

SENATE BILL NO. 502—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes relating to certain required investigations of the background and personal history of certain persons as a condition of employment, licensure, certification and other privileges. (BDR 40-1137)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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

AN ACT relating to public health; authorizing the Health Division of the Department of Health and Human Services to establish an Internet website for certain entities to conduct required background investigations; revising provisions relating to the licensing of certain medical and other related health facilities; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires certain entities to conduct a background investigation of
2 the criminal and personal history of certain persons. (NRS 62B.270, 424.031,
3 424.039, 427A.701, 427A.735, 432.100, 432A.170, 432A.175, 432B.391,
4 432B.625, 433B.183, 435B.235, 435.335, 449.122, 449.123) **Section 2** of this bill
5 authorizes the Health Division of the Department of Health and Human Services to
6 establish an Internet website for use by these entities in conducting the required
7 investigations. **Section 3** of this bill describes the information that may be obtained
8 from a search of the Internet website. **Section 3.5** of this bill authorizes a person
9 who has access to the Internet website to enter and manage information on the
10 Internet website. **Section 4** of this bill allows the Health Division to enter into
11 cooperative agreements to obtain and accept information for inclusion on the
12 Internet website. **Section 5** of this bill describes information that may be collected,



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13 maintained and stored on the Internet website. **Section 6** of this bill requires the
14 Health Division to limit access to information on the Internet website to
15 information that is necessary for the particular client using the website to conduct
16 an investigation. **Section 7** of this bill authorizes the Health Division to adopt
17 regulations to establish a fee for use of the Internet website and to carry out the
18 provisions relating to the Internet website.

19 Existing law requires investigations of applicants for a license to operate certain
20 facilities, agencies or homes and investigations of employees or independent
21 contractors of certain agencies, facilities or homes. (NRS 449.122, 449.123)
22 **Section 10** of this bill provides certain requirements relating to employees of a
23 temporary employment service. **Sections 9 and 13-16** of this bill add certain
24 facilities, agencies, homes and programs which are required to be investigated and
25 to conduct investigations of their employees, employees from a temporary
26 employment service and independent contractors. **Sections 14-16** require
27 employees of a temporary employment service which provide services to such
28 entities to be subject to such investigations.

29 **Section 14** also requires such entities to use the Internet website of the Health
30 Division, if established pursuant to **section 2**, as part of the investigation of
31 employees, employees of a temporary employment service and independent
32 contractors. **Section 14** also revises the procedure for conducting background
33 investigations and exempts certain persons from the criminal background
34 investigation if an investigation has been conducted within the immediately
35 preceding 5 years.

36 **Section 15** requires the entities which are required to conduct background
37 investigations to maintain a current list of its employees, employees from a
38 temporary employment service and independent contractors on the Internet website
39 established pursuant to **section 2**. **Section 15** also authorizes the Central Repository
40 for Nevada Records of Criminal History to maintain electronic images of
41 fingerprints for the purpose of notifying those entities and the Health Division if an
42 employee, employee of a temporary employment service or independent contractor
43 has been convicted of certain crimes.

44 Under existing law a license to operate certain facilities, homes or agencies
45 may be denied, suspended or revoked if an applicant or a licensee has been
46 convicted of certain crimes. (NRS 449.174) **Section 17** of this bill adds certain
47 other facilities, hospitals, agencies, homes and programs to this provision. **Section**
48 **17** also adds battery with the intent to kill or commit sexual assault or mayhem to
49 the list of crimes, a conviction of which may result in the denial, suspension or
50 revocation of a license to operate such an entity.

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 the provisions set forth as sections 2 to 7, inclusive, of this
3 act.

4 **Sec. 2. 1. *The Health Division may establish a secure***
5 ***Internet website which makes certain information available for a***
6 ***website client to conduct an investigation into the background and***
7 ***personal history of a person that is required pursuant to the***
8 ***provisions of this chapter or chapter 62B, 63, 424, 427A, 432,***
9 ***432A, 432B, 433, 433B, 435 or 449 of NRS.***



1 2. *To become a website client, a person or governmental*
2 *entity must:*

3 (a) *Create an account on the Internet website;*

4 (b) *Comply with sections 2 to 7, inclusive, of this act and any*
5 *regulations adopted pursuant thereto governing use of the Internet*
6 *website; and*

7 (c) *Designate a website client administrator who is responsible*
8 *for:*

9 (1) *Determining the persons who are authorized to use the*
10 *Internet website;*

