

16 (b) Any disciplinary actions taken by the Division pursuant to
17 subsection 2.

18 **Sec. 37.** NRS 449.163 is hereby amended to read as follows:

19 449.163 1. In addition to the payment of the amount required
20 by NRS 449.0308, if a medical facility, facility for the dependent ,
21 **provider of home-based residential care** or facility which is
22 required by the regulations adopted by the Board pursuant to NRS
23 449.0303 to be licensed violates any provision related to its
24 licensure, including any provision of NRS 439B.410 or 449.029 to
25 449.2428, inclusive, **and section 8 of this act**, or any condition,
26 standard or regulation adopted by the Board, the Division, in
27 accordance with the regulations adopted pursuant to NRS 449.165,
28 may:

29 (a) Prohibit the facility from admitting any patient **or the**
30 **provider from accepting any patient, as applicable**, until it
31 determines that the facility **or provider** has corrected the violation;

32 (b) Limit the occupancy of the facility to the number of beds
33 occupied when the violation occurred **or limit the persons served**
34 **by the provider to the number of persons served when the violation**
35 **occurred, as applicable**, until it determines that the facility **or**
36 **provider** has corrected the violation;

37 (c) If the license of the facility limits the occupancy of the
38 facility **or the number of persons served by the provider** and the
39 facility has exceeded the approved occupancy **or the provider**
40 **has exceeded the approved number of persons served**, require the
41 facility **or provider**, at its own expense, to move patients to
42 another facility that is licensed **or obtain services for patients**
43 **from another provider that is licensed, as applicable;**



1 (d) Impose an administrative penalty of not more than \$5,000
2 per day for each violation, together with interest thereon at a rate not
3 to exceed 10 percent per annum; and

4 (e) Appoint temporary management to oversee the operation of
5 the facility *or provider* and to ensure the health and safety of the
6 patients of the facility ~~§~~ *or provider*, until:

7 (1) It determines that the facility *or provider* has corrected
8 the violation and has management which is capable of ensuring
9 continued compliance with the applicable statutes, conditions,
10 standards and regulations; or

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

12 2. If the facility *or provider* fails to pay any administrative
13 penalty imposed pursuant to paragraph (d) of subsection 1, the
14 Division may:

15 (a) Suspend the license of the facility *or provider* until the
16 administrative penalty is paid; and

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

19 3. The Division may require any facility *or provider* that
20 violates any provision of NRS 439B.410 or 449.029 to 449.2428,
21 inclusive, *and section 8 of this act*, or any condition, standard or
22 regulation adopted by the Board to make any improvements
23 necessary to correct the violation.

24 4. Any money collected as administrative penalties pursuant to
25 paragraph (d) of subsection 1 must be accounted for separately and
26 used to administer and carry out the provisions of NRS 449.001 to
27 449.430, inclusive, *and sections 7 and 8 of this act*, 449.435 to
28 449.530, inclusive, and 449.760 and chapter 449A of NRS to protect
29 the health, safety, well-being and property of the patients and
30 residents of facilities *and recipients of services from providers* in
31 accordance with applicable state and federal standards or for any
32 other purpose authorized by the Legislature.

33 **Sec. 38.** NRS 449.172 is hereby amended to read as follows:

34 449.172 If the Division suspends or revokes the license of a
35 person who operates a residential facility for groups *or home for*
36 *residential care* for abuse, neglect, exploitation, isolation or
37 abandonment of the occupants of the facility ~~§~~ *or home*, the
38 Division shall suspend or revoke the license of all residential
39 facilities for groups *and homes for residential care* operated by that
40 person. The person who operates the facility *or home* shall move all
41 of the persons who are receiving services in the residential facilities
42 for groups *or homes for residential care* to other licensed
43 residential facilities for groups *or homes for residential care* at his
44 or her own expense.



1 **Sec. 39.** NRS 449.1825 is hereby amended to read as follows:
2 449.1825 1. The Division shall post on an Internet website
3 maintained by the Division links to:

4 (a) The most recent star rating assigned by the Centers for
5 Medicare and Medicaid Services of the United States Department of
6 Health and Human Services to each medical facility , *provider of*
7 *home-based residential care* or facility for the dependent in this
8 State that receives such a rating; and

9 (b) The Ambulatory Surgical Center Quality Reporting Program
10 maintained by the Centers for Medicare and Medicaid Services.

11 2. A medical facility , *provider of home-based residential care*
12 or facility for the dependent that receives a star rating from the
13 Centers for Medicare and Medicaid Services shall post the most
14 recent star rating assigned to the facility in a conspicuous place near
15 each entrance to the facility *or any home operated by the provider*
16 that is regularly used by the public and, if the facility *or provider*
17 maintains an Internet website that is accessible to the public, on that
18 Internet website.

19 3. A surgical center for ambulatory patients shall post the
20 address of the Internet website for the Ambulatory Surgical Center
21 Quality Reporting Program maintained by the Centers for Medicare
22 and Medicaid Services in a conspicuous place near each entrance to
23 the surgical center for ambulatory patients that is regularly used by
24 the public and, if the surgical center for ambulatory patients
25 maintains an Internet website that is accessible to the public, on that
26 Internet website.

27 **Sec. 40.** NRS 449.183 is hereby amended to read as follows:

28 449.183 1. A facility for intermediate care, facility for skilled
29 nursing , *home for residential care with more than two residents*
30 and residential facility for groups shall adopt a written policy that
31 establishes:

32 (a) The number of days the facility *or home* will hold the bed of
33 a patient or resident for his or her return if the patient or resident is
34 transferred temporarily to a hospital or other facility for medical
35 reasons; and

36 (b) That a patient or resident who is so transferred for a period
37 that exceeds the period of the hold established pursuant to paragraph
38 (a) will be allowed to resume his or her residency as soon as a bed
39 becomes available, if the facility *or home* is suitable for properly
40 caring for the patient upon his or her return.

41 2. Upon admission of a patient or resident to a facility for
42 intermediate care, facility for skilled nursing , *home for residential*
43 *care with more than two residents* or residential facility for groups,
44 the facility *or home* shall provide to the patient or resident and, if



1 applicable, to the legal representative of the patient or resident, a
2 copy of the policy established pursuant to subsection 1.

3 **Sec. 41.** NRS 449.184 is hereby amended to read as follows:

4 449.184 1. A person who operates a residential facility for
5 groups *or home for residential care with more than two residents*
6 shall:

7 (a) Post his or her license to operate the residential facility for
8 groups ~~[]~~ *or home for residential care, as applicable;*

9 (b) Post the rates for services provided by the residential facility
10 for groups ~~[]~~ *or home for residential care, as applicable;* and

11 (c) Post contact information for the administrator and the
12 designated representative of the owner or operator of the facility ~~[]~~
13 *or home, as applicable,*

14 ~~↳~~ in a conspicuous place in the residential facility for groups ~~[]~~ *or*
15 *home for residential care, as applicable.*

16 2. A person who operates a facility for intermediate care or
17 facility for skilled nursing shall:

18 (a) Post his or her license to operate the facility;

19 (b) Post the organizational structure of the management of the
20 facility; and

21 (c) Post contact information for the administrator and the
22 designated representative of the owner or operator of the facility,

23 ~~↳~~ in a conspicuous place in the facility for intermediate care or
24 facility for skilled nursing.

25 **Sec. 42.** NRS 449.186 is hereby amended to read as follows:

26 449.186 A residential facility for groups *or home for*
27 *residential care with more than two residents* must not be operated
28 except under the supervision of an administrator of a residential
29 facility for groups *or home for residential care* or a health services
30 executive licensed pursuant to the provisions of chapter 654 of NRS.

31 **Sec. 43.** NRS 449.1865 is hereby amended to read as follows:

32 449.1865 A residential facility for groups *or home for*
33 *residential care* must be equipped with a fire sprinkler system if the
34 facility *or home* has three or more residents who would have
35 difficulty perceiving danger or moving to safety in the event of a
36 fire.

37 **Sec. 44.** NRS 449.199 is hereby amended to read as follows:

38 449.199 1. Except as otherwise provided in subsection 2, a
39 ~~[residential facility for groups which is authorized to have 10 or~~
40 ~~fewer beds or a]~~ home for ~~[individual]~~ residential care shall not
41 provide accommodations for a person who does not meet the
42 requirements for admission to the ~~[facility or]~~ home.

43 2. A ~~[residential facility for groups which is authorized to have~~
44 ~~10 or fewer beds or a]~~ home for ~~[individual]~~ residential care may
45 provide accommodations for a person who is related within the third



1 degree of consanguinity to a resident of the ~~{facility or}~~ home
2 regardless of whether the person meets the requirements for
3 admission to the ~~{facility or}~~ home.

4 **Sec. 45.** NRS 449.209 is hereby amended to read as follows:

5 449.209 1. In addition to the requirements and prohibitions
6 set forth in NRS 449.0305, and notwithstanding any exceptions set
7 forth in that section, a licensed medical facility *or provider of*
8 *home-based residential care* or an employee of such a medical
9 facility *or provider* shall not:

10 (a) Refer a person to a residential facility for groups *or home for*
11 *residential care* that is not licensed by the Division; or

12 (b) Refer a person to a residential facility for groups *or home*
13 *for residential care* if the licensed medical facility or its employee
14 knows or reasonably should know that the residential facility for
15 groups ~~{}~~ *or home for residential care*, or the services provided by
16 the residential facility for groups ~~{}~~ *or home for residential care*,
17 are not appropriate for the condition of the person being referred.

18 2. If a licensed medical facility *or provider of home-based*
19 *residential care* or an employee of such a medical facility *or*
20 *provider* violates the provisions of subsection 1, the licensed
21 medical facility *or provider* is liable for a civil penalty to be
22 recovered by the Attorney General in the name of the Board for the
23 first offense of not more than \$10,000 and for a second or
24 subsequent offense of not less than \$10,000 or more than \$20,000.
25 Unless otherwise required by federal law, the Board shall deposit all
26 civil penalties collected pursuant to this section into a separate
27 account in the State General Fund to be used for the enforcement of
28 this section and the protection of the health, safety, well-being and
29 property of residents of residential facilities for groups ~~{}~~ *and*
30 *homes for residential care*.

31 3. The Board shall:

32 (a) Establish and maintain a system to track violations of this
33 section and NRS 449.0305. Except as otherwise provided in this
34 paragraph, records created by or for the system are public records
35 and are available for public inspection. The following information is
36 confidential:

37 (1) Any personally identifying information relating to a
38 person who is referred to a residential facility for groups ~~{}~~ *or home*
39 *for residential care*.

40 (2) Information which may not be disclosed under federal
41 law.

42 (b) Educate the public regarding the requirements and
43 prohibitions set forth in this section and NRS 449.0305.

44 4. As used in this section, "licensed medical facility" means:



1 (a) A medical facility that is required to be licensed pursuant to
2 this section and NRS 449.029 to 449.2428, inclusive **H** , **and**
3 **section 8 of this act.**

4 (b) A facility for the dependent that is required to be licensed
5 pursuant to this section and NRS 449.029 to 449.2428, inclusive **H** ,
6 **and section 8 of this act.**

7 (c) A facility that provides medical care or treatment and is
8 required by regulation of the Board to be licensed pursuant to
9 NRS 449.0303.

10 **Sec. 46.** NRS 449.210 is hereby amended to read as follows:

11 449.210 1. In addition to the payment of the amount required
12 by NRS 449.0308 and any civil penalty imposed pursuant to
13 subsection 4, a person who operates a medical facility, facility for
14 the dependent , **provider of home-based residential care** or a facility
15 which is required by the regulations adopted by the Board pursuant
16 to NRS 449.0303 to be licensed without a license issued by the
17 Division is guilty of a misdemeanor.

18 2. If the Division believes that a person is operating a medical
19 facility, facility for the dependent , **provider of home-based**
20 **residential care** or a facility which is required by the regulations
21 adopted by the Board pursuant to NRS 449.0303 to be licensed
22 without such a license, the Division may issue an order to cease and
23 desist the operation of the facility **H** **or provider, as applicable.** The
24 order must be served upon the person by personal delivery or by
25 certified or registered mail, return receipt requested. The order is
26 effective upon service.

27 3. If a person does not voluntarily cease operating a medical
28 facility, facility for the dependent , **provider of home-based**
29 **residential care** or a facility which is required by the regulations
30 adopted by the Board pursuant to NRS 449.0303 to be licensed
31 without a license or apply for licensure within 30 days after the date
32 of service of the order pursuant to subsection 2, the Division may
33 bring an action in a court of competent jurisdiction pursuant to
34 NRS 449.220.

35 4. Upon a showing by the Division that a person is operating a
36 medical facility, facility for the dependent , **provider of home-based**
37 **residential care** or a facility which is required by the regulations
38 adopted by the Board pursuant to NRS 449.0303 to be licensed
39 without a license, a court of competent jurisdiction may:

40 (a) Enjoin the person from operating the facility **H** **or provider,**
41 **as applicable.**

42 (b) Impose a civil penalty on the operator to be recovered by the
43 Division of not more than \$10,000 for the first offense or not less
44 than \$10,000 or more than \$25,000 for a second or subsequent
45 offense.



1 5. Unless otherwise required by federal law, the Division shall
2 deposit all civil penalties collected pursuant to paragraph (b) of
3 subsection 4 into a separate account in the State General Fund to be
4 used to administer and carry out the provisions of NRS 449.001 to
5 449.430, inclusive, *and sections 7 and 8 of this act*, and to protect
6 the health, safety, well-being and property of the patients and
7 residents of facilities *and recipients of services from providers* in
8 accordance with applicable state and federal standards.

9 **Sec. 47.** NRS 449.220 is hereby amended to read as follows:

10 449.220 1. The Division may bring an action in the name of
11 the State to enjoin any person, state or local government unit or
12 agency thereof from operating or maintaining any facility *or*
13 *provider* within the meaning of NRS 449.029 to 449.2428, inclusive
14 ~~§~~, *and section 8 of this act*:

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

16 (b) After his or her license has been revoked or suspended by
17 the Division.

18 2. It is sufficient in such action to allege that the defendant did,
19 on a certain date and in a certain place, operate and maintain such a
20 facility *or provider* without a license.

21 **Sec. 48.** NRS 449.240 is hereby amended to read as follows:

22 449.240 The district attorney of the county in which the facility
23 is located shall, upon application by the Division, institute and
24 conduct the prosecution of any action for violation of any provisions
25 of NRS 449.029 to 449.245, inclusive ~~§~~, *and section 8 of this act*.

26 **Sec. 49.** NRS 449.2477 is hereby amended to read as follows:

27 449.2477 1. If a facility for long-term care *or home for*
28 *residential care* wishes to include as part of any contract relating to
29 the provision of care a clause which specifies or restricts the means
30 by which the parties to the contract are required to resolve any
31 dispute, the clause must be included as an addendum to the contract
32 and:

33 (a) Be printed in large font on a separate page with a separate
34 signature line;

35 (b) Fully explain the effect of signing the addendum, including,
36 without limitation, that any dispute must be resolved exclusively
37 through the means authorized by the clause; and

38 (c) Clearly state that the person signing the contract is not
39 required to sign the addendum.

40 2. As used in this section, "facility for long-term care" means:

41 (a) A residential facility for groups;

42 (b) A facility for intermediate care;

43 (c) A facility for skilled nursing; *and*

44 (d) ~~[A home for individual residential care; and~~



1 ~~—(e)~~ Any unlicensed establishment that provides food, shelter,
2 assistance and limited supervision to a resident.