11 (2) *Providing the Health Division with the names of the*
12 *persons who are authorized to use the Internet website;*

13 (3) *Ensuring that only those authorized persons have*
14 *access to the Internet website; and*

15 (4) *Notifying the Health Division of any change in the*
16 *persons who are authorized to use the Internet website.*

17 3. *Authorized employees of the Health Division and of the*
18 *Department of Public Safety may be designated to serve as*
19 *administrators of the Internet website with access to all the data*
20 *and information on the Internet website.*

21 4. *Except as otherwise provided in this section and NRS*
22 *239.0115, information collected, maintained, stored, backed up or*
23 *on file on the Internet website is confidential, not subject to*
24 *subpoena or discovery and is not subject to inspection by the*
25 *general public.*

26 5. *The Health Division shall ensure that any information*
27 *collected, maintained and stored on the Internet website is*
28 *protected adequately from fire, theft, loss, destruction, other*
29 *hazards and unauthorized access, and is backed-up in a manner*
30 *that ensures proper confidentiality and security.*

31 6. *The Internet website must be maintained in accordance*
32 *with any requirements of the Division of Enterprise Information*
33 *Technology Services of the Department of Administration*
34 *established for use of the equipment or services of the Division*
35 *pursuant to NRS 242.181.*

36 **Sec. 3.** 1. *A person authorized to use the Internet website*
37 *established pursuant to section 2 of this act may access the website*
38 *to search for information necessary to conduct an investigation of*
39 *the background and personal history of a person when required.*
40 *Such a search may include, without limitation, to the extent that*
41 *the information is available:*

42 (a) *Determining whether the person being investigated has*
43 *been convicted of a crime that disqualifies the person for*
44 *employment, licensure or other privilege sought;*



1 (b) *Verifying the social security number, date of birth and*
2 *driver's license or identification card number of the person being*
3 *investigated;*

4 (c) *Determining whether any disciplinary action has been*
5 *taken by a professional licensing board against the person being*
6 *investigated; and*

7 (d) *Determining whether the person being investigated is*
8 *included on the list of individuals who are excluded from*
9 *participation in Medicare, Medicaid and other federal health care*
10 *programs pursuant to 42 U.S.C. §§ 1320a-7 et seq.*

11 2. *The Internet website established pursuant to section 2 of*
12 *this act may include, without limitation, any relevant information*
13 *that is available to the public, including, without limitation,*
14 *hyperlinks to relevant publicly available Internet websites and*
15 *registries, forms and educational materials.*

16 **Sec. 3.5.** *A person authorized to use the Internet website*
17 *established pursuant to section 2 of this act may access the website*
18 *to:*

19 1. *Enter any required information;*

20 2. *Manage the information to which the person has access;*
21 *and*

22 3. *Manage the account of the person.*

23 **Sec. 4.** *The Health Division may enter into cooperative*
24 *agreements to obtain and accept information for inclusion on the*
25 *Internet website established pursuant to section 2 of this act from:*

26 1. *The Statewide Central Registry for the Collection of*
27 *Information Concerning the Abuse or Neglect of a Child*
28 *established pursuant to NRS 432.100 and any similar registry*
29 *maintained by a governmental entity of any state or territory*
30 *within the United States;*

31 2. *The Central Repository for Nevada Records of Criminal*
32 *History or any similar repository maintained by a government*
33 *agency of any state or territory within the United States; and*

34 3. *Any other state or federal agency which maintains a*
35 *database, repository or registry which contains information the*
36 *Health Division determines is necessary or appropriate for*
37 *inclusion on the Internet website.*

38 **Sec. 5.** 1. *In addition to any other information included on*
39 *the Internet website established pursuant to section 2 of this act,*
40 *the Health Division may collect, maintain and store on the*
41 *Internet website the following information relating to the*
42 *background and personal history of a person:*

43 (a) *The first, middle and last name of the person, any aliases*
44 *used by the person and, if available, a photograph of the person;*



1 (b) *The social security number, date of birth and, if available,*
2 *the driver's license or identification card number of the person;*

3 (c) *Information regarding the criminal convictions of the*
4 *person, if any;*

5 (d) *Any other information submitted pursuant to section 4 of*
6 *this act; and*

7 (e) *Any other information determined by the Health Division*
8 *to be necessary or appropriate.*

9 2. *The information described in subsection 1 may be*
10 *collected, stored and maintained electronically, in hard copy, in a*
11 *database, through a secure interface from a state or federal*
12 *governmental entity directly to the Internet website, or by any*
13 *other means as the Health Division determines necessary or*
14 *appropriate.*

15 **Sec. 6. 1.** *When establishing permissions for a website*
16 *client to access information on the Internet website established*
17 *pursuant to section 2 of this act, the Health Division shall*
18 *determine the information necessary for the website client to*
19 *conduct an investigation into the background and personal history*
20 *of a person and limit access to the website client to only the*
21 *information necessary for that website client.*

22 2. *Information regarding a person whose background and*
23 *personal history is investigated must not be shared with any other*
24 *website client.*

25 3. *A person who is authorized to use the Internet website by*
26 *the website client administrator pursuant to section 2 of this act*
27 *may be given permission to access any information deemed*
28 *necessary pursuant to subsection 1.*

29 **Sec. 7.** *The Health Division may adopt regulations to:*

30 1. *Prescribe a fee to be imposed on website clients for use of*
31 *the Internet website established pursuant to section 2 of this act;*
32 *and*

33 2. *Carry out the provisions of sections 2 to 7, inclusive, of this*
34 *act.*

35 **Sec. 8.** Chapter 449 of NRS is hereby amended by adding
36 thereto the provisions set forth as sections 9 and 10 of this act.

37 **Sec. 9.** *As used in NRS 449.121 to 449.125, inclusive, and*
38 *sections 9 and 10 of this act, "facility, hospital, agency, program*
39 *or home" means an agency to provide personal care services in*
40 *the home, an agency to provide nursing in the home, a facility for*
41 *intermediate care, a facility for skilled nursing, a hospital*
42 *described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts*
43 *payment through Medicare, a residential facility for groups, a*
44 *program of hospice care, a home for individual residential care, a*
45 *facility for the care of adults during the day, a facility for hospice*



1 *care, a nursing pool, a facility for long-term care where the*
2 *average inpatient length of stay is more than 25 days, the distinct*
3 *part of a hospital which meets the requirements of a skilled*
4 *nursing facility or nursing facility pursuant to 42 C.F.R. §*
5 *483.5(b)(2), a hospital that provides swing-bed services as*
6 *described in 42 C.F.R. § 482.66 or, if residential services are*
7 *provided to children, a medical facility or facility for the treatment*
8 *of abuse of alcohol or drugs.*

9 **Sec. 10.** 1. *A temporary employment service shall not send*
10 *an employee to provide services to a facility, hospital, agency,*
11 *program or home if the temporary employment service has*
12 *received notice from a facility, hospital, agency, program or home*
13 *that the employee of the temporary employment service is*
14 *ineligible to provide such services.*

15 2. *A facility, hospital, agency, program or home that enters*
16 *into an agreement with a temporary employment service to provide*
17 *services for the facility, hospital, agency, program or home on a*
18 *temporary basis must require the temporary employment service*
19 *to:*

20 (a) *Provide proof that each employee of the temporary*
21 *employment service whom it may send to provide services to the*
22 *facility, hospital, agency, program or home has been continuously*
23 *employed by the temporary employment service since the last*
24 *investigation conducted of the employee pursuant to NRS 449.123;*
25 *and*

26 (b) *Notify the facility, hospital, agency, program or home if the*
27 *investigation conducted of an employee of the temporary*
28 *employment service pursuant to NRS 449.123 has not been*
29 *conducted within the immediately preceding 5 years.*

30 **Sec. 11.** NRS 449.089 is hereby amended to read as follows:

31 449.089 1. Each license issued pursuant to NRS 449.030 to
32 449.240, inclusive, *and sections 9 and 10 of this act* expires on
33 December 31 following its issuance and is renewable for 1 year
34 upon reapplication and payment of all fees required pursuant to
35 NRS 449.050 unless the Health Division finds, after an
36 investigation, that the facility has not:

37 (a) Satisfactorily complied with the provisions of NRS 449.030
38 to 449.240, inclusive, *and sections 9 and 10 of this act* or the
39 standards and regulations adopted by the Board;

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

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

44 2. Each reapplication for an agency to provide personal care
45 services in the home, an agency to provide nursing in the home, a