3 **Sec. 50.** NRS 449.2487 is hereby amended to read as follows:

4 449.2487 1. A facility for the dependent, a medical facility ,
5 *a provider of home-based residential care* or an entity affiliated
6 with such a facility *or provider* which offers housing to persons that
7 does not include the provision of care or services which require
8 licensure pursuant to this chapter shall conspicuously post in the
9 facility *or any home operated by the provider* and shall include in
10 any contracts of sale or agreements for occupancy a notice that
11 includes the following information:

12 (a) That the specific area of the facility *or home* is intended for
13 independent living and does not directly provide or coordinate the
14 oversight of services to meet the scheduled and unscheduled needs
15 of its residents, including, without limitation, the provision of
16 personal care, supportive services and health-related services.

17 (b) The other levels of care that are available to persons who
18 require personal care, supportive services or health-related services,
19 including, without limitation, residential facilities for groups,
20 *providers of home-based residential care,* facilities for intermediate
21 care and facilities for skilled nursing. The notice must describe the
22 facilities and levels of care in language that is easy to understand.

23 (c) A statement that encourages residents to reassess on a
24 regular basis the type of housing and care that is most appropriate
25 for them.

26 2. The Aging and Disability Services Division of the
27 Department of Health and Human Services shall develop the
28 language for the notice required by subsection 1 in consultation with
29 nationally recognized advocacy groups for older persons and
30 housing organizations.

31 3. For the purposes of this section, an entity is affiliated with a
32 facility *or provider* described in subsection 1 if:

33 (a) It is under common or shared ownership;

34 (b) It is under common or shared management; or

35 (c) It receives promotional or marketing support from the
36 facility ~~or~~ *or provider.*

37 **Sec. 51.** NRS 449.2488 is hereby amended to read as follows:

38 449.2488 1. The Department of Health and Human Services
39 shall develop a brochure and website to assist persons who are 55
40 years of age or older in determining the appropriate level of care and
41 type of housing that they require to meet their individual needs. The
42 brochure and website must include, without limitation:

43 (a) The various types of housing and levels of care that are
44 available to persons who are 55 years of age or older, including,
45 without limitation, residential facilities for groups, *homes for*



1 *residential care*, facilities for intermediate care and facilities for
2 skilled nursing, distinguishing the varying degree of services that
3 are offered by the different types of facilities;

4 (b) Whether individual facilities accept payment through
5 Medicaid or Medicare for the level of care and type of housing that
6 the facilities provide;

7 (c) The manner in which a person may obtain information
8 concerning whether the facility *or home* has ever been found to
9 have violated the provisions of this chapter; and

10 (d) Such other information as the Department deems to be
11 beneficial to persons who are 55 years of age or older in
12 determining the appropriate level of care and type of housing that
13 they require to meet their individual needs.

14 2. As used in this section:

15 (a) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

16 (b) "Medicare" has the meaning ascribed to it in NRS 439B.130.

17 **Sec. 52.** NRS 449.531 is hereby amended to read as follows:

18 449.531 1. Except as otherwise provided in this section, a
19 person shall not intentionally prevent another person from entering
20 or exiting the office of a physician, a health facility, a nonprofit
21 health facility, a public health center, a medical facility, *a home*
22 *operated by a provider of home-based residential care* or a facility
23 for the dependent by physically:

24 (a) Detaining the other person; or

25 (b) Obstructing, impeding or hindering the other person's
26 movement.

27 2. The provisions of subsection 1 are inapplicable to:

28 (a) An officer, employee or agent of the physician, health
29 facility, nonprofit health facility, public health center, medical
30 facility, *provider of home-based residential care* or facility for the
31 dependent; or

32 (b) A peace officer as defined in NRS 169.125,
33 ↪ while acting within the course and scope of his or her duties or
34 employment.

35 3. The provisions of subsection 1 do not prohibit a person from
36 maintaining a picket during a strike or work stoppage in compliance
37 with the provisions of NRS 614.160, or from engaging in any
38 constitutionally protected exercise of free speech.

39 4. A person who violates the provisions of subsection 1 is
40 guilty of a misdemeanor and shall be punished by a fine of not more
41 than \$1,000, or by imprisonment in the county jail for not more than
42 3 months, or by both fine and imprisonment.

43 5. As used in this section, the terms "health facility,"
44 "nonprofit health facility" and "public health center" have the
45 meanings ascribed to them in NRS 449.260.



1 **Sec. 53.** Chapter 449A of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *“Provider of home-based residential care” has the meaning*
4 *ascribed to it in section 7 of this act.*

5 **Sec. 54.** NRS 449A.001 is hereby amended to read as follows:
6 449A.001 As used in this chapter, unless the context otherwise
7 requires, the words and terms defined in NRS 449A.003 to
8 449A.081, inclusive, *and section 53 of this act* have the meanings
9 ascribed to them in those sections.

10 **Sec. 55.** NRS 449A.009 is hereby amended to read as follows:
11 449A.009 “Community-based living arrangement services” has
12 the meaning ascribed to it in NRS ~~[433.605.]~~ *449.0026.*

13 **Sec. 56.** NRS 449A.031 is hereby amended to read as follows:
14 449A.031 “Facility for the dependent” ~~includes:~~

15 ~~—1. A facility for the treatment of abuse of alcohol or drugs;~~
16 ~~—2. A halfway house for recovering alcohol and drug abusers;~~
17 ~~—3. A facility for the care of adults during the day;~~
18 ~~—4. A residential facility for groups;~~
19 ~~—5. An agency to provide personal care services in the home;~~
20 ~~—6. A facility for transitional living for released offenders;~~
21 ~~—7. A home for individual residential care;~~
22 ~~—8. A peer support recovery organization; and~~
23 ~~—9. A community health worker pool.]~~ *has the meaning*
24 *ascribed to it in NRS 449.0045.*

25 **Sec. 57.** NRS 449A.054 is hereby amended to read as follows:
26 449A.054 ~~[1.]~~ “Nursing pool” ~~[means a person or agency~~
27 ~~which provides for compensation, through its employees or by~~
28 ~~contractual arrangement with other persons, nursing services to any~~
29 ~~natural person, medical facility or facility for the dependent.~~

30 ~~—2. The term does not include:~~
31 ~~—(a) An independent contractor who provides such services~~
32 ~~without the assistance of employees;~~
33 ~~—(b) A nursing pool based in a medical facility or facility for the~~
34 ~~dependent;~~
35 ~~—(c) A provider of community based living arrangement services~~
36 ~~during any period in which the provider of community based living~~
37 ~~arrangement services is engaged in providing community based~~
38 ~~living arrangement services; or~~
39 ~~—(d) A provider of supported living arrangement services during~~
40 ~~any period in which the provider of supported living arrangement~~
41 ~~services is engaged in providing supported living arrangement~~
42 ~~services.]~~ *has the meaning ascribed to it in NRS 449.0153.*

43 **Sec. 58.** NRS 449A.066 is hereby amended to read as follows:
44 449A.066 “Provider of supported living arrangement services”
45 ~~[means a natural person who or a partnership, firm, corporation,~~



1 ~~association, state or local government or agency thereof that has~~
2 ~~been issued a certificate pursuant to NRS 435.3305 to 435.339,~~
3 ~~inclusive, and the regulations adopted pursuant to NRS 435.3305 to~~
4 ~~435.339, inclusive.] has the meaning ascribed to it in~~
5 ~~NRS 449.0159.~~

6 **Sec. 59.** NRS 449A.077 is hereby amended to read as follows:
7 449A.077 "Supported living arrangement services" has the
8 meaning ascribed to it in NRS ~~[435.3315.]~~ **449.0185.**

9 **Sec. 60.** NRS 449A.106 is hereby amended to read as follows:
10 449A.106 Every patient of a medical facility , *provider of*
11 *home-based residential care* or facility for the dependent has the
12 right to:

13 1. Receive information concerning any other medical or
14 educational facility , *provider of home-based residential care* or
15 facility for the dependent associated with the facility at which he or
16 she is a patient which relates to the care of the patient.

17 2. Obtain information concerning the professional
18 qualifications or associations of the persons who are treating the
19 patient.

20 3. Receive the name of the person responsible for coordinating
21 the care of the patient in the facility ~~[]~~ *or from the provider, as*
22 *applicable.*

23 4. Be advised if the facility ~~[]~~ *or provider of* which he or she
24 is a patient proposes to perform experiments on patients which
25 affect the patient's own care or treatment.

26 5. Receive from his or her physician a complete and current
27 description of the patient's diagnosis, plan for treatment and
28 prognosis in terms which the patient is able to understand. If it is not
29 medically advisable to give this information to the patient, the
30 physician shall:

31 (a) Provide the information to an appropriate person responsible
32 for the patient; and

33 (b) Inform that person that he or she shall not disclose the
34 information to the patient.

35 6. Receive from his or her physician the information necessary
36 for the patient to give his or her informed consent to a procedure or
37 treatment. Except in an emergency, this information must not be
38 limited to a specific procedure or treatment and must include:

39 (a) A description of the significant medical risks involved;

40 (b) Any information on alternatives to the treatment or
41 procedure if the patient requests that information;

42 (c) The name of the person responsible for the procedure or
43 treatment; and

44 (d) The costs likely to be incurred for the treatment or procedure
45 and any alternative treatment or procedure.



7. Examine the bill for his or her care and receive an explanation of the bill, whether or not the patient is personally responsible for payment of the bill.

8. Know the regulations of the facility *or provider* concerning his or her conduct at the facility ~~[]~~ *or while receiving services from the provider, as applicable.*

9. Receive, within reasonable restrictions as to time and place, visitors of the patient's choosing, including, without limitation, friends and members of the patient's family.

Sec. 61. NRS 449A.109 is hereby amended to read as follows:

449A.109 1. If, as a result of the incapacitation of a patient or the inability of a patient to communicate, the patient of a medical facility , ~~[or]~~ facility for the dependent *or provider of home-based residential care* who is 18 years of age or older is unable to inform the staff of the facility *or provider* of the persons whom the patient authorizes to visit the patient at the facility ~~[]~~ *or a home operated by the provider, as applicable,* the facility *or provider* shall allow visitation rights to any person designated by the patient in a letter, form or other document authorizing visitation executed in accordance with subsection 2. The visitation rights required by this subsection must be:

(a) Provided in accordance with the visitation policies of the facility ~~[]~~ *or provider;* and

(b) The same visitation rights that are provided to a member of the patient's family who is legally related to the patient.

2. A person 18 years of age or older wishing to designate a person for the purposes of establishing visitation rights in a medical facility , ~~[or]~~ facility for the dependent *or home operated by a provider of home-based residential care* may execute a letter, form or other document authorizing visitation in substantially the following form:

(Date).....

I,, (patient who is designating another person as having visitation rights of the patient) do hereby designate (person who is being designated as having visitation rights of the patient) as having the right to visit me in a medical facility , ~~[or]~~ facility for the dependent ~~[]~~ *or home operated by a provider of home-based residential care.* I hereby instruct all staff of a medical facility , ~~[or]~~ facility for the dependent ~~[in]~~ *or provider of home-based residential care of* which I am a patient to admit (person who is being designated as having visitation rights of the patient) to my room and afford him or her the same visitation rights as are provided to



members of my family who are legally related to me during my time as a patient.

.....

(Signed)

Sec. 62. NRS 449A.112 is hereby amended to read as follows:

449A.112 1. Every patient of a medical facility, ~~for~~ facility for the dependent *or provider of home-based residential care* has the right to:

- (a) Receive considerate and respectful care.
- (b) Refuse treatment to the extent permitted by law and to be informed of the consequences of that refusal.
- (c) Refuse to participate in any medical experiments conducted at the facility ~~for~~, *by the provider or in any home operated by the provider.*
- (d) Retain his or her privacy concerning the patient's program of medical care.
- (e) Have any reasonable request for services reasonably satisfied by the facility *or provider* considering its ability to do so.
- (f) Receive continuous care from the facility ~~for~~ *or provider.* The patient must be informed:

(1) Of the patient's appointments for treatment and the names of the persons available at the facility for those treatments; and

(2) By his or her physician or an authorized representative of the physician, of the patient's need for continuing care.

2. Except as otherwise provided in NRS 108.640, 239.0115, 439.538, 442.300 to 442.330, inclusive, and 449A.103 and chapter 629 of NRS, discussions of the care of a patient, consultation with other persons concerning the patient, examinations or treatments, and all communications and records concerning the patient are confidential. The patient must consent to the presence of any person who is not directly involved with the patient's care during any examination, consultation or treatment.

Sec. 63. NRS 449A.115 is hereby amended to read as follows:

449A.115 1. Except as otherwise provided in subsection 3 and notwithstanding any other provision of law, an owner or administrator of a medical facility, ~~for~~ facility for the dependent *or provider of home-based residential care* is not entitled to receive, and must not receive:

- (a) Any money, personal property or real property that is devised or bequeathed by will to the owner or administrator by a resident or former resident of the facility ~~for~~ *or recipient or former recipient of services from the provider, as applicable.*



1 (b) Any proceeds from a life insurance policy upon the life or
2 body of a resident or former resident of the facility ~~or~~ *or recipient*
3 *or former recipient of services from the provider, as applicable.*

4 2. Except as otherwise provided in subsection 3, any money,
5 property, proceeds or interest therein that is described in subsection
6 1 passes in accordance with law as if the owner or administrator of
7 the medical facility, ~~or~~ facility for the dependent *or provider of*
8 *home-based residential care* had predeceased the decedent resident
9 or former resident.

10 3. The provisions of subsections 1 and 2 do not apply if the
11 owner or administrator of the medical facility, ~~or~~ facility for the
12 dependent *or provider of home-based residential care* is the spouse,
13 legal guardian or next of kin of the resident or former resident of the
14 facility or ~~home,~~ *the recipient or former recipient of services*
15 *from the provider,* as applicable.

16 **Sec. 64.** NRS 449A.118 is hereby amended to read as follows:

17 449A.118 1. Every medical facility, ~~and~~ facility for the
18 dependent *and provider of home-based residential care* shall
19 inform each patient or the patient's legal representative, upon the
20 admission of the patient to the facility ~~or~~ *the acceptance of a*
21 *patient by the provider,* of the patient's rights as listed in NRS
22 449A.100 and 449A.106 to 449A.115, inclusive.

23 2. In addition to the requirements of subsection 1, if a person
24 with a disability is a patient at a facility, as that term is defined in
25 NRS 449A.218, the facility shall inform the patient of his or her
26 rights pursuant to NRS 449A.200 to 449A.263, inclusive.

27 3. In addition to the requirements of subsections 1 and 2, every
28 hospital shall, upon the admission of a patient to the hospital,
29 provide to the patient or the patient's legal representative a written
30 disclosure approved by the Director of the Department of Health
31 and Human Services, which written disclosure must set forth:

32 (a) Notice of the existence of the Bureau for Hospital Patients
33 created pursuant to NRS 232.462;

34 (b) The address and telephone number of the Bureau; and

35 (c) An explanation of the services provided by the Bureau,
36 including, without limitation, the services for dispute resolution
37 described in subsection 3 of NRS 232.462.

38 4. In addition to the requirements of subsections 1, 2 and 3,
39 every hospital shall, upon the discharge of a patient from the
40 hospital, provide to the patient or the patient's legal representative a
41 written disclosure approved by the Director, which written
42 disclosure must set forth:

43 (a) If the hospital is a major hospital:

44 (1) Notice of the reduction or discount available pursuant to
45 NRS 439B.260, including, without limitation, notice of the criteria a



1 patient must satisfy to qualify for a reduction or discount under that
2 section; and

3 (2) Notice of any policies and procedures the hospital may
4 have adopted to reduce charges for services provided to persons or
5 to provide discounted services to persons, which policies and
6 procedures are in addition to any reduction or discount required to
7 be provided pursuant to NRS 439B.260. The notice required by this
8 subparagraph must describe the criteria a patient must satisfy to
9 qualify for the additional reduction or discount, including, without
10 limitation, any relevant limitations on income and any relevant
11 requirements as to the period within which the patient must arrange
12 to make payment.