1 facility for intermediate care, a facility for skilled nursing, *a*
2 *hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which*
3 *accepts payment through Medicare*, a residential facility for groups
4 *, a program of hospice care, ~~for~~* a home for individual residential
5 care *, a facility for the care of adults during the day, a facility for*
6 *hospice care, a nursing pool, a facility for long-term care where*
7 *the average inpatient length of stay is more than 25 days, the*
8 *distinct part of a hospital which meets the requirements of a*
9 *skilled nursing facility or nursing facility pursuant to 42 C.F.R. §*
10 *483.5(b)(2), a hospital that provides swing-bed services as*
11 *described in 42 C.F.R. § 482.66 or, if residential services are*
12 *provided to children, a medical facility or facility for the treatment*
13 *of abuse of alcohol or drugs* must include, without limitation, a
14 statement that the facility, *hospital*, agency, *program* or home is in
15 compliance with the provisions of NRS 449.121 to 449.125,
16 inclusive, *and sections 9 and 10 of this act*, and 449.174.

17 3. Each reapplication for an agency to provide personal care
18 services in the home, a facility for intermediate care, a facility for
19 skilled nursing, a facility for the care of adults during the day, a
20 residential facility for groups or a home for individual residential
21 care must include, without limitation, a statement that the holder of
22 the license to operate, and the administrator or other person in
23 charge and employees of, the facility, agency or home are in
24 compliance with the provisions of NRS 449.093.

25 **Sec. 12.** NRS 449.121 is hereby amended to read as follows:

26 449.121 1. Except as otherwise provided in subsection 2, the
27 provisions of NRS 449.122 to 449.125, inclusive, *and sections 9*
28 *and 10 of this act* and 449.174 do not apply to any facility for the
29 treatment of abuse of alcohol or drugs.

30 2. A facility for the treatment of abuse of alcohol or drugs must
31 comply with the requirements of NRS 449.122 to 449.125,
32 inclusive, *and sections 9 and 10 of this act* and 449.174 if the
33 facility for the treatment of abuse of alcohol or drugs provides
34 residential services to children.

35 **Sec. 13.** NRS 449.122 is hereby amended to read as follows:

36 449.122 1. Each applicant for a license to operate a facility
37 ~~for intermediate care, facility for skilled nursing, residential facility~~
38 ~~for groups, agency to provide personal care services in the home or~~
39 ~~home for individual residential care or, if residential services are~~
40 ~~provided to children, a medical facility or facility for the treatment~~
41 ~~of abuse of alcohol or drugs~~ *, hospital, agency, program or home*
42 shall submit to the Central Repository for Nevada Records of
43 Criminal History ~~two~~ *one* complete ~~sets~~ *set* of fingerprints for
44 submission to the Federal Bureau of Investigation for its report.



1 2. The Central Repository for Nevada Records of Criminal
2 History shall determine whether the applicant has been convicted of
3 a crime listed in paragraph (a) of subsection 1 of NRS 449.174 and
4 immediately inform the administrator of the facility, agency or
5 home, if any, and the Health Division of whether the applicant has
6 been convicted of such a crime.

7 3. A person who holds a license to operate ~~an agency, a~~
8 ~~facility or a~~ **a facility, hospital, agency, program or** home which
9 provides residential services to children shall submit to the Central
10 Repository for Nevada Records of Criminal History ~~two~~ **one**
11 complete ~~sets~~ **set** of fingerprints for a report required by this
12 section at least once every 5 years after the initial investigation.

13 **Sec. 14.** NRS 449.123 is hereby amended to read as follows:

14 449.123 1. Except as otherwise provided in subsection 2,
15 within 10 days after hiring an employee, **accepting an employee of**
16 **a temporary employment service** or entering into a contract with an
17 independent contractor, the administrator of, or the person licensed
18 to operate ~~an agency to provide personal care services in the~~
19 ~~home, an agency to provide nursing in the home, a facility for~~
20 ~~intermediate care, a facility for skilled nursing, a residential facility~~
21 ~~for groups or a home for individual residential care or, if residential~~
22 ~~services are provided to children, a medical facility or a facility for~~
23 ~~the treatment of abuse of alcohol or drugs~~ **a facility, hospital,**
24 **agency, program or home** shall:

25 (a) Obtain a written statement from the employee, **employee of**
26 **the temporary employment service** or independent contractor stating
27 whether he or she has been convicted of any crime listed in
28 NRS 449.174;

29 (b) Obtain an oral and written confirmation of the information
30 contained in the written statement obtained pursuant to
31 paragraph (a);

32 (c) **Obtain proof that the employee, employee of the temporary**
33 **employment service or independent contractor holds any required**
34 **license, permit or certificate;**

35 (d) Obtain from the employee, **employee of the temporary**
36 **employment service** or independent contractor ~~two sets~~ **one**
37 **set** of fingerprints and a written authorization to forward the
38 fingerprints to the Central Repository for Nevada Records of
39 Criminal History for submission to the Federal Bureau of
40 Investigation for its report; ~~and~~

41 ~~(d)~~ (e) Submit to the Central Repository for Nevada Records of
42 Criminal History the fingerprints obtained pursuant to paragraph
43 ~~(e)~~ (d) to obtain information on the background and personal
44 history of each employee, **employee of a temporary employment**



1 *service* or independent contractor to determine whether the person
2 has been convicted of any crime listed in NRS 449.174 ~~f~~;

3 ~~2.1~~;

4 *(f) If an Internet website has been established pursuant to*
5 *section 2 of this act:*

6 *(1) Screen the employee, employee of the temporary*
7 *employment service or independent contractor using the Internet*
8 *website. Upon request of the Health Division, proof that the*
9 *employee, temporary employee or independent contractor was*
10 *screened pursuant to this paragraph must be provided to the*
11 *Health Division.*

12 *(2) Enter on the Internet website information to be*
13 *maintained on the website concerning the employee, employee of a*
14 *temporary employment service or independent contractor.*

15 *2. ~~The~~ Upon agreement by the employee, employee of a*
16 *temporary employment service or independent contractor to allow*
17 *the administrator of, or the person licensed to operate, ~~an agency to~~*
18 *~~provide personal care services in the home, an agency to provide~~*
19 *~~nursing in the home, a facility for intermediate care, a facility for~~*
20 *~~skilled nursing, a residential facility for groups or a home for~~*
21 *~~individual residential care or, if residential services are provided to~~*
22 *~~children, a medical facility or a facility for the treatment of abuse of~~*
23 *~~alcohol or drugs~~ a facility, hospital, agency, program or home to*
24 *receive notice from the Central Repository for Nevada Records of*
25 *Criminal History regarding any conviction and subsequent*
26 *conviction of the employee, employee of a temporary employment*
27 *service or independent contractor of a crime listed in NRS*
28 *449.174, the administrator of, or the person licensed to operate, a*
29 *facility, hospital, agency, program or home is not required to*
30 *obtain the information described in subsection 1 from an employee ,*
31 *employee of a temporary employment service or independent*
32 *contractor who provides proof that ~~an investigation of his or her~~*
33 *~~background and personal history has been conducted by~~ :*

34 *(a) His or her fingerprints have been submitted to the Central*
35 *Repository for Nevada Records of Criminal History ~~within~~ for*
36 *submission to the Federal Bureau of Investigation for its report:*

37 *(1) Within the immediately preceding 5 years by an agency,*
38 *board or commission that regulates an occupation or profession*
39 *pursuant to title 54 of NRS or by the temporary employment*
40 *service; or*

41 *(2) Within the immediately preceding 6 months ~~and the~~*
42 *~~investigation did not indicate~~ by any other person;*

43 *(b) The Central Repository for Nevada Records of Criminal*
44 *History maintains electronic images of fingerprints to provide*
45 *notice of subsequent convictions of persons required to submit to*



1 *an investigation as authorized pursuant to NRS 449.124 and*
2 *maintains an electronic copy of the fingerprints of the employee,*
3 *employee of a temporary employment service or independent*
4 *contractor; and*

5 *(c) The report of the Federal Bureau of Investigation indicated*
6 *that the employee, employee of the temporary employment service*
7 *or independent contractor ~~had~~ has not been convicted of any crime*
8 *set forth in NRS 449.174.*

9 3. The administrator of, or the person licensed to operate, ~~an~~
10 ~~agency to provide personal care services in the home, an agency to~~
11 ~~provide nursing in the home, a facility for intermediate care, a~~
12 ~~facility for skilled nursing, a residential facility for groups or a home~~
13 ~~for individual residential care or, if residential services are provided~~
14 ~~to children, a medical facility or a facility for the treatment of abuse~~
15 ~~of alcohol or drugs} a facility, hospital, agency, program or home~~
16 shall ensure that the information concerning the background and
17 personal history of each employee, *employee of a temporary*
18 *employment service* or independent contractor who works at the
19 ~~agency or facility;} *facility, hospital, agency, program or home:*~~