13 (b) If the hospital is not a major hospital, notice of any policies
14 and procedures the hospital may have adopted to reduce charges for
15 services provided to persons or to provide discounted services to
16 persons. The notice required by this paragraph must describe the
17 criteria a patient must satisfy to qualify for the reduction or
18 discount, including, without limitation, any relevant limitations on
19 income and any relevant requirements as to the period within which
20 the patient must arrange to make payment.

21 ↪ As used in this subsection, “major hospital” has the meaning
22 ascribed to it in NRS 439B.115.

23 5. In addition to the requirements of subsections 1 to 4,
24 inclusive, every hospital shall post in a conspicuous place in each
25 public waiting room in the hospital a legible sign or notice in 14-
26 point type or larger, which sign or notice must:

27 (a) Provide a brief description of any policies and procedures the
28 hospital may have adopted to reduce charges for services provided
29 to persons or to provide discounted services to persons, including,
30 without limitation:

31 (1) Instructions for receiving additional information
32 regarding such policies and procedures; and

33 (2) Instructions for arranging to make payment;

34 (b) Be written in language that is easy to understand; and

35 (c) Be written in English and Spanish.

36 **Sec. 65.** NRS 449A.233 is hereby amended to read as follows:
37 449A.233 A person employed by a facility *or provider of*
38 *home-based residential care* licensed pursuant to chapter 449 of
39 NRS or any other person shall not use any aversive intervention on a
40 person with a disability who is a patient at the facility ~~or~~ *or a*
41 *recipient of services from the provider, as applicable.*

42 **Sec. 66.** NRS 449A.236 is hereby amended to read as follows:
43 449A.236 A person employed by a facility *or provider of*
44 *home-based residential care* licensed pursuant to chapter 449 of
45 NRS or any other person shall not:



1 1. Except as otherwise provided in NRS 449A.239, use
2 physical restraint on a person with a disability who is a patient at the
3 facility ~~§~~ *or a recipient of services from the provider, as*
4 *applicable.*

5 2. Except as otherwise provided in NRS 449A.242, use
6 mechanical restraint on a person with a disability who is a patient at
7 the facility ~~§~~ *or a recipient of services from the provider, as*
8 *applicable.*

9 3. Except as otherwise provided in NRS 449A.245, use
10 chemical restraint on a person with a disability who is a patient at
11 the facility ~~§~~ *or a recipient of services from the provider, as*
12 *applicable.*

13 **Sec. 67.** NRS 449A.239 is hereby amended to read as follows:

14 449A.239 1. Except as otherwise provided in subsection 2,
15 physical restraint may be used on a person with a disability who is a
16 patient at a facility *or home operated by a provider of home-based*
17 *residential care* only if:

18 (a) An emergency exists that necessitates the use of physical
19 restraint;

20 (b) The physical restraint is used only for the period that is
21 necessary to contain the behavior of the patient so that the patient is
22 no longer an immediate threat of causing physical injury to himself
23 or herself or others or causing severe property damage; and

24 (c) The use of force in the application of physical restraint does
25 not exceed the force that is reasonable and necessary under the
26 circumstances precipitating the use of physical restraint.

27 2. Physical restraint may be used on a person with a disability
28 who is a patient at a facility and the provisions of subsection 1 do
29 not apply if the physical restraint is used to:

30 (a) Assist the patient in completing a task or response if the
31 patient does not resist the application of physical restraint or if the
32 patient's resistance is minimal in intensity and duration;

33 (b) Escort or carry a patient to safety if the patient is in danger in
34 his or her present location; or

35 (c) Conduct medical examinations or treatments on the patient
36 that are necessary.

37 3. If physical restraint is used on a person with a disability who
38 is a patient at a facility in an emergency, the use of the procedure
39 must be reported as a denial of rights pursuant to NRS 449A.263,
40 regardless of whether the use of the procedure is authorized by
41 statute. The report must be made not later than 1 working day after
42 the procedure is used.

43 **Sec. 68.** NRS 453.163 is hereby amended to read as follows:

44 453.163 1. Except as otherwise provided in this subsection,
45 each person registered pursuant to this chapter to dispense a



1 controlled substance listed in schedule II, III, IV or V for human
2 consumption shall, not later than the end of the next business day
3 after dispensing a controlled substance, upload to the database of the
4 program established pursuant to NRS 453.162 the information
5 described in paragraph (d) of subsection 1 of NRS 453.162. The
6 requirements of this subsection do not apply if the controlled
7 substance is administered directly by a practitioner to a patient in a
8 health care facility, as defined in NRS 439.960, *a resident of a*
9 *home operated by a provider of home-based residential care, as*
10 *defined in section 7 of this act*, a child who is a resident in a child
11 care facility, as defined in NRS 432A.024, or a prisoner, as defined
12 in NRS 208.085. The Board shall establish by regulation and impose
13 administrative penalties for the failure to upload information
14 pursuant to this subsection.

15 2. The Board and the Division may cooperatively enter into a
16 written agreement with an agency of any other state to provide,
17 receive or exchange information obtained by the program with a
18 program established in that state which is substantially similar to the
19 program established pursuant to NRS 453.162, including, without
20 limitation, providing such state access to the database of the
21 program or transmitting information to and receiving information
22 from such state. Any information provided, received or exchanged
23 as part of an agreement made pursuant to this section may only be
24 used in accordance with the provisions of this chapter.

25 3. A practitioner who is authorized to write prescriptions for
26 and each person who is authorized to dispense controlled substances
27 listed in schedule II, III, IV or V for human consumption who
28 makes a good faith effort to comply with applicable laws and
29 regulations when transmitting to the Board or the Division a report
30 or information required by this section or NRS 453.162 or 453.164,
31 or a regulation adopted pursuant thereto, is immune from civil and
32 criminal liability relating to such action.

33 **Sec. 69.** NRS 453.375 is hereby amended to read as follows:

34 453.375 1. A controlled substance may be possessed and
35 administered by the following persons:

36 (a) A practitioner.

37 (b) A registered nurse licensed to practice professional nursing
38 or licensed practical nurse, at the direction of a physician, physician
39 assistant, dentist, podiatric physician or advanced practice registered
40 nurse, or pursuant to a chart order, for administration to a patient at
41 another location.

42 (c) A paramedic:

43 (1) As authorized by regulation of:

44 (I) The State Board of Health in a county whose
45 population is less than 100,000; or



1 (II) A county or district board of health in a county whose
2 population is 100,000 or more; and

3 (2) In accordance with any applicable regulations of:

4 (I) The State Board of Health in a county whose
5 population is less than 100,000;

6 (II) A county board of health in a county whose
7 population is 100,000 or more; or

8 (III) A district board of health created pursuant to NRS
9 439.362 or 439.370 in any county.

10 (d) A respiratory therapist, at the direction of a physician or
11 physician assistant.

12 (e) A medical student, student in training to become a physician
13 assistant or student nurse in the course of his or her studies at an
14 accredited college of medicine or approved school of professional or
15 practical nursing, at the direction of a physician or physician
16 assistant and:

17 (1) In the presence of a physician, physician assistant or a
18 registered nurse; or

19 (2) Under the supervision of a physician, physician assistant
20 or a registered nurse if the student is authorized by the college or
21 school to administer the substance outside the presence of a
22 physician, physician assistant or nurse.

23 ➔ A medical student or student nurse may administer a controlled
24 substance in the presence or under the supervision of a registered
25 nurse alone only if the circumstances are such that the registered
26 nurse would be authorized to administer it personally.

27 (f) An ultimate user or any person whom the ultimate user
28 designates pursuant to a written agreement.

29 (g) Any person designated by the head of a correctional
30 institution.

31 (h) A veterinary technician at the direction of his or her
32 supervising veterinarian.

33 (i) In accordance with applicable regulations of the State Board
34 of Health, an employee of a residential facility for groups, as
35 defined in NRS 449.017, *or a home for residential care, as defined*
36 *in NRS 449.0105*, pursuant to a written agreement entered into by
37 the ultimate user.

38 (j) In accordance with applicable regulations of the State Board
39 of Pharmacy, an animal control officer, a wildlife biologist or an
40 employee designated by a federal, state or local governmental
41 agency whose duties include the control of domestic, wild and
42 predatory animals.

43 (k) A person who is enrolled in a training program to become a
44 paramedic, respiratory therapist or veterinary technician if the
45 person possesses and administers the controlled substance in the



1 same manner and under the same conditions that apply, respectively,
2 to a paramedic, respiratory therapist or veterinary technician who
3 may possess and administer the controlled substance, and under the
4 direct supervision of a person licensed or registered to perform the
5 respective medical art or a supervisor of such a person.

6 2. As used in this section, "accredited college of medicine"
7 means:

8 (a) A medical school that is accredited by the Liaison
9 Committee on Medical Education of the American Medical
10 Association and the Association of American Medical Colleges or
11 their successor organizations; or

12 (b) A school of osteopathic medicine, as defined in
13 NRS 633.121.

14 **Sec. 70.** NRS 454.213 is hereby amended to read as follows:

15 454.213 1. Except as otherwise provided in NRS 454.217, a
16 drug or medicine referred to in NRS 454.181 to 454.371, inclusive,
17 may be possessed and administered by:

18 (a) A practitioner.

19 (b) A physician assistant licensed pursuant to chapter 630 or 633
20 of NRS, at the direction of his or her supervising physician or a
21 licensed dental hygienist acting in the office of and under the
22 supervision of a dentist.

23 (c) Except as otherwise provided in paragraph (d), a registered
24 nurse licensed to practice professional nursing or licensed practical
25 nurse, at the direction of a prescribing physician, physician assistant
26 licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric
27 physician or advanced practice registered nurse, or pursuant to a
28 chart order, for administration to a patient at another location.

29 (d) In accordance with applicable regulations of the Board, a
30 registered nurse licensed to practice professional nursing or licensed
31 practical nurse who is:

32 (1) Employed by a health care agency or health care facility
33 that is authorized to provide emergency care, or to respond to the
34 immediate needs of a patient, in the residence of the patient; and

35 (2) Acting under the direction of the medical director of that
36 agency or facility who works in this State.

37 (e) A medication aide - certified at a designated facility under
38 the supervision of an advanced practice registered nurse or
39 registered nurse and in accordance with standard protocols
40 developed by the State Board of Nursing. As used in this paragraph,
41 "designated facility" has the meaning ascribed to it in
42 NRS 632.0145.

43 (f) Except as otherwise provided in paragraph (g), an advanced
44 emergency medical technician or a paramedic, as authorized by



1 regulation of the State Board of Pharmacy and in accordance with
2 any applicable regulations of:

3 (1) The State Board of Health in a county whose population
4 is less than 100,000;

5 (2) A county board of health in a county whose population is
6 100,000 or more; or

7 (3) A district board of health created pursuant to NRS
8 439.362 or 439.370 in any county.

9 (g) An advanced emergency medical technician or a paramedic
10 who holds an endorsement issued pursuant to NRS 450B.1975,
11 under the direct supervision of a local health officer or a designee of
12 the local health officer pursuant to that section.

13 (h) A respiratory therapist employed in a health care facility.
14 The therapist may possess and administer respiratory products only
15 at the direction of a physician.

16 (i) A dialysis technician, under the direction or supervision of a
17 physician or registered nurse only if the drug or medicine is used for
18 the process of renal dialysis.

19 (j) A medical student or student nurse in the course of his or her
20 studies at an accredited college of medicine or approved school of
21 professional or practical nursing, at the direction of a physician and:

22 (1) In the presence of a physician or a registered nurse; or

23 (2) Under the supervision of a physician or a registered nurse
24 if the student is authorized by the college or school to administer the
25 drug or medicine outside the presence of a physician or nurse.

26 ↪ A medical student or student nurse may administer a dangerous
27 drug in the presence or under the supervision of a registered nurse
28 alone only if the circumstances are such that the registered nurse
29 would be authorized to administer it personally.

30 (k) Any person designated by the head of a correctional
31 institution.

32 (l) An ultimate user or any person designated by the ultimate
33 user pursuant to a written agreement.

34 (m) A nuclear medicine technologist, at the direction of a
35 physician and in accordance with any conditions established by
36 regulation of the Board.

37 (n) A radiologic technologist, at the direction of a physician and
38 in accordance with any conditions established by regulation of the
39 Board.

40 (o) A chiropractic physician, but only if the drug or medicine is
41 a topical drug used for cooling and stretching external tissue during
42 therapeutic treatments.

43 (p) A physical therapist, but only if the drug or medicine is a
44 topical drug which is:



1 (1) Used for cooling and stretching external tissue during
2 therapeutic treatments; and

3 (2) Prescribed by a licensed physician for:

4 (I) Iontophoresis; or

5 (II) The transmission of drugs through the skin using
6 ultrasound.

7 (q) In accordance with applicable regulations of the State Board
8 of Health, an employee of a residential facility for groups, as
9 defined in NRS 449.017, *or a home for residential care, as defined*
10 *in NRS 449.0105*, pursuant to a written agreement entered into by
11 the ultimate user.

12 (r) A veterinary technician or a veterinary assistant at the
13 direction of his or her supervising veterinarian.

14 (s) In accordance with applicable regulations of the Board, a
15 registered pharmacist who:

16 (1) Is trained in and certified to carry out standards and
17 practices for immunization programs;

18 (2) Is authorized to administer immunizations pursuant to
19 written protocols from a physician; and

20 (3) Administers immunizations in compliance with the
21 "Standards for Immunization Practices" recommended and
22 approved by the Advisory Committee on Immunization Practices of
23 the Centers for Disease Control and Prevention.

24 (t) A registered pharmacist pursuant to written guidelines and
25 protocols developed and approved pursuant to NRS 639.2809 or a
26 collaborative practice agreement, as defined in NRS 639.0052.

27 (u) A person who is enrolled in a training program to become a
28 physician assistant licensed pursuant to chapter 630 or 633 of NRS,
29 dental hygienist, advanced emergency medical technician,
30 paramedic, respiratory therapist, dialysis technician, nuclear
31 medicine technologist, radiologic technologist, physical therapist or
32 veterinary technician if the person possesses and administers the
33 drug or medicine in the same manner and under the same conditions
34 that apply, respectively, to a physician assistant licensed pursuant to
35 chapter 630 or 633 of NRS, dental hygienist, advanced emergency
36 medical technician, paramedic, respiratory therapist, dialysis
37 technician, nuclear medicine technologist, radiologic technologist,
38 physical therapist or veterinary technician who may possess and
39 administer the drug or medicine, and under the direct supervision of
40 a person licensed or registered to perform the respective medical art
41 or a supervisor of such a person.

42 (v) A medical assistant, in accordance with applicable
43 regulations of the:



1 (1) Board of Medical Examiners, at the direction of the
2 prescribing physician and under the supervision of a physician or
3 physician assistant.

4 (2) State Board of Osteopathic Medicine, at the direction of
5 the prescribing physician and under the supervision of a physician
6 or physician assistant.

7 2. As used in this section, "accredited college of medicine" has
8 the meaning ascribed to it in NRS 453.375.

9 **Sec. 71.** NRS 21.130 is hereby amended to read as follows:

10 21.130 1. Before the sale of property on execution, notice of
11 the sale, in addition to the notice required pursuant to NRS 21.075
12 and 21.076, must be given as follows:

13 (a) In cases of perishable property, by posting written notice of
14 the time and place of sale in three public places at the township or
15 city where the sale is to take place, for such a time as may be
16 reasonable, considering the character and condition of the property.

17 (b) In case of other personal property, by posting a similar
18 notice in three public places of the township or city where the sale is
19 to take place, not less than 5 or more than 10 days before the sale,
20 and, in case of sale on execution issuing out of a district court, by
21 the publication of a copy of the notice in a newspaper, if there is one
22 in the county, at least twice, the first publication being not less than
23 10 days before the date of the sale.

24 (c) In case of real property, by:

25 (1) Personal service upon each judgment debtor or by
26 registered mail to the last known address of each judgment debtor
27 and, if the property of the judgment debtor is operated as a facility
28 *or provider of home-based residential care* licensed under chapter
29 449 of NRS, upon the State Board of Health;

30 (2) Posting a similar notice particularly describing the
31 property, for 20 days successively, in three public places of
32 the township or city where the property is situated and where the
33 property is to be sold;

34 (3) Publishing a copy of the notice three times, once each
35 week, for 3 successive weeks, in a newspaper, if there is one in the
36 county. The cost of publication must not exceed the rate for legal
37 advertising as provided in NRS 238.070. If the newspaper
38 authorized by this section to publish the notice of sale neglects or
39 refuses from any cause to make the publication, then the posting of
40 notices as provided in this section shall be deemed sufficient notice.
41 Notice of the sale of property on execution upon a judgment for any
42 sum less than \$500, exclusive of costs, must be given only by
43 posting in three public places in the county, one of which must be
44 the courthouse;



1 (4) Recording a copy of the notice in the office of the county
2 recorder; and

3 (5) If the sale of property is a residential foreclosure, posting
4 a copy of the notice in a conspicuous place on the property. In
5 addition to the requirements of NRS 21.140, the notice must not be
6 defaced or removed until the transfer of title is recorded or the
7 property becomes occupied after completion of the sale, whichever
8 is earlier.

9 2. If the sale of property is a residential foreclosure, the notice
10 must include, without limitation:

11 (a) The physical address of the property; and

12 (b) The contact information of the party who is authorized to
13 provide information relating to the foreclosure status of the
14 property.

15 3. If the sale of property is a residential foreclosure, a separate
16 notice must be posted in a conspicuous place on the property and
17 mailed, with a certificate of mailing issued by the United States
18 Postal Service or another mail delivery service, to any tenant or
19 subtenant, if any, other than the judgment debtor, in actual
20 occupation of the premises not later than 3 business days after the
21 notice of the sale is given pursuant to subsection 1. The separate
22 notice must be in substantially the following form:

23
24 NOTICE TO TENANTS OF THE PROPERTY

25
26 Foreclosure proceedings against this property have started,
27 and a notice of sale of the property to the highest bidder has
28 been issued.

29
30 You may either: (1) terminate your lease or rental agreement
31 and move out; or (2) remain and possibly be subject to
32 eviction proceedings under chapter 40 of the Nevada Revised
33 Statutes. Any subtenants may also be subject to eviction
34 proceedings.

35
36 Between now and the date of the sale, you may be evicted if
37 you fail to pay rent or live up to your other obligations to the
38 landlord.

39
40 After the date of the sale, you may be evicted if you fail to
41 pay rent or live up to your other obligations to the successful
42 bidder, in accordance with chapter 118A of the Nevada
43 Revised Statutes.



1 Under the Nevada Revised Statutes, eviction proceedings
2 may begin against you after you have been given a notice to
3 surrender.
4

5 If the property is sold and you pay rent by the week or
6 another period of time that is shorter than 1 month, you
7 should generally receive notice after not less than the number
8 of days in that period of time.
9

10 If the property is sold and you pay rent by the month or any
11 other period of time that is 1 month or longer, you should
12 generally receive notice at least 60 days in advance.
13

14 Under Nevada Revised Statutes 40.280, notice must generally
15 be served on you pursuant to chapter 40 of the Nevada
16 Revised Statutes and may be served by:

17 (1) Delivering a copy to you personally in the presence of
18 a witness, unless service is accomplished by a sheriff,
19 constable or licensed process server, in which case the
20 presence of a witness is not required;

21 (2) If you are absent from your place of residence or usual
22 place of business, leaving a copy with a person of suitable age
23 and discretion at either place and mailing a copy to you at
24 your place of residence or business and to the place where the
25 leased property is situated, if different; or

26 (3) If your place of residence or business cannot be
27 ascertained, or a person of suitable age or discretion cannot
28 be found there, posting a copy in a conspicuous place on the
29 leased property and mailing a copy to you at the place where
30 the leased property is situated.
31

32 If the property is sold and a landlord, successful bidder or
33 subsequent purchaser files an eviction action against you in
34 court, you will be served with a summons and complaint and
35 have the opportunity to respond. Eviction actions may result
36 in temporary evictions, permanent evictions, the awarding of
37 damages pursuant to Nevada Revised Statutes 40.360 or some
38 combination of those results.
39

40 Under the Justice Court Rules of Civil Procedure:

41 (1) You will be given at least 10 days to answer a
42 summons and complaint;

43 (2) If you do not file an answer, an order evicting you by
44 default may be obtained against you;



1 (3) A hearing regarding a temporary eviction may be
2 called as soon as 11 days after you are served with the
3 summons and complaint; and

4 (4) A hearing regarding a permanent eviction may be
5 called as soon as 20 days after you are served with the
6 summons and complaint.
7

8 4. The sheriff shall not conduct a sale of the property on
9 execution or deliver the judgment debtor's property to the judgment
10 creditor if the judgment debtor or any other person entitled to notice
11 has not been properly notified as required in this section and NRS
12 21.075 and 21.076.

13 5. As used in this section, "residential foreclosure" means the
14 sale of a single family residence pursuant to NRS 40.430. As used in
15 this subsection, "single family residence" means a structure that is
16 comprised of not more than four units.

17 **Sec. 72.** NRS 107.080 is hereby amended to read as follows:

18 107.080 1. Except as otherwise provided in NRS 106.210,
19 107.0805, 107.085 and 107.086, if any transfer in trust of any estate
20 in real property is made after March 29, 1927, to secure the
21 performance of an obligation or the payment of any debt, a power of
22 sale is hereby conferred upon the trustee to be exercised after a
23 breach of the obligation for which the transfer is security.

24 2. The power of sale must not be exercised, however, until:

25 (a) In the case of any trust agreement coming into force:

26 (1) On or after July 1, 1949, and before July 1, 1957, the
27 grantor, the person who holds the title of record, a beneficiary under
28 a subordinate deed of trust or any other person who has a
29 subordinate lien or encumbrance of record on the property has, for a
30 period of 15 days, computed as prescribed in subsection 3, failed to
31 make good the deficiency in performance or payment; or

32 (2) On or after July 1, 1957, the grantor, the person who
33 holds the title of record, a beneficiary under a subordinate deed of
34 trust or any other person who has a subordinate lien or encumbrance
35 of record on the property has, for a period of 35 days, computed as
36 prescribed in subsection 3, failed to make good the deficiency in
37 performance or payment.

38 (b) The beneficiary, the successor in interest of the beneficiary
39 or the trustee first executes and causes to be recorded in the office of
40 the recorder of the county wherein the trust property, or some part
41 thereof, is situated a notice of the breach and of the election to sell
42 or cause to be sold the property to satisfy the obligation.

43 (c) The beneficiary or its successor in interest or the servicer of
44 the obligation or debt secured by the deed of trust has instructed the
45 trustee to exercise the power of sale with respect to the property.



1 (d) Not less than 3 months have elapsed after the recording of
2 the notice or, if the notice includes an affidavit and a certification
3 indicating that, pursuant to NRS 107.130, an election has been made
4 to use the expedited procedure for the exercise of the power of sale
5 with respect to abandoned residential property, not less than 60 days
6 have elapsed after the recording of the notice.

7 3. The 15- or 35-day period provided in paragraph (a) of
8 subsection 2 commences on the first day following the day upon
9 which the notice of default and election to sell is recorded in the
10 office of the county recorder of the county in which the property is
11 located and a copy of the notice of default and election to sell is
12 mailed by registered or certified mail, return receipt requested and
13 with postage prepaid to the grantor or, to the person who holds the
14 title of record on the date the notice of default and election to sell is
15 recorded, and, if the property is operated as a facility *or provider of*
16 *home-based residential care* licensed under chapter 449 of NRS, to
17 the State Board of Health, at their respective addresses, if known,
18 otherwise to the address of the trust property or, if authorized by the
19 parties, delivered by electronic transmission. The notice of default
20 and election to sell must describe the deficiency in performance or
21 payment and may contain a notice of intent to declare the entire
22 unpaid balance due if acceleration is permitted by the obligation
23 secured by the deed of trust, but acceleration must not occur if the
24 deficiency in performance or payment is made good and any costs,
25 fees and expenses incident to the preparation or recordation of the
26 notice and incident to the making good of the deficiency in
27 performance or payment are paid within the time specified in
28 subsection 2.

29 4. The trustee, or other person authorized to make the sale
30 under the terms of the trust deed or transfer in trust, shall, after
31 expiration of the applicable period specified in paragraph (d) of
32 subsection 2 following the recording of the notice of breach and
33 election to sell, and before the making of the sale, give notice of the
34 time and place thereof by recording the notice of sale and by:

35 (a) Providing the notice to each trustor, any other person entitled
36 to notice pursuant to this section and, if the property is operated as a
37 facility *or provider of home-based residential care* licensed under
38 chapter 449 of NRS, the State Board of Health, by personal service,
39 by electronic transmission if authorized by the parties or by mailing
40 the notice by registered or certified mail to the last known address of
41 the trustor and any other person entitled to such notice pursuant to
42 this section;

43 (b) Posting a similar notice particularly describing the property,
44 for 20 days successively, in a public place in the county where the
45 property is situated; and



1 (c) Publishing a copy of the notice three times, once each week
2 for 3 consecutive weeks, in a newspaper of general circulation in the
3 county where the property is situated or, if the property is a time
4 share, by posting a copy of the notice on an Internet website and
5 publishing a statement in a newspaper in the manner required by
6 subsection 3 of NRS 119A.560.

7 5. Every sale made under the provisions of this section and
8 other sections of this chapter vests in the purchaser the title of the
9 grantor and any successors in interest without equity or right of
10 redemption. Except as otherwise provided in subsection 7, a sale
11 made pursuant to this section must be declared void by any court of
12 competent jurisdiction in the county where the sale took place if:

13 (a) The trustee or other person authorized to make the sale does
14 not substantially comply with the provisions of this section;

15 (b) Except as otherwise provided in subsection 6, an action is
16 commenced in the county where the sale took place within 30 days
17 after the date on which the trustee's deed upon sale is recorded
18 pursuant to subsection 10 in the office of the county recorder of the
19 county in which the property is located; and

20 (c) A notice of lis pendens providing notice of the pendency of
21 the action is recorded in the office of the county recorder of the
22 county where the sale took place within 5 days after commencement
23 of the action.

24 6. If proper notice is not provided pursuant to subsection 3 or
25 paragraph (a) of subsection 4 to the grantor, to the person who holds
26 the title of record on the date the notice of default and election to
27 sell is recorded, to each trustor or to any other person entitled to
28 such notice, the person who did not receive such proper notice may
29 commence an action pursuant to subsection 5 within 90 days after
30 the date of the sale.

31 7. Upon expiration of the time for commencing an action
32 which is set forth in subsections 5 and 6, any failure to comply with
33 the provisions of this section or any other provision of this chapter
34 does not affect the rights of a bona fide purchaser as described in
35 NRS 111.180.

36 8. If, in an action brought by the grantor or the person who
37 holds title of record in the district court in and for the county in
38 which the real property is located, the court finds that the
39 beneficiary, the successor in interest of the beneficiary or the trustee
40 did not comply with any requirement of subsection 2, 3 or 4, the
41 court must award to the grantor or the person who holds title of
42 record:

43 (a) Damages of \$5,000 or treble the amount of actual damages,
44 whichever is greater;



1 (b) An injunction enjoining the exercise of the power of sale
2 until the beneficiary, the successor in interest of the beneficiary or
3 the trustee complies with the requirements of subsections 2, 3 and 4;
4 and

5 (c) Reasonable attorney's fees and costs,
6 ↪ unless the court finds good cause for a different award. The
7 remedy provided in this subsection is in addition to the remedy
8 provided in subsection 5.

9 9. The sale of a lease of a dwelling unit of a cooperative
10 housing corporation vests in the purchaser title to the shares in the
11 corporation which accompany the lease.

12 10. After a sale of property is conducted pursuant to this
13 section, the trustee shall:

14 (a) Within 30 days after the date of the sale, record the trustee's
15 deed upon sale in the office of the county recorder of the county in
16 which the property is located; or

17 (b) Within 20 days after the date of the sale, deliver the trustee's
18 deed upon sale to the successful bidder. Within 10 days after the
19 date of delivery of the deed by the trustee, the successful bidder
20 shall record the trustee's deed upon sale in the office of the county
21 recorder of the county in which the property is located.

22 11. Within 5 days after recording the trustee's deed upon sale,
23 the trustee or successful bidder, whoever recorded the trustee's deed
24 upon sale pursuant to subsection 10, shall cause a copy of the
25 trustee's deed upon sale to be posted conspicuously on the property.
26 The failure of a trustee or successful bidder to effect the posting
27 required by this subsection does not affect the validity of a sale of
28 the property to a bona fide purchaser for value without knowledge
29 of the failure.

30 12. If the successful bidder fails to record the trustee's deed
31 upon sale pursuant to paragraph (b) of subsection 10, the successful
32 bidder:

33 (a) Is liable in a civil action to any party that is a senior
34 lienholder against the property that is the subject of the sale in a sum
35 of up to \$500 and for reasonable attorney's fees and the costs of
36 bringing the action; and

37 (b) Is liable in a civil action for any actual damages caused by
38 the failure to comply with the provisions of subsection 10 and for
39 reasonable attorney's fees and the costs of bringing the action.

40 13. The county recorder shall, in addition to any other fee, at
41 the time of recording a notice of default and election to sell collect:

42 (a) A fee of \$150 for deposit in the State General Fund.

43 (b) A fee of \$95 for deposit in the Account for Foreclosure
44 Mediation Assistance, which is hereby created in the State General
45 Fund. The Account must be administered by the Interim Finance



1 Committee and the money in the Account may be expended only for
2 the purpose of:

3 (1) Supporting a program of foreclosure mediation; and

4 (2) The development and maintenance of an Internet portal
5 for a program of foreclosure mediation pursuant to subsection 18 of
6 NRS 107.086.

7 (c) A fee of \$5 to be paid over to the county treasurer on or
8 before the fifth day of each month for the preceding calendar month.
9 The county recorder may direct that 1.5 percent of the fees collected
10 by the county recorder pursuant to this paragraph be transferred into
11 a special account for use by the office of the county recorder. The
12 county treasurer shall remit quarterly to the organization operating
13 the program for legal services that receives the fees charged
14 pursuant to NRS 19.031 for the operation of programs for the
15 indigent all the money received from the county recorder pursuant
16 to this paragraph.

17 14. The fees collected pursuant to paragraphs (a) and (b) of
18 subsection 13 must be paid over to the county treasurer by the
19 county recorder on or before the fifth day of each month for the
20 preceding calendar month, and, except as otherwise provided in this
21 subsection, must be placed to the credit of the State General Fund or
22 the Account for Foreclosure Mediation Assistance as prescribed
23 pursuant to subsection 13. The county recorder may direct that 1.5
24 percent of the fees collected by the county recorder be transferred
25 into a special account for use by the office of the county recorder.
26 The county treasurer shall, on or before the 15th day of each month,
27 remit the fees deposited by the county recorder pursuant to this
28 subsection to the State Controller for credit to the State General
29 Fund or the Account as prescribed in subsection 13.

30 15. The beneficiary, the successor in interest of the beneficiary
31 or the trustee who causes to be recorded the notice of default and
32 election to sell shall not charge the grantor or the successor in
33 interest of the grantor any portion of any fee required to be paid
34 pursuant to subsection 13.