20 (a) ~~It~~ *Except as otherwise provided in subsection 2, is*
21 *completed as soon as practicable, and if residential services are*
22 *provided to children, before the employee, employee of the*
23 *temporary employment service* or independent contractor provides
24 any care or services to a child in the ~~agency;} *facility, hospital,*~~
25 *agency, program* or home without supervision; and

26 (b) At least once every 5 years ~~thereafter;} *after the date of the*~~
27 *initial investigation.*

28 4. The administrator or person shall ~~it~~, *when required:*

29 (a) ~~If the agency, facility or home does not have the fingerprints~~
30 ~~of the employee or independent contractor on file, obtain} *Obtain*~~
31 ~~two sets} *one set* of fingerprints from the employee, *employee of*~~
32 *the temporary employment service* or independent contractor;

33 (b) Obtain written authorization from the employee, *employee*
34 *of the temporary employment service* or independent contractor to
35 forward the fingerprints ~~on file or} obtained pursuant to paragraph~~
36 (a) to the Central Repository for Nevada Records of Criminal
37 History for submission to the Federal Bureau of Investigation for its
38 report; and

39 (c) Submit the fingerprints to the Central Repository for Nevada
40 Records of Criminal History ~~it~~ *or, if the fingerprints were*
41 *submitted electronically, obtain proof of electronic submission of*
42 *the fingerprints to the Central Repository for Nevada Records of*
43 *Criminal History.*

44 5. Upon receiving fingerprints submitted pursuant to this
45 section, the Central Repository for Nevada Records of Criminal



1 History shall determine whether the employee , *employee of the*
2 *temporary employment service* or independent contractor has been
3 convicted of a crime listed in NRS 449.174 and immediately inform
4 the Health Division and the administrator of, or the person licensed
5 to operate, the ~~{agency,}~~ facility , *hospital, agency, program* or
6 home at which the person works whether the employee , *employee*
7 *of the temporary employment service* or independent contractor has
8 been convicted of such a crime.

9 6. The Central Repository for Nevada Records of Criminal
10 History may impose a fee upon ~~{an agency, a facility or a}~~ *a facility,*
11 *hospital, agency, program* or home that submits fingerprints
12 pursuant to this section for the reasonable cost of the investigation.
13 The ~~{agency,}~~ facility , *hospital, agency, program* or home may
14 recover from the employee or independent contractor *whose*
15 *fingerprints are submitted* not more than one-half of the fee
16 imposed by the Central Repository. If the ~~{agency,}~~ facility ,
17 *hospital, agency, program* or home requires the employee or
18 independent contractor to pay for any part of the fee imposed by the
19 Central Repository, it shall allow the employee or independent
20 contractor to pay the amount through periodic payments. *The*
21 *facility, hospital, agency, program or home may require a*
22 *temporary employment service which employs a temporary*
23 *employee whose fingerprints are submitted to pay the fee imposed*
24 *by the Central Repository. A facility, hospital, agency, program or*
25 *home shall notify a temporary employment service if a person*
26 *employed by the temporary employment service is determined to be*
27 *ineligible to provide services at the facility, hospital, agency,*
28 *program or home based upon the results of investigation*
29 *conducted pursuant to this section.*

30 7. *Unless a greater penalty is provided by law, a person who*
31 *willfully provides a false statement or information in connection*
32 *with an investigation of the background and personal history of*
33 *the person pursuant to this section that would disqualify the*
34 *person from employment, including, without limitation, a*
35 *conviction of a crime listed in NRS 449.174, is guilty of a*
36 *misdemeanor.*

37 **Sec. 15.** NRS 449.124 is hereby amended to read as follows:

38 449.124 1. Each ~~{agency to provide personal care services in~~
39 ~~the home, agency to provide nursing in the home, facility for~~
40 ~~intermediate care, facility for skilled nursing, residential facility for~~
41 ~~groups and home for individual residential care and, if residential~~
42 ~~services are provided to children, a medical facility and facility for~~
43 ~~the treatment of abuse of alcohol or drugs}~~ *facility, hospital, agency,*
44 *program or home* shall maintain records of the information
45 concerning its employees , *employees of a temporary employment*



1 *service* and independent contractors collected pursuant to NRS
2 449.123, including, without limitation:

3 (a) A copy of the fingerprints that were submitted to the Central
4 Repository for Nevada Records of Criminal History *or proof of*
5 *electronic fingerprint submission* and a copy of the written
6 authorization that was provided by the employee ~~{s}~~, *employee of*
7 *the temporary employment service or independent contractor*;

8 (b) Proof that the fingerprints of the employee, *employee of the*
9 *temporary employment service or independent contractor* were
10 submitted to the Central Repository; and

11 (c) Any other documentation of the information collected
12 pursuant to NRS 449.123.

13 2. The records maintained pursuant to subsection 1 must be:

14 (a) Maintained for the period of the ~~{employee's}~~ employment
15 *of the person* with the ~~{agency's}~~ facility, *hospital, agency, program*
16 *or home*; and

17 (b) Made available for inspection by the Health Division at any
18 reasonable time, and copies thereof must be furnished to the Health
19 Division upon request.

20 3. *If an Internet website has been established pursuant to*
21 *section 2 of this act, a facility, hospital, agency, program or home*
22 *shall maintain a current list of its employees, employees of a*
23 *temporary employment service and independent contractors on the*
24 *Internet website.*

25 4. *The Central Repository for Nevada Records of Criminal*
26 *History may maintain an electronic image of fingerprints*
27 *submitted pursuant to NRS 449.122 and 449.123 to notify a*
28 *facility, hospital, agency, program or home and the Health*
29 *Division of any subsequent conviction of a person who is required*
30 *to submit to an investigation pursuant to NRS 449.122 or 449.123.*

31 **Sec. 16.** NRS 449.125 is hereby amended to read as follows:

32 449.125 1. Upon receiving information from the Central
33 Repository for Nevada Records of Criminal History pursuant to
34 NRS 449.123, or evidence from any other source, that an employee,
35 *employee of a temporary employment service* or independent
36 contractor of ~~{an agency to provide personal care services in the~~
37 ~~home, an agency to provide nursing in the home, a facility for~~
38 ~~intermediate care, a facility for skilled nursing, a residential facility~~
39 ~~for groups or home for individual residential care or, if residential~~
40 ~~services are provided to children, a medical facility or facility for~~
41 ~~the treatment of abuse of alcohol or drugs}~~ *a facility, hospital,*
42 *agency, program or home* ~~{has}~~ :

43 (a) *Has* been convicted of a crime listed in paragraph (a) of
44 subsection 1 of NRS 449.174 ~~{s}~~; *or*



1 (b) Has had a substantiated report of abuse or neglect made
2 against him or her , *if he or she is employed at a facility, hospital,*
3 *agency, program or home that provides residential services to*
4 *children,*

5 ↳ the administrator of, or the person licensed to operate, the
6 ~~agency,~~ facility , *hospital, agency, program* or home shall
7 terminate the employment or contract of that person *or notify the*
8 *temporary employment service that its employee is prohibited from*
9 *providing services for the facility, hospital, agency, program or*
10 *home* after allowing ~~him or her~~ *the person* time to correct the
11 information as required pursuant to subsection 2.

12 2. If an employee , *employee of a temporary employment*
13 *service* or independent contractor believes that the information
14 provided by the Central Repository is incorrect, the employee ,
15 *employee of the temporary employment service* or independent
16 contractor may immediately inform the ~~agency, facility or home.~~
17 ~~An agency,~~ facility , *hospital, agency, program* or home *or*
18 *temporary employment service. The facility, hospital, agency,*
19 *program, home or temporary employment service* that is so
20 informed shall give the employee , *employee of the temporary*
21 *employment service* or independent contractor a reasonable amount
22 of time of not less than 30 days to correct the information received
23 from the Central Repository before terminating the employment or
24 contract of the person pursuant to subsection 1.

25 3. ~~An agency,~~ A facility , *hospital, agency, program* or home
26 that has complied with NRS 449.123 may not be held civilly or
27 criminally liable based solely upon the ground that the ~~agency,~~
28 facility , *hospital, agency, program* or home allowed an employee ,
29 *employee of a temporary employment service* or independent
30 contractor to work:

31 (a) Before it received the information concerning the employee ,
32 *employee of the temporary employment service* or independent
33 contractor from the Central Repository, except that an employee ,
34 *employee of the temporary employment service* or independent
35 contractor shall not have contact with a child without supervision
36 before such information is received;

37 (b) During the period required pursuant to subsection 2 to allow
38 the employee , *employee of the temporary employment service* or
39 independent contractor to correct that information, except that an
40 employee , *employee of the temporary employment service* or
41 independent contractor shall not have contact with a child without
42 supervision during such period;

43 (c) Based on the information received from the Central
44 Repository, if the information received from the Central Repository
45 was inaccurate; or



1 (d) Any combination thereof.