35 16. As used in this section, "trustee" means the trustee of
36 record.

37 **Sec. 73.** NRS 159.081 is hereby amended to read as follows:

38 159.081 1. A guardian of the person shall make and file in
39 the guardianship proceeding for review of the court a written report
40 on the condition of the protected person and the exercise of
41 authority and performance of duties by the guardian:

42 (a) Annually, not later than 60 days after the anniversary date of
43 the appointment of the guardian;

44 (b) Within 10 days of moving a protected person to a secured
45 residential long-term care facility; and



1 (c) At such other times as the court may order.

2 2. A report filed pursuant to paragraph (b) of subsection 1
3 must:

4 (a) Include a copy of the written recommendation upon which
5 the transfer was made; and

6 (b) Be served, without limitation, on the protected person and
7 any attorney for the protected person.

8 3. The court may prescribe the form for filing a report
9 described in subsection 1. Such a report must include, without
10 limitation:

11 (a) The physical condition of the protected person;

12 (b) The place of residence of the protected person;

13 (c) The name of all other persons living with the protected
14 person unless the protected person is residing at a secured
15 residential long-term care facility, group home, supportive living
16 facility, assisted living facility or other facility for long-term care;
17 and

18 (d) Any other information required by the court.

19 4. The guardian of the person shall give to the guardian of the
20 estate, if any, a copy of each report not later than 30 days after the
21 date the report is filed with the court.

22 5. The court is not required to hold a hearing or enter an order
23 regarding the report.

24 6. As used in this section, "facility *or home* for long-term care"
25 has the meaning ascribed to it in NRS 427A.028.

26 **Sec. 74.** NRS 162A.220 is hereby amended to read as follows:

27 162A.220 1. A power of attorney must be signed by the
28 principal or, in the principal's conscious presence, by another
29 individual directed by the principal to sign the principal's name on
30 the power of attorney. A signature on a power of attorney is
31 presumed to be genuine if the principal acknowledges the signature
32 before a notary public or other individual authorized by law to take
33 acknowledgments.

34 2. If the principal resides in a hospital, residential facility for
35 groups, facility for skilled nursing or home for **[individual]**
36 residential care, at the time of execution of the power of attorney, a
37 certification of competency of the principal from a physician,
38 psychologist or psychiatrist must be attached to the power of
39 attorney.

40 3. If the principal resides or is about to reside in a hospital,
41 assisted living facility or facility for skilled nursing at the time of
42 execution of the power of attorney, in addition to the prohibition set
43 forth in NRS 162A.840 and except as otherwise provided in
44 subsection 4, the principal may not name as agent in any power of
45 attorney for any purpose:



1 (a) The hospital, assisted living facility or facility for skilled
2 nursing;

3 (b) An owner or operator of the hospital, assisted living facility
4 or facility for skilled nursing; or

5 (c) An employee of the hospital, assisted living facility or
6 facility for skilled nursing.

7 4. The principal may name as agent any person identified in
8 subsection 3 if that person is:

9 (a) The spouse, legal guardian or next of kin of the principal; or

10 (b) Named only for the purpose of assisting the principal to
11 establish eligibility for Medicaid and the power of attorney complies
12 with the provisions of subsection 5.

13 5. A person may be named as agent pursuant to paragraph (b)
14 of subsection 4 only if:

15 (a) A valid financial power of attorney for the principal does not
16 exist;

17 (b) The agent has made a good faith effort to contact each
18 family member of the principal identified in the records of the
19 hospital, assisted living facility or facility for skilled nursing, as
20 applicable, to request that the family member establish a financial
21 power of attorney for the principal and has documented his or her
22 effort;

23 (c) The power of attorney specifies that the agent is only
24 authorized to access financial documents of the principal which are
25 necessary to prove eligibility of the principal for Medicaid as
26 described in the application for Medicaid and specifies that any
27 request for such documentation must be accompanied by a copy of
28 the application for Medicaid or by other proof that the document is
29 necessary to prove eligibility for Medicaid;

30 (d) The power of attorney specifies that the agent does not have
31 authority to access money or any other asset of the principal for any
32 purpose; and

33 (e) The power of attorney specifies that the power of attorney is
34 only valid until eligibility of the principal for Medicaid is
35 determined or 6 months after the power of attorney is signed,
36 whichever is sooner.

37 6. A person who is named as agent pursuant to paragraph (b) of
38 subsection 4 shall not use the power of attorney for any purpose
39 other than to assist the principal to establish eligibility for Medicaid
40 and shall not use the power of attorney in a manner inconsistent
41 with the provisions of subsection 5. A person who violates the
42 provisions of this subsection is guilty of a category C felony and
43 shall be punished as provided in NRS 193.130.

44 7. As used in this section:



1 (a) "Assisted living facility ~~[?]~~ *or home*" has the meaning
2 ascribed to it in NRS 422.3962.

3 (b) "Facility for skilled nursing" has the meaning ascribed to it
4 in NRS 449.0039.

5 (c) "Home for ~~[individual]~~ residential care" has the meaning
6 ascribed to it in NRS 449.0105.

7 (d) "Hospital" has the meaning ascribed to it in NRS 449.012.

8 (e) "Residential facility for groups" has the meaning ascribed to
9 it in NRS 449.017.

10 **Sec. 75.** NRS 162A.740 is hereby amended to read as follows:

11 162A.740 "Health care facility" includes:

12 1. Any medical facility as defined in NRS 449.0151;

13 2. *A home for residential care, as defined in NRS 449.0105;*

14 and

15 ~~[?]~~ 3. Any facility for the dependent as defined in
16 NRS 449.0045.

17 **Sec. 76.** NRS 162A.790 is hereby amended to read as follows:

18 162A.790 1. Any adult person may execute a power of
19 attorney enabling the agent named in the power of attorney to make
20 decisions concerning health care for the principal if that principal
21 becomes incapable of giving informed consent concerning such
22 decisions.

23 2. A power of attorney for health care must be signed by the
24 principal. The principal's signature on the power of attorney for
25 health care must be:

26 (a) Acknowledged before a notary public; or

27 (b) Witnessed by two adult witnesses who know the principal
28 personally.

29 3. Neither of the witnesses to a principal's signature may be:

30 (a) A provider of health care;

31 (b) An employee of a provider of health care;

32 (c) An operator of a health care facility;

33 (d) An employee of a health care facility; or

34 (e) The agent.

35 4. At least one of the witnesses to a principal's signature must
36 be a person who is:

37 (a) Not related to the principal by blood, marriage or adoption;

38 and

39 (b) To the best of the witnesses' knowledge, not entitled to any
40 part of the estate of the principal upon the death of the principal.

41 5. If the principal resides in a hospital, residential facility for
42 groups, facility for skilled nursing or home for ~~[individual]~~
43 residential care, at the time of the execution of the power of
44 attorney, a certification of competency of the principal from a



1 physician, psychologist or psychiatrist must be attached to the
2 power of attorney.

3 6. A power of attorney executed in a jurisdiction outside of this
4 State is valid in this State if, when the power of attorney was
5 executed, the execution complied with the laws of that jurisdiction
6 or the requirements for a military power of attorney pursuant to 10
7 U.S.C. § 1044b.

8 7. As used in this section:

9 (a) "Facility for skilled nursing" has the meaning ascribed to it
10 in NRS 449.0039.

11 (b) "Home for ~~individual~~ residential care" has the meaning
12 ascribed to it in NRS 449.0105.

13 (c) "Hospital" has the meaning ascribed to it in NRS 449.012.

14 (d) "Residential facility for groups" has the meaning ascribed to
15 it in NRS 449.017.

16 **Sec. 77.** NRS 202.2491 is hereby amended to read as follows:

17 202.2491 1. Except as otherwise provided in subsections 5
18 and 6 and NRS 202.24915, the smoking of tobacco in any form is
19 prohibited if done in any:

20 (a) Public elevator.

21 (b) Public building.

22 (c) Public waiting room, lobby or hallway of any:

23 (1) Medical facility or facility for the dependent as defined in
24 chapter 449 of NRS; ~~or~~

25 (2) *Home operated by a provider of home-based residential*
26 *care as defined in chapter 449 of NRS; or*

27 (3) Office of any chiropractor, dentist, physical therapist,
28 physician, podiatric physician, psychologist, optician, optometrist or
29 doctor of Oriental medicine.

30 (d) Hotel or motel when so designated by the operator thereof.

31 (e) Public area of a store principally devoted to the sale of food
32 for human consumption off the premises.

33 (f) Child care facility.

34 (g) Bus used by the general public, other than a chartered bus, or
35 in any maintenance facility or office associated with a bus system
36 operated by any regional transportation commission.

37 (h) School bus.

38 (i) Video arcade.

39 2. The person in control of an area listed in paragraph (c), (d),
40 (e) or (g) of subsection 1:

41 (a) Shall post in the area signs prohibiting smoking in any place
42 not designated for that purpose as provided in paragraph (b).

43 (b) May designate separate rooms or portions of the area which
44 may be used for smoking, except for a room or portion of the area of



1 a store described in paragraph (e) of subsection 1 if the room or
2 portion of the area:

3 (1) Is leased to or operated by a person licensed pursuant to
4 NRS 463.160; and

5 (2) Does not otherwise qualify for an exemption set forth in
6 NRS 202.24915.

7 3. The person in control of a public building:

8 (a) Shall post in the area signs prohibiting smoking in any place
9 not designated for that purpose as provided in paragraph (b).

10 (b) Shall, except as otherwise provided in this subsection,
11 designate a separate area which may be used for smoking.

12 ➤ A school district which prohibits the use of tobacco by pupils
13 need not designate an area which may be used by the pupils to
14 smoke.

15 4. The operator of a restaurant with a seating capacity of 50 or
16 more shall maintain a flexible nonsmoking area within the restaurant
17 and offer each patron the opportunity to be seated in a smoking or
18 nonsmoking area.

19 5. A business which derives more than 50 percent of its gross
20 receipts from the sale of alcoholic beverages or 50 percent of its
21 gross receipts from gaming operations may be designated as a
22 smoking area in its entirety by the operator of the business.

23 6. The smoking of tobacco is not prohibited in:

24 (a) Any room or area designated for smoking pursuant to
25 paragraph (b) of subsection 2 or paragraph (b) of subsection 3.

26 (b) A licensed gaming establishment. A licensed gaming
27 establishment may designate separate rooms or areas within the
28 establishment which may or may not be used for smoking.

29 7. As used in this section:

30 (a) "Child care facility" means an establishment operated and
31 maintained to furnish care on a temporary or permanent basis,
32 during the day or overnight, to five or more children under 18 years
33 of age, if compensation is received for the care of any of those
34 children. The term does not include the home of a natural person
35 who provides child care.

36 (b) "Licensed gaming establishment" has the meaning ascribed
37 to it in NRS 463.0169.

38 (c) "Public building" means any building or office space owned
39 or occupied by:

40 (1) Any component of the Nevada System of Higher
41 Education and used for any purpose related to the System.

42 (2) The State of Nevada and used for any public purpose,
43 other than that used by the Department of Corrections to house or
44 provide other services to offenders.



1 (3) Any county, city, school district or other political
2 subdivision of the State and used for any public purpose.

3 ↪ If only part of a building is owned or occupied by an entity
4 described in this paragraph, the term means only that portion of the
5 building which is so owned or occupied.

6 (d) "School bus" has the meaning ascribed to it in NRS 483.160.

7 (e) "Video arcade" means a facility legally accessible to persons
8 under 18 years of age which is intended primarily for the use of
9 pinball and video machines for amusement and which contains a
10 minimum of 10 such machines.

11 **Sec. 78.** NRS 218E.760 is hereby amended to read as follows:

12 218E.760 1. The Committee may review, study and comment
13 upon issues relating to senior citizens, veterans and adults with
14 special needs, including, without limitation:

15 (a) Initiatives to ensure the financial and physical wellness of
16 senior citizens, veterans and adults with special needs;

17 (b) The abuse, neglect, exploitation, isolation and abandonment
18 of senior citizens and adults with special needs;

19 (c) Public outreach and advocacy;

20 (d) Programs for the provision of services to senior citizens,
21 veterans and adults with special needs in this State and methods to
22 enhance such programs to ensure that services are provided in the
23 most appropriate setting;

24 (e) Programs that provide services and care in the home which
25 allow senior citizens to remain at home and live independently
26 instead of in institutional care;

27 (f) The availability of useful information and data as needed for
28 the State of Nevada to effectively make decisions, plan budgets and
29 monitor costs and outcomes of services provided to senior citizens,
30 veterans and adults with special needs;

31 (g) Laws relating to the appointment of a guardian and the
32 improvement of laws for the protection of senior citizens and adults
33 with special needs who have been appointed a guardian, including,
34 without limitation, the improvement of investigations relating to
35 guardianships and systems for monitoring guardianships; and

36 (h) The improvement of facilities *or homes* for long-term care in
37 this State, including, without limitation:

38 (1) Reducing the number of persons placed in facilities *or*
39 *homes* for long-term care located outside this State;

40 (2) Creating units for acute care and long-term care to treat
41 persons suffering from dementia who exhibit behavioral problems;

42 (3) Developing alternatives to placement in facilities *or*
43 *homes* for long-term care, including, without limitation, units for
44 long-term care located in other types of facilities, and ensuring that



1 such alternatives are available throughout this State for the treatment
2 of persons with psychological needs; and

3 (4) Creating a program to provide follow-up care and to track
4 the ongoing progress of residents of facilities *or homes* for long-
5 term care.

6 2. The Committee may:

7 (a) Review, study and comment upon matters relating to senior
8 citizens, veterans and adults with special needs;

9 (b) Conduct investigations and hold hearings in connection with
10 its duties pursuant to this section and exercise any of the
11 investigative powers set forth in NRS 218E.105 to 218E.140,
12 inclusive;

13 (c) Request that the Legislative Counsel Bureau assist in the
14 research, investigations, hearings and studies of the Committee; and

15 (d) Make recommendations to the Legislature concerning senior
16 citizens, veterans and adults with special needs.

17 3. The Committee shall, on or before January 15 of each odd-
18 numbered year, submit to the Director for transmittal to the next
19 regular session a report concerning the study conducted pursuant to
20 subsection 1.

21 4. As used in this section, "facility *or home* for long-term care"
22 has the meaning ascribed to it in NRS 427A.028.

23 **Sec. 79.** NRS 278.02373 is hereby amended to read as
24 follows:

25 278.02373 As used in NRS 278.02373 to 278.02377, inclusive,
26 unless the context otherwise requires, the words and terms defined
27 in NRS 278.02374 ~~[]~~ and 278.02375 ~~[and 278.02376]~~ have the
28 meanings ascribed to them in those sections.

29 **Sec. 80.** NRS 278.02377 is hereby amended to read as
30 follows:

31 278.02377 1. In any ordinance adopted by a city or county,
32 the definition of "single-family residence" must include, without
33 limitation, a:

34 (a) ~~[Residential facility for groups]~~ *Home for residential care* in
35 which ~~[fewer than 11]~~ unrelated persons with disabilities reside
36 with:

37 (1) House parents or guardians who need not be related to
38 any of the persons with disabilities; and

39 (2) If applicable, additional persons who are related to the
40 house parents or guardians within the third degree of consanguinity
41 or affinity.

42 (b) ~~[Home for individual residential care.~~

43 ~~—(c)]~~ Halfway house for recovering alcohol and drug abusers in
44 which fewer than 11 persons reside.



1 2. The provisions of subsection 1 do not prohibit a definition of
2 “single-family residence” ~~that allows more persons to reside in a~~
3 ~~residential facility for groups~~ or the regulation of homes that are
4 operated on a commercial basis. For the purposes of this subsection,
5 a residential facility for groups, a halfway house for recovering
6 alcohol and drug abusers or a home for ~~individual~~ residential care
7 shall not be deemed to be a home that is operated on a commercial
8 basis for any purpose relating to zoning.