2 ➔ An agency, facility or home may be held liable for any other
3 conduct determined to be negligent or unlawful.

4 **Sec. 17.** NRS 449.174 is hereby amended to read as follows:

5 449.174 1. In addition to the grounds listed in NRS 449.160,
6 the Health Division may deny a license to operate a ~~facility for~~
7 ~~intermediate care, facility for skilled nursing, residential facility for~~
8 ~~groups or home for individual residential care~~ **facility, hospital,**
9 **agency, program or home** to an applicant or may suspend or revoke
10 the license of a licensee to operate such a facility, **hospital, agency,**
11 **program** or home if:

12 (a) The applicant or licensee has been convicted of:

13 (1) Murder, voluntary manslaughter or mayhem;

14 (2) Assault **or battery** with intent to kill or to commit sexual
15 assault or mayhem;

16 (3) Sexual assault, statutory sexual seduction, incest,
17 lewdness or indecent exposure, or any other sexually related crime
18 that is punished as a felony;

19 (4) Prostitution, solicitation, lewdness or indecent exposure,
20 or any other sexually related crime that is punished as a
21 misdemeanor, within the immediately preceding 7 years;

22 (5) A crime involving domestic violence that is punished as a
23 felony;

24 (6) A crime involving domestic violence that is punished as a
25 misdemeanor, within the immediately preceding 7 years;

26 (7) Abuse or neglect of a child or contributory delinquency;

27 (8) A violation of any federal or state law regulating the
28 possession, distribution or use of any controlled substance or any
29 dangerous drug as defined in chapter 454 of NRS, within the
30 immediately preceding 7 years;

31 (9) Abuse, neglect, exploitation or isolation of older persons
32 or vulnerable persons, including, without limitation, a violation of
33 any provision of NRS 200.5091 to 200.50995, inclusive, or a law of
34 any other jurisdiction that prohibits the same or similar conduct;

35 (10) A violation of any provision of law relating to the State
36 Plan for Medicaid or a law of any other jurisdiction that prohibits
37 the same or similar conduct, within the immediately preceding 7
38 years;

39 (11) A violation of any provision of NRS 422.450 to
40 422.590, inclusive;

41 (12) A criminal offense under the laws governing Medicaid
42 or Medicare, within the immediately preceding 7 years;

43 (13) Any offense involving fraud, theft, embezzlement,
44 burglary, robbery, fraudulent conversion or misappropriation of
45 property, within the immediately preceding 7 years;



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1 (14) Any other felony involving the use or threatened use of
2 force or violence against the victim or the use of a firearm or other
3 deadly weapon; or

4 (15) An attempt or conspiracy to commit any of the offenses
5 listed in this paragraph, within the immediately preceding 7 years;

6 ~~or~~

7 (b) The licensee has, in violation of NRS 449.125, continued to
8 employ a person who has been convicted of a crime listed in
9 paragraph (a) ~~H~~; or

10 (c) *The applicant or licensee has had a substantiated report of*
11 *child abuse or neglect made against him or her and if the facility,*
12 *hospital, agency, program or home provides residential services to*
13 *children.*

14 2. In addition to the grounds listed in NRS 449.160, the Health
15 Division may ~~deny a license to operate an agency to provide~~
16 ~~personal care services in the home or an agency to provide nursing~~
17 ~~in the home to an applicant or may~~ suspend or revoke the license of
18 a licensee to operate ~~such~~ an agency *to provide personal care*
19 *services in the home or an agency to provide nursing in the home*
20 if the licensee has, in violation of NRS 449.125, continued to
21 employ a person who has been convicted of a crime listed in
22 paragraph (a) of subsection 1.

23 3. As used in this section:

24 (a) "Domestic violence" means an act described in NRS 33.018.

25 (b) *"Facility, hospital, agency, program or home" has the*
26 *meaning ascribed to it in section 9 of this act.*

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

28 ~~(e)~~ (d) "Medicare" has the meaning ascribed to it in
29 NRS 439B.130.

30 **Sec. 18.** This act becomes effective on July 1, 2013.