9 3. As used in this section, “person with a disability” means a
10 person:

11 (a) With a physical or mental impairment that substantially
12 limits one or more of the major life activities of the person;

13 (b) With a record of such an impairment; or

14 (c) Who is regarded as having such an impairment.

15 **Sec. 81.** NRS 319.147 is hereby amended to read as follows:

16 319.147 1. The Division shall certify an assisted living
17 facility *or home* for the purpose of providing services pursuant to
18 the provisions of the home and community-based services waiver
19 which are amended pursuant to NRS 422.3962 if the facility ~~is~~ *or*
20 *home*:

21 (a) Provides assisted living supportive services to senior citizens
22 of low or moderate income;

23 (b) Provides or arranges for the provision of case management
24 services for its residents;

25 (c) Guarantees affordable housing for a period of at least 15
26 years after the facility is certified;

27 (d) Is financed through tax credits relating to low-income
28 housing or other public funds; and

29 (e) Satisfies any other requirements set forth by the Division in
30 any regulations adopted by the Division.

31 2. The Division shall adopt regulations concerning the
32 certification of assisted living facilities *or homes* pursuant to this
33 section.

34 3. As used in this section:

35 (a) “Assisted living facility ~~is~~ *or home*” has the meaning
36 ascribed to it in paragraph (a) of subsection 3 of NRS 422.3962.

37 (b) “Assisted living supportive services” has the meaning
38 ascribed to it in paragraph (b) of subsection 3 of NRS 422.3962.

39 **Sec. 82.** NRS 422.3962 is hereby amended to read as follows:

40 422.3962 1. The Department shall apply to the Secretary of
41 Health and Human Services to amend its home and community-
42 based services waiver granted pursuant to 42 U.S.C. § 1396n. The
43 waiver must be amended, in addition to providing coverage for any
44 home and community-based services which the waiver covers on
45 June 4, 2005, to authorize the Department to include as medical



1 assistance under Medicaid the funding of assisted living supportive
2 services for senior citizens who reside in assisted living facilities *or*
3 *homes* which are certified by the Housing Division of the
4 Department of Business and Industry pursuant to NRS 319.147.

5 2. The Department shall:

6 (a) Cooperate with the Federal Government in amending the
7 waiver pursuant to this section;

8 (b) If the Federal Government approves the amendments to the
9 waiver, adopt regulations necessary to carry out the provisions of
10 this section, including, without limitation, the criteria to be used in
11 determining eligibility for the assisted living supportive services
12 funded pursuant to subsection 1; and

13 (c) Implement the amendments to the waiver only to the extent
14 that the amendments are approved by the Federal Government.

15 3. As used in this section:

16 (a) "Assisted living facility ~~[?]~~ *or home*" means a residential
17 facility for groups *or home for residential care* that:

18 (1) Satisfies the requirements set forth in subsection 7 of
19 NRS 449.0302; and

20 (2) Has staff at the facility *or home* available 24 hours a day,
21 7 days a week, to provide scheduled assisted living supportive
22 services and assisted living supportive services that are required in
23 an emergency in a manner that promotes maximum dignity and
24 independence of residents of the facility ~~[?]~~ *or home*.

25 (b) "Assisted living supportive services" means services which
26 are provided at an assisted living facility to residents of the assisted
27 living facility ~~[?]~~ *or home*, including, without limitation:

28 (1) Personal care services;

29 (2) Homemaker services;

30 (3) Chore services;

31 (4) Attendant care;

32 (5) Companion services;

33 (6) Medication oversight;

34 (7) Therapeutic, social and recreational programming; and

35 (8) Services which ensure that the residents of the facility *or*
36 *home* are safe, secure and adequately supervised.

37 **Sec. 83.** NRS 427A.028 is hereby amended to read as follows:

38 427A.028 "Facility *or home* for long-term care" means:

39 1. A residential facility for groups as defined in NRS 449.017;

40 2. A facility for intermediate care as defined in NRS 449.0038;

41 3. A facility for skilled nursing as defined in NRS 449.0039;

42 4. A home for ~~[individual]~~ residential care as defined in NRS
43 449.0105; and

44 5. Any unlicensed establishment that provides food, shelter,
45 assistance and limited supervision to a resident.



1 **Sec. 84.** NRS 433.806 is hereby amended to read as follows:

2 433.806 1. Any person or entity, including, without
3 limitation, the Division, that determines the placement of a person
4 with a mental illness or a person with a developmental disability in a
5 mental health facility, medical facility, ~~for~~ facility for the
6 dependent, with a provider of ~~community-based living arrangement~~
7 ~~services~~ *home-based residential care* or any other placement shall,
8 when making such a determination, consider whether the mental
9 health facility, medical facility, facility for the dependent, provider
10 of ~~community-based living arrangement services~~ *home-based*
11 *residential care* or other placement is capable of:

12 (a) Adequately addressing the needs of the person for care and
13 services, including, without limitation, the administration of
14 medication; and

15 (b) Ensuring the safety of the person in the event of a fire or
16 other emergency.

17 2. As used in this section:

18 (a) ~~“Community-based living arrangement services” has the~~
19 ~~meaning ascribed to it in NRS 433.605.~~

20 ~~(b)~~ “Facility for the dependent” has the meaning ascribed to it
21 in NRS 449.0045.

22 ~~(c)~~ (b) “Medical facility” has the meaning ascribed to it in
23 NRS 449.0151.

24 (c) *“Provider of home-based residential care” has the meaning*
25 *ascribed to it in section 7 of this act.*

26 **Sec. 85.** NRS 435.007 is hereby amended to read as follows:

27 435.007 As used in this chapter, unless the context otherwise
28 requires:

29 1. “Administrative officer” means a person with overall
30 executive and administrative responsibility for those state or
31 nonstate intellectual and developmental disability centers designated
32 by the Administrator.

33 2. “Administrator” means the Administrator of the Division.

34 3. “Child” means any person under the age of 18 years who
35 may be eligible for intellectual disability services or developmental
36 disability services.

37 4. “Department” means the Department of Health and Human
38 Services.

39 5. “Developmental disability” means autism, cerebral palsy,
40 epilepsy or any other neurological condition diagnosed by a
41 qualified professional that:

42 (a) Is manifested before the person affected attains the age of 22
43 years;

44 (b) Is likely to continue indefinitely;



1 (c) Results in substantial functional limitations, as measured by
2 a qualified professional, in three or more of the following areas of
3 major life activity:

- 4 (1) Taking care of oneself;
- 5 (2) Understanding and use of language;
- 6 (3) Learning;
- 7 (4) Mobility;
- 8 (5) Self-direction; and
- 9 (6) Capacity for independent living; and

10 (d) Results in the person affected requiring a combination of
11 individually planned and coordinated services, support or other
12 assistance that is lifelong or has an extended duration.

13 6. "Director of the Department" means the administrative head
14 of the Department.

15 7. "Division" means the Aging and Disability Services
16 Division of the Department.

17 8. "Division facility" means any unit or subunit operated by the
18 Division for the care, treatment and training of consumers.

19 9. *"Home for residential care" has the meaning ascribed to it*
20 *in NRS 449.0105.*

21 10. "Intellectual disability" means significantly subaverage
22 general intellectual functioning existing concurrently with deficits in
23 adaptive behavior and manifested during the developmental period.

24 ~~10.~~ 11. "Intellectual and developmental disability center"
25 means an organized program for providing appropriate services and
26 treatment to persons with intellectual disabilities and persons with
27 developmental disabilities. An intellectual and developmental
28 disability center may include facilities for residential treatment and
29 training.

30 ~~11.~~ 12. "Medical director" means the chief medical officer of
31 any program of the Division for persons with intellectual disabilities
32 or developmental disabilities.

33 ~~12.~~ 13. "Mental illness" has the meaning ascribed to it in
34 NRS 433.164.

35 ~~13.~~ 14. "Parent" means the parent of a child. The term does
36 not include the parent of a person who has attained the age of 18
37 years.

38 ~~14.~~ 15. "Person" includes a child and any other consumer
39 with an intellectual disability and a child or any other consumer with
40 a developmental disability who has attained the age of 18 years.

41 ~~15.~~ 16. "Person professionally qualified in the field of
42 psychiatric mental health" has the meaning ascribed to it in NRS
43 433.209.

44 ~~16.~~ 17. *"Provider of home-based residential care" has the*
45 *meaning ascribed to it in section 7 of this act.*



1 **18.** “Residential facility for groups” ~~means a structure similar~~
2 ~~to a private residence which will house a small number of persons in~~
3 ~~a homelike atmosphere.~~

4 ~~—17.7] has the meaning ascribed to it in NRS 449.017.~~

5 **19.** “Training” means a program of services directed primarily
6 toward enhancing the health, welfare and development of persons
7 with intellectual disabilities or persons with developmental
8 disabilities through the process of providing those experiences that
9 will enable the person to:

10 (a) Develop his or her physical, intellectual, social and
11 emotional capacities to the fullest extent;

12 (b) Live in an environment that is conducive to personal dignity;
13 and

14 (c) Continue development of those skills, habits and attitudes
15 essential to adaptation in contemporary society.

16 ~~18.7] 20.~~ “Treatment” means any combination of procedures or
17 activities, of whatever level of intensity and whatever duration,
18 ranging from occasional counseling sessions to full-time admission
19 to a residential facility ~~1.7] or a home operated by a provider of~~
20 ~~home-based residential care.~~

21 **Sec. 86.** NRS 435.060 is hereby amended to read as follows:

22 435.060 The Division may operate a residential facility for
23 groups *or home for residential care* to care for and maintain
24 persons with intellectual disabilities or persons with developmental
25 disabilities until they can live in a more normal situation.

26 **Sec. 87.** NRS 435.070 is hereby amended to read as follows:

27 435.070 The Division is responsible for the administration of
28 all residential facilities for groups *and homes for residential care*
29 established pursuant to NRS 435.060 to 435.120, inclusive, and may
30 enter into such agreements with public and private agencies and
31 adopt such regulations as it deems necessary for the operation of any
32 facility ~~1.7] or home.~~

33 **Sec. 88.** NRS 439.630 is hereby amended to read as follows:

34 439.630 1. The Department shall:

35 (a) Conduct, or require the Grants Management Advisory
36 Committee created by NRS 232.383 to conduct, public hearings to
37 accept public testimony from a wide variety of sources and
38 perspectives regarding existing or proposed programs that:

39 (1) Promote public health;

40 (2) Improve health services for children, senior citizens and
41 persons with disabilities;

42 (3) Reduce or prevent the abuse of and addiction to alcohol
43 and drugs; and

44 (4) Offer other general or specific information on health care
45 in this State.



1 (b) Establish a process to evaluate the health and health needs of
2 the residents of this State and a system to rank the health problems
3 of the residents of this State, including, without limitation, the
4 specific health problems that are endemic to urban and rural
5 communities, and report the results of the evaluation to the
6 Legislative Committee on Health Care on an annual basis.

7 (c) Subject to legislative authorization, allocate money for direct
8 expenditure by the Department to pay for prescription drugs,
9 pharmaceutical services and, to the extent money is available, other
10 benefits, including, without limitation, dental and vision benefits
11 and hearing aids or other devices that enhance the ability to hear, for
12 senior citizens pursuant to NRS 439.635 to 439.690, inclusive. From
13 the money allocated pursuant to this paragraph, the Department may
14 subsidize any portion of the cost of providing prescription drugs,
15 pharmaceutical services and, to the extent money is available, other
16 benefits, including, without limitation, dental and vision benefits
17 and hearing aids or other devices that enhance the ability to hear, to
18 senior citizens pursuant to NRS 439.635 to 439.690, inclusive. The
19 Department shall consider recommendations from the Grants
20 Management Advisory Committee in carrying out the provisions of
21 NRS 439.635 to 439.690, inclusive. The Department shall submit a
22 quarterly report to the Governor, the Interim Finance Committee,
23 the Legislative Committee on Health Care and any other committees
24 or commissions the Director deems appropriate regarding the
25 general manner in which expenditures have been made pursuant to
26 this paragraph.

27 (d) Subject to legislative authorization, allocate, by contract or
28 grant, money for expenditure by the Aging and Disability Services
29 Division of the Department in the form of grants for existing or new
30 programs that assist senior citizens and other specified persons with
31 independent living, including, without limitation, programs that
32 provide:

33 (1) Respite care or relief of informal caretakers, including,
34 without limitation, informal caretakers of any person with
35 Alzheimer's disease or other related dementia regardless of the age
36 of the person;

37 (2) Transportation to new or existing services to assist senior
38 citizens in living independently; and

39 (3) Care in the home which allows senior citizens to remain
40 at home instead of in institutional care.

41 ➔ The Aging and Disability Services Division of the Department
42 shall consider recommendations from the Grants Management
43 Advisory Committee concerning the independent living needs of
44 senior citizens.



1 (e) Allocate \$200,000 of all revenues deposited in the Fund for a
2 Healthy Nevada each year for direct expenditure by the Director to:

3 (1) Provide guaranteed funding to finance assisted living
4 facilities that satisfy the criteria for certification set forth in NRS
5 319.147; and

6 (2) Fund assisted living facilities *or homes* that satisfy the
7 criteria for certification set forth in NRS 319.147 and assisted living
8 supportive services that are provided pursuant to the provisions of
9 the home and community-based services waiver which are amended
10 pursuant to NRS 422.3962.

11 ➔ The Director shall develop policies and procedures for
12 distributing the money allocated pursuant to this paragraph. Money
13 allocated pursuant to this paragraph does not revert to the Fund at
14 the end of the fiscal year.

15 (f) Subject to legislative authorization, allocate to the Division
16 money for programs that are consistent with the guidelines
17 established by the Centers for Disease Control and Prevention of the
18 United States Department of Health and Human Services relating to
19 evidence-based best practices to prevent, reduce or treat the use of
20 tobacco and the consequences of the use of tobacco. In making
21 allocations pursuant to this paragraph, the Division shall allocate the
22 money, by contract or grant:

23 (1) To the district board of health in each county whose
24 population is 100,000 or more for expenditure for such programs in
25 the respective county;

26 (2) For such programs in counties whose population is less
27 than 100,000; and

28 (3) For statewide programs for tobacco cessation and other
29 statewide services for tobacco cessation and for statewide
30 evaluations of programs which receive an allocation of money
31 pursuant to this paragraph, as determined necessary by the Division
32 and the district boards of health.

33 (g) Subject to legislative authorization, allocate, by contract or
34 grant, money for expenditure for programs that improve the health
35 and well-being of residents of this State, including, without
36 limitation, programs that improve health services for children.

37 (h) Subject to legislative authorization, allocate, by contract or
38 grant, money for expenditure for programs that improve the health
39 and well-being of persons with disabilities. In making allocations
40 pursuant to this paragraph, the Department shall, to the extent
41 practicable, allocate the money evenly among the following three
42 types of programs:

43 (1) Programs that provide respite care or relief of informal
44 caretakers for persons with disabilities;



1 (2) Programs that provide positive behavioral supports to
2 persons with disabilities; and

3 (3) Programs that assist persons with disabilities to live
4 safely and independently in their communities outside of an
5 institutional setting.

6 (i) Subject to legislative authorization, allocate money for direct
7 expenditure by the Department to subsidize any portion of the cost
8 of providing prescription drugs, pharmaceutical services and, to the
9 extent money is available, other benefits, including, without
10 limitation, dental and vision benefits and hearing aids or other
11 devices that enhance the ability to hear, to persons with disabilities
12 pursuant to NRS 439.705 to 439.795, inclusive. The Department
13 shall consider recommendations from the Grants Management
14 Advisory Committee in carrying out the provisions of NRS 439.705
15 to 439.795, inclusive.

16 (j) Maximize expenditures through local, federal and private
17 matching contributions.

18 (k) Ensure that any money expended from the Fund will not be
19 used to supplant existing methods of funding that are available to
20 public agencies.

21 (l) Develop policies and procedures for the administration and
22 distribution of contracts, grants and other expenditures to state
23 agencies, political subdivisions of this State, nonprofit
24 organizations, universities, state colleges and community colleges.
25 A condition of any such contract or grant must be that not more than
26 8 percent of the contract or grant may be used for administrative
27 expenses or other indirect costs. The procedures must require at
28 least one competitive round of requests for proposals per biennium.

29 (m) To make the allocations required by paragraphs (f), (g)
30 and (h):

31 (1) Prioritize and quantify the needs for these programs;

32 (2) Develop, solicit and accept applications for allocations;

33 (3) Review and consider the recommendations of the Grants
34 Management Advisory Committee submitted pursuant to
35 NRS 232.385;

36 (4) Conduct annual evaluations of programs to which
37 allocations have been awarded; and

38 (5) Submit annual reports concerning the programs to the
39 Governor, the Interim Finance Committee, the Legislative
40 Committee on Health Care and any other committees or
41 commissions the Director deems appropriate.

42 (n) Transmit a report of all findings, recommendations and
43 expenditures to the Governor, each regular session of the
44 Legislature, the Legislative Committee on Health Care and any
45 other committees or commissions the Director deems appropriate.



1 (o) After considering the recommendations submitted to the
2 Director pursuant to subsection 6, develop a plan each biennium to
3 determine the percentage of available money in the Fund for a
4 Healthy Nevada to be allocated from the Fund for the purposes
5 described in paragraphs (c), (d), (f), (g), (h) and (i). The plan must
6 be submitted as part of the proposed budget submitted to the Chief
7 of the Budget Division of the Office of Finance pursuant to
8 NRS 353.210.

9 (p) On or before September 30 of each even-numbered year,
10 submit to the Grants Management Advisory Committee, the Nevada
11 Commission on Aging created by NRS 427A.032 and the Nevada
12 Commission on Services for Persons with Disabilities created by
13 NRS 427A.1211 a report on the funding plan submitted to the Chief
14 of the Budget Division of the Office of Finance pursuant to
15 paragraph (o).

16 2. The Department may take such other actions as are
17 necessary to carry out its duties.

18 3. To make the allocations required by paragraph (d) of
19 subsection 1, the Aging and Disability Services Division of the
20 Department shall:

21 (a) Prioritize and quantify the needs of senior citizens and other
22 specified persons for these programs;

23 (b) Develop, solicit and accept grant applications for allocations;

24 (c) As appropriate, expand or augment existing state programs
25 for senior citizens and other specified persons upon approval of the
26 Interim Finance Committee;

27 (d) Award grants, contracts or other allocations;

28 (e) Conduct annual evaluations of programs to which grants or
29 other allocations have been awarded; and

30 (f) Submit annual reports concerning the allocations made by
31 the Aging and Disability Services Division pursuant to paragraph
32 (d) of subsection 1 to the Governor, the Interim Finance Committee,
33 the Legislative Committee on Health Care and any other committees
34 or commissions the Director deems appropriate.

35 4. The Aging and Disability Services Division of the
36 Department shall submit each proposed grant or contract which
37 would be used to expand or augment an existing state program to
38 the Interim Finance Committee for approval before the grant or
39 contract is awarded. The request for approval must include a
40 description of the proposed use of the money and the person or
41 entity that would be authorized to expend the money. The Aging
42 and Disability Services Division of the Department shall not expend
43 or transfer any money allocated to the Aging and Disability Services
44 Division pursuant to this section to subsidize any portion of the cost
45 of providing prescription drugs, pharmaceutical services and other



1 benefits, including, without limitation, dental and vision benefits
2 and hearing aids or other devices that enhance the ability to hear, to
3 senior citizens pursuant to NRS 439.635 to 439.690, inclusive, or to
4 subsidize any portion of the cost of providing prescription drugs,
5 pharmaceutical services and other benefits, including, without
6 limitation, dental and vision benefits and hearing aids or other
7 devices that enhance the ability to hear, to persons with disabilities
8 pursuant to NRS 439.705 to 439.795, inclusive.

9 5. A veteran may receive benefits or other services which are
10 available from the money allocated pursuant to this section for
11 senior citizens or persons with disabilities to the extent that the
12 veteran does not receive other benefits or services provided to
13 veterans for the same purpose if the veteran qualifies for the benefits
14 or services as a senior citizen or a person with a disability, or both.

15 6. On or before June 30 of each even-numbered year, the
16 Grants Management Advisory Committee, the Nevada Commission
17 on Aging and the Nevada Commission on Services for Persons with
18 Disabilities each shall submit to the Director a report that includes,
19 without limitation, recommendations regarding community needs
20 and priorities that are determined by each such entity after any
21 public hearings held by the entity.

22 **Sec. 89.** NRS 608.009 is hereby amended to read as follows:

23 608.009 “Domestic service employee” means an employee
24 who performs any household service in or about a private residence
25 or any other location at which a person resides. The term includes,
26 without limitation:

27 1. Caregivers and other persons who are employed at a
28 residential facility for groups, as defined in NRS 449.017 ~~or~~ *or a*
29 *home for residential care, as defined in NRS 449.0105;* and

30 2. Companions, babysitters, cooks, waiters, valets,
31 housekeepers, nannies, nurses, janitors, persons employed to launder
32 clothes and linens, caretakers, persons who perform minor repairs,
33 gardeners, home health aides, personal care aides and chauffeurs of
34 automobiles for family use.

35 **Sec. 90.** NRS 629.079 is hereby amended to read as follows:

36 629.079 1. If a health care licensing board determines that a
37 complaint received by the health care licensing board concerns a
38 matter within the jurisdiction of another health care licensing board,
39 the health care licensing board which received the complaint shall:

40 (a) Except as otherwise provided in paragraph (b), refer the
41 complaint to the other health care licensing board within 5 days after
42 making the determination; and

43 (b) If the health care licensing board also determines that the
44 complaint concerns an emergency situation, immediately refer the
45 complaint to the other health care licensing board.



1 2. If a health care licensing board determines that a complaint
2 received by the health care licensing board concerns a public health
3 emergency or other health event that is an immediate threat to the
4 health and safety of the public in a health care facility , *home*
5 *operated by a provider of home-based residential care* or the office
6 of a provider of health care, the health care licensing board shall
7 immediately notify the appropriate health authority for the purposes
8 of NRS 439.970.

9 3. A health care licensing board may refer a complaint pursuant
10 to subsection 1 or provide notification pursuant to subsection 2
11 orally, electronically or in writing.

12 4. The provisions of subsections 1 and 2 apply to any
13 complaint received by a health care licensing board, including,
14 without limitation:

15 (a) A complaint which concerns a person who or entity which is
16 licensed, certified or otherwise regulated by the health care licensing
17 board that received the complaint and by another health care
18 licensing board; and

19 (b) A complaint which concerns a person who or entity which is
20 licensed, certified or otherwise regulated solely by another health
21 care licensing board.

22 5. The provisions of this section do not prevent a health care
23 licensing board from acting upon a complaint which concerns a
24 matter within the jurisdiction of the health care licensing board
25 regardless of whether the health care licensing board refers the
26 complaint pursuant to subsection 1 or provides notification based
27 upon the complaint pursuant to subsection 2.

28 6. A health care licensing board or an officer or employee of
29 the health care licensing board is immune from any civil liability for
30 any decision or action taken in good faith and without malicious
31 intent in carrying out the provisions of this section.

32 7. As used in this section:

33 (a) "Health care facility" means any facility licensed pursuant to
34 chapter 449 of NRS.

35 (b) "Health care licensing board" means:

36 (1) A board created pursuant to chapter 630, 630A, 631, 632,
37 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C,
38 640D, 640E, 641, 641A, 641B or 641C of NRS.

39 (2) The Division of Public and Behavioral Health of the
40 Department of Health and Human Services.

41 (c) *"Provider of home-based residential care" has the meaning*
42 *ascribed to it in section 7 of this act.*

43 **Sec. 91.** NRS 632.316 is hereby amended to read as follows:
44 632.316 The provisions of NRS 632.315 do not prohibit:



1 1. Gratuitous nursing by friends or by members of the family
2 of a patient.

3 2. The incidental care of the sick by domestic servants or
4 persons primarily employed as housekeepers as long as they do not
5 practice nursing within the meaning of this chapter.

6 3. Nursing assistance in the case of an emergency.

7 4. The practice of nursing by students enrolled in accredited
8 schools of nursing or by graduates of those schools or courses
9 pending the results of the first licensing examination scheduled by
10 the Board following graduation. A student or graduate may not work
11 as a nursing assistant unless the student or graduate is certified to
12 practice as a nursing assistant pursuant to the provisions of this
13 chapter.

14 5. The practice of nursing in this State by any legally qualified
15 nurse or nursing assistant of another state whose engagement
16 requires the nurse or nursing assistant to accompany and care for a
17 patient temporarily residing in this State during the period of one
18 such engagement, not to exceed 6 months, if the person does not
19 represent or hold himself or herself out as a nurse licensed to
20 practice in this State or as a nursing assistant who holds a certificate
21 to practice in this State.

22 6. The practice of any legally qualified nurse of another state
23 who is employed by the United States Government, or any bureau,
24 division or agency thereof, while in the discharge of his or her
25 official duties in this State, including, without limitation, providing
26 medical care in a hospital in accordance with an agreement entered
27 into pursuant to NRS 449.2455.

28 7. Nonmedical nursing for the care of the sick, with or without
29 compensation, if done by the adherents of, or in connection with, the
30 practice of the religious tenets of any well-recognized church or
31 religious denomination, if that nursing does not amount to the
32 practice of practical or professional nursing as defined in NRS
33 632.017 and 632.018, respectively.

34 8. A personal assistant from performing services for a person
35 with a disability pursuant to NRS 629.091.

36 9. A natural person from providing community-based living
37 arrangement services if:

38 (a) That person has been issued a ~~certificate~~ *license to provide*
39 *community-based living arrangement services* pursuant to *chapter*
40 *449 of NRS [433.601 to 433.621, inclusive,]* and the regulations
41 adopted pursuant ~~[to NRS 433.609;]~~ *thereto;* or

42 (b) That person is employed or retained as an independent
43 contractor by a partnership, firm, corporation or association, state or
44 local government or agency thereof that has been issued a
45 ~~certificate~~ *license to provide community-based living*



1 *arrangement services* pursuant to *chapter 449 of NRS* ~~[433.601 to~~
2 ~~433.621, inclusive,]~~ and the regulations adopted pursuant ~~[to NRS~~
3 ~~433.609,] thereto.~~

4 ↪ As used in this subsection, “community-based living arrangement
5 services” has the meaning ascribed to it in NRS ~~[433.605,]~~
6 ~~449.0026.~~

7 10. A natural person from providing supported living
8 arrangement services if:

9 (a) That person has been issued a ~~[certificate]~~ *license to provide*
10 *supported living arrangement services* pursuant to *chapter 449 of*
11 *NRS* ~~[435.3305 to 435.339, inclusive,]~~ and the regulations adopted
12 pursuant ~~[to NRS 435.3305 to 435.339, inclusive,]~~ *thereto*; or

13 (b) That person is employed or retained as an independent
14 contractor by a partnership, firm, corporation or association, state or
15 local government or agency thereof that has been issued a
16 ~~[certificate]~~ *license to provide supported living arrangement*
17 *services* pursuant to *chapter 449 of NRS* ~~[435.3305 to 435.339,~~
18 ~~inclusive,]~~ and the regulations adopted pursuant ~~[to NRS 435.3305~~
19 ~~to 435.339, inclusive,]~~ *thereto.*

20 ↪ As used in this subsection, “supported living arrangement
21 services” has the meaning ascribed to it in NRS ~~[435.3315,]~~
22 ~~449.0185.~~

23 **Sec. 92.** Chapter 654 of NRS is hereby amended by adding
24 thereto a new section to read as follows:

25 *“Home for residential care” has the meaning ascribed to it in*
26 *NRS 449.0105.*

27 **Sec. 93.** NRS 654.010 is hereby amended to read as follows:

28 654.010 As used in this chapter, unless the context otherwise
29 requires, the words and terms defined in NRS 654.015 to 654.031,
30 inclusive, *and section 92 of this act* have the meanings ascribed to
31 them in those sections.

32 **Sec. 94.** NRS 654.015 is hereby amended to read as follows:

33 654.015 “Administrator of a residential facility for groups ~~[?]~~
34 *or home for residential care”* means a person who manages,
35 supervises and is in general administrative charge of a residential
36 facility for groups ~~[?] or a home for residential care with more than~~
37 ~~two clients.~~

38 **Sec. 95.** NRS 654.060 is hereby amended to read as follows:

39 654.060 The Governor shall appoint:

40 1. Two members who are licensees serving as nursing facility
41 administrators.

42 2. One member who is a licensee serving as an administrator of
43 a *home for residential* ~~[facility for groups] care~~ with less than seven
44 clients.



1 3. One member who is a licensee serving as an administrator of
2 a residential facility for groups *or a home for residential care* with
3 seven or more clients.

4 4. One member who is a member of the medical or
5 paramedical professions.

6 5. One member who is a representative of the general public.
7 This member must not be a licensee or the spouse or the parent or
8 child, by blood, marriage or adoption, of a licensee.

9 **Sec. 96.** NRS 654.110 is hereby amended to read as follows:

10 654.110 1. In a manner consistent with the provisions of
11 chapter 622A of NRS, the Board shall:

12 (a) Develop, impose and enforce standards which must be met
13 by persons to receive licenses as nursing facility administrators,
14 administrators of residential facilities for groups *or homes for*
15 *residential care* and health services executives. The standards must
16 be designed to ensure that licensees will be persons who are of good
17 character and otherwise suitable, and who, by training or experience
18 in their respective fields of administering health care facilities, are
19 qualified to serve as nursing facility administrators or administrators
20 of residential facilities for groups ~~+~~ *or homes for residential care.*

21 (b) Develop and apply appropriate techniques, including
22 examinations and investigations, for determining whether a person
23 meets those standards. The member of the Board who is a
24 representative of the general public shall not participate in
25 preparing, conducting or grading any examination required by the
26 Board.

27 (c) Issue licenses to persons determined, after the application of
28 appropriate techniques, to meet those standards.

29 (d) Revoke or suspend licenses previously issued by the Board
30 in any case if the person holding the license is determined
31 substantially to have failed to conform to the requirements of the
32 standards.

33 (e) Establish and carry out procedures designed to ensure that
34 licensees will, during any period they serve as nursing facility
35 administrators or administrators of residential facilities for groups ~~+~~
36 *or homes for residential care*, comply with the requirements of the
37 standards.

38 (f) Receive, investigate and take appropriate action with respect
39 to any charge or complaint filed with the Board to the effect that any
40 person has failed to comply with the requirements of the standards.
41 Except as otherwise provided in this paragraph, the Board shall
42 initiate an investigation of any charge or complaint filed with the
43 Board within 30 days after receiving the charge or complaint. A
44 complaint may be filed anonymously. If a complaint is filed
45 anonymously, the Board may accept the complaint but may refuse to



1 consider the complaint if anonymity of the complainant makes
2 processing the complaint impossible or unfair to the person who is
3 the subject of the complaint.

4 (g) Conduct a continuing study of:

5 (1) Facilities for skilled nursing, facilities for intermediate
6 care and their administrators; ~~and~~

7 (2) Residential facilities for groups and their administrators
8 ~~}; and~~

9 (3) *Homes for residential care with more than two clients,*

10 ↪ with a view to the improvement of the standards imposed for the
11 licensing of nursing facility administrators, administrators of
12 residential facilities for groups *or homes for residential care* and
13 health services executives and of procedures and methods for the
14 enforcement of the standards.

15 (h) Conduct or approve, or both, a program of training and
16 instruction designed to enable all persons to obtain the qualifications
17 necessary to meet the standards set by the Board for qualification as
18 a nursing facility administrator, an administrator of a residential
19 facility for groups *or home for residential care* or a health services
20 executive.

21 2. Except as otherwise provided in this section, all records kept
22 by the Board, not otherwise privileged or confidential, are public
23 records.

24 3. Except as otherwise provided in this section and NRS
25 239.0115, a complaint filed with the Board, all documents and other
26 information filed with the complaint and all documents and other
27 information compiled as a result of an investigation conducted to
28 determine whether to initiate disciplinary action against a person are
29 confidential, unless the person submits a written statement to the
30 Board requesting that such documents and information be made
31 public records.

32 4. The charging documents filed with the Board to initiate
33 disciplinary action pursuant to chapter 622A of NRS and all other
34 documents and information considered by the Board when
35 determining whether to impose discipline are public records.

36 5. The Board shall, to the extent feasible, communicate or
37 cooperate with or provide any documents or other information to
38 any other licensing board or any other agency that is investigating a
39 person, including, without limitation, a law enforcement agency.

40 **Sec. 97.** NRS 654.155 is hereby amended to read as follows:

41 654.155 Each applicant for licensure as an administrator of a
42 residential facility for groups *or home for residential care* pursuant
43 to this chapter must:

44 1. Be at least 21 years of age;



1 2. Be a citizen of the United States or lawfully entitled to
2 remain and work in the United States;

3 3. Be of good moral character and physically and emotionally
4 capable of administering a residential facility for groups ~~or~~ *or a*
5 *home for residential care with more than two clients;*

6 4. Have satisfactorily completed a course of instruction and
7 training prescribed or approved by the Board or be qualified by
8 reason of the applicant's education, training or experience to
9 administer, supervise and manage a residential facility for groups ~~or~~
10 *or a home for residential care with more than two clients;*

11 5. Pass an examination conducted and prescribed by the Board;

12 6. Submit with the application:

13 (a) A complete set of fingerprints and written permission
14 authorizing the Board to forward the fingerprints to the Central
15 Repository for Nevada Records of Criminal History for submission
16 to the Federal Bureau of Investigation for its report; and

17 (b) A fee to cover the actual cost of obtaining the report from the
18 Federal Bureau of Investigation;

19 7. Comply with such other standards and qualifications as the
20 Board prescribes; and

21 8. Submit all information required to complete the application.

22 **Sec. 98.** NRS 654.190 is hereby amended to read as follows:

23 654.190 1. The Board may, after notice and an opportunity
24 for a hearing as required by law, impose an administrative fine of
25 not more than \$10,000 for each violation on, recover reasonable
26 investigative fees and costs incurred from, suspend, revoke, deny
27 the issuance or renewal of or place conditions on the license of, and
28 place on probation or impose any combination of the foregoing on
29 any licensee who:

30 (a) Is convicted of a felony relating to the practice of
31 administering a nursing facility or residential facility or of any
32 offense involving moral turpitude.

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

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

35 (d) Aids or abets any person in the violation of any of the
36 provisions of NRS 449.029 to 449.2428, inclusive, *and section 8 of*
37 *this act* as those provisions pertain to a facility for skilled nursing,
38 facility for intermediate care, ~~or~~ residential facility for groups ~~or~~
39 *or home for residential care.*

40 (e) Violates any regulation of the Board prescribing additional
41 standards of conduct for licensees, including, without limitation, a
42 code of ethics.

43 (f) Engages in conduct that violates the trust of a patient or
44 resident or exploits the relationship between the licensee and the
45 patient or resident for the financial or other gain of the licensee.



1 2. If a licensee requests a hearing pursuant to subsection 1, the
2 Board shall give the licensee written notice of a hearing pursuant to
3 NRS 233B.121 and 241.034. A licensee may waive, in writing, his
4 or her right to attend the hearing.

5 3. The Board may compel the attendance of witnesses or the
6 production of documents or objects by subpoena. The Board may
7 adopt regulations that set forth a procedure pursuant to which the
8 Chair of the Board may issue subpoenas on behalf of the Board.
9 Any person who is subpoenaed pursuant to this subsection may
10 request the Board to modify the terms of the subpoena or grant
11 additional time for compliance.

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

14 5. The expiration of a license by operation of law or by order
15 or decision of the Board or a court, or the voluntary surrender of a
16 license, does not deprive the Board of jurisdiction to proceed with
17 any investigation of, or action or disciplinary proceeding against, the
18 licensee or to render a decision suspending or revoking the license.

19 **Sec. 99.** NRS 695B.227 is hereby amended to read as follows:

20 695B.227 1. A corporation organized under this chapter shall
21 contract with an insurance company licensed in this State or
22 authorized to do business in this State for the provision of insurance,
23 indemnity or reimbursement against the cost of hospital services,
24 medical services and dental services which are provided by the
25 corporation.

26 2. The contract of insurance required by subsection 1 must
27 include a provision that, in the case of the insolvency or impairment
28 of the corporation, the insurance company will pay all claims made
29 by an insured for the period for which a premium has been or will
30 be paid to the corporation for the insured. The contract of insurance
31 required by subsection 1 must specifically provide for the:

32 (a) Continuation of benefits to each insured for the period for
33 which a premium has been or will be paid to the corporation for the
34 insured until the expiration or termination of the insured's contract
35 with the corporation;

36 (b) Continuation of benefits for each insured who is receiving
37 inpatient services in a medical facility, ~~for~~ facility for the
38 dependent *or a home operated by a provider of home-based*
39 *residential care* at the time of the insolvency or impairment of the
40 corporation until the inpatient services are no longer medically
41 necessary and the insured is discharged from the ~~medical~~ facility
42 or ~~facility for the dependent;~~ *home*; and

43 (c) Payment of a provider of health care not affiliated with the
44 corporation who provided medically necessary services to an



1 insured, as described in the insured's contract with the corporation,
2 the insured's policy or the insured's evidence of coverage.

3 3. As used in this section:

4 (a) "Facility for the dependent" has the meaning ascribed to it in
5 NRS 449.0045.

6 (b) "Impairment" means that a corporation organized under this
7 chapter is not insolvent and has been:

8 (1) Deemed to be impaired pursuant to NRS 695B.150; or

9 (2) Placed under an order of rehabilitation or conservation by
10 a court of competent jurisdiction.

11 (c) "Insolvency" or "insolvent" means that a corporation
12 organized under this chapter has been:

13 (1) Deemed to be insolvent pursuant to NRS 695B.150;

14 (2) Declared insolvent by a court of competent jurisdiction;

15 or

16 (3) Placed under an order of liquidation by a court of
17 competent jurisdiction.

18 (d) "Medical facility" has the meaning ascribed to it in
19 NRS 449.0151.

20 (e) "Medically necessary" has the meaning ascribed to it in
21 NRS 695G.055.

22 (f) "Provider of health care" has the meaning ascribed to it in
23 NRS 629.031.

24 *(g) "Provider of home-based residential care" has the meaning*
25 *ascribed to it in section 7 of this act.*

26 **Sec. 100.** NRS 695C.3175 is hereby amended to read as
27 follows:

28 695C.3175 1. A health maintenance organization shall
29 contract with an insurance company licensed in this State or
30 authorized to do business in this State for the provision of insurance,
31 indemnity or reimbursement against the cost of health care services
32 which are provided by the health maintenance organization.

33 2. The contract of insurance required by subsection 1 must
34 include a provision that, in the case of the insolvency or impairment
35 of the health maintenance organization, the insurance company will
36 pay all claims made by an enrollee for the period for which a
37 premium has been or will be paid to the health maintenance
38 organization for the enrollee. The contract of insurance required by
39 subsection 1 must specifically provide for the:

40 (a) Continuation of benefits to each enrollee for the period for
41 which a premium has been or will be paid to the health maintenance
42 organization for the enrollee until the expiration or termination of
43 the enrollee's contract with the health maintenance organization;

44 (b) Continuation of benefits for each enrollee who is receiving
45 inpatient services in a medical facility , ~~for~~ facility for the



1 dependent *or home operated by a provider of home-based*
2 *residential care* at the time of the insolvency or impairment of the
3 health maintenance organization until the inpatient services are no
4 longer medically necessary and the enrollee is discharged from the
5 ~~medical~~ facility or ~~facility for the dependent;~~ *home*; and

6 (c) Payment of a provider of health care not affiliated with the
7 health maintenance organization who provided medically necessary
8 services to an enrollee, as described in the enrollee's evidence of
9 coverage.

10 3. As used in this section:

11 (a) "Facility for the dependent" has the meaning ascribed to it in
12 NRS 449.0045.

13 (b) "Impairment" means that a health maintenance organization
14 is not insolvent and has been:

15 (1) Deemed to be impaired pursuant to NRS 695C.318; or

16 (2) Placed under an order of rehabilitation or conservation by
17 a court of competent jurisdiction.

18 (c) "Insolvency" or "insolvent" means that a health maintenance
19 organization has been:

20 (1) Deemed to be insolvent pursuant to NRS 695C.318;

21 (2) Declared insolvent by a court of competent jurisdiction;
22 or

23 (3) Placed under an order of liquidation by a court of
24 competent jurisdiction.

25 (d) "Medical facility" has the meaning ascribed to it in
26 NRS 449.0151.

27 (e) "Medically necessary" has the meaning ascribed to it in
28 NRS 695G.055.

29 (f) "Provider of health care" has the meaning ascribed to it in
30 NRS 629.031.

31 (g) *"Provider of home-based residential care" has the meaning*
32 *ascribed to it in section 7 of this act.*

33 **Sec. 101.** NRS 695G.070 is hereby amended to read as
34 follows:

35 695G.070 "Provider of health care" means:

36 1. A physician or other health care practitioner who is licensed
37 or otherwise authorized in this State to furnish any health care
38 service; and

39 2. An institution providing health care services or other setting
40 in which health care services are provided, including, without
41 limitation, a hospital, surgical center for ambulatory patients, facility
42 for skilled nursing, residential facility for groups, *home for*
43 *residential care*, laboratory and any other such licensed facility.

44 **Sec. 102.** 1. A certificate to provide community-based living
45 arrangement services issued pursuant to NRS 433.601 to 433.621,



1 inclusive, or a certificate to provide supported living arrangement
2 services issued pursuant to NRS 435.3305 to 435.339, inclusive,
3 that is valid on January 1, 2020, remains valid until its date of
4 expiration, if the holder of the certificate remains otherwise
5 qualified for the issuance or renewal of the certificate on or after
6 January 1, 2020.

7 2. Any regulations adopted by the State Board of Health
8 pursuant to NRS 433.609 or the Aging and Disability Services
9 Division of the Department of Health and Human Services pursuant
10 to NRS 435.333 that do not conflict with the provisions of this act
11 shall be deemed to have been adopted pursuant to NRS 449.0302, as
12 amended by section 19 of this act, and continue in effect until
13 amended or repealed. The Legislative Counsel shall, in preparing
14 supplements to the Nevada Administrative Code:

15 (a) Substitute appropriately the term “license” for the term
16 “certificate” in the regulations described in this subsection; and

17 (b) Move the regulations described in this subsection from
18 chapters 433 and 435 of the Nevada Administrative Code to chapter
19 449 of the Nevada Administrative Code.

20 3. Any regulations adopted by the State Board of Health or the
21 Aging and Disability Services Division of the Department of Health
22 and Human Services that conflict with any of the provisions of this
23 act are void. The Legislative Counsel shall remove those regulations
24 from the Nevada Administrative Code as soon as practicable after
25 January 1, 2020.

26 4. As used in this section:

27 (a) “Community-based living arrangement services” has the
28 meaning ascribed to it in NRS 449.0026, as amended by section 10
29 of this act.

30 (b) “Supported living arrangement services” has the meaning
31 ascribed to it in NRS 449.0185, as amended by section 16 of this
32 act.

33 **Sec. 103.** The Legislative Counsel shall:

34 1. In preparing the reprint and supplement to the Nevada
35 Revised Statutes, use the authority set forth in subsection 10 of NRS
36 220.120 to appropriately:

37 (a) Change any reference to the term “facility for the dependent”
38 to also include a reference to a “provider of home-based residential
39 care”;

40 (b) Replace any reference to the term “home for individual
41 residential care” with a reference to the term “home for residential
42 care”;

43 (c) Replace any reference in chapter 427A of NRS to the term
44 “facility for long-term care” with a reference to the term “facility or
45 home for long-term care”; and



1 (d) Replace any reference in chapter 654 of NRS to the term
2 “administrator of a residential facility for groups” with a reference
3 to the term “administrator of a residential facility for groups or
4 home for residential care.”

5 2. In preparing supplements to the Nevada Administrative
6 Code, appropriately:

7 (a) Change any reference to the term “facility for the dependent”
8 to also include a reference to a “provider of home-based residential
9 care”;

10 (b) Replace any reference to the term “home for individual
11 residential care” with a reference to the term “home for residential
12 care”;

13 (c) Replace any reference to the term “facility for long-term
14 care” with a reference to the term “facility or home for long-term
15 care”; and

16 (d) Replace any reference in chapter 654 of NRS to the term
17 “administrator of a residential facility for groups” with a reference
18 to the term “administrator of a residential facility for groups or
19 home for residential care.”

20 **Sec. 104.** NRS 278.02376, 433.601, 433.603, 433.605,
21 433.607, 433.609, 433.611, 433.613, 433.615, 433.617, 433.619,
22 433.621, 435.3305, 435.331, 435.3315, 435.332, 435.333, 435.3335,
23 435.334, 435.335, 435.336, 435.337, 435.338, 435.339, 449A.041,
24 449A.073 and 632.0155 are hereby repealed.

25 **Sec. 105.** This act becomes effective:

26 1. Upon passage and approval for the purpose of adopting any
27 regulations and performing any other preparatory administrative
28 tasks that are necessary to carry out the provisions of this act; and

29 2. On January 1, 2020, for all other purposes.

LEADLINES OF REPEALED SECTIONS

278.02376 “Residential facility for groups” defined.

433.601 Definitions.

433.603 “Certificate” defined.

**433.605 “Community-based living arrangement services”
or “services” defined.**

433.607 Certificate required to provide services; exception.

**433.609 Regulations; fees for issuance and renewal of
certificate.**



433.611 Application for renewal of certificate to include information relating to state business license; denial of renewal for unpaid debt assigned to State Controller for collection.

433.613 Authority of Division.

433.615 Division authorized to seek injunction against provision of services without valid certificate.

433.617 Statement concerning obligation for child support required for issuance or renewal of certificate of natural person.

433.619 Application of natural person for certificate required to contain social security number.

433.621 Suspension of certificate of natural person for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of certificate.

435.3305 Definitions.

435.331 "Certificate" defined.

435.3315 "Supported living arrangement services" defined.

435.332 Certificate required to provide services.

435.333 Regulations; agreements with public and private agencies for provision of services.

435.3335 Application for renewal of certificate to include information relating to state business license; renewal of certificate prohibited in certain circumstances.

435.334 Fees for certificate.

435.335 Division authorized to conduct investigations; employment of personnel.

435.336 Division authorized to bring action to enjoin provision of services.

435.337 Payment of child support: Statement by applicant for certificate; grounds for denial of certificate; duties of Division.

435.338 Application for issuance of certificate: Social security number required.

435.339 Suspension of certificate for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of certificate.

449A.041 "Home for individual residential care" defined.

449A.073 "Residential facility for groups" defined.

632.0155 "Facility for long-term care" defined.

