

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.

~

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 4** of this bill allows the Health  
9 Division to enter into cooperative agreements to obtain and accept information for  
10 inclusion on the Internet website. **Section 5** of this bill describes information that  
11 may be collected, maintained and stored on the Internet website. **Section 6** of this  
12 bill requires the Health Division to limit access to information on the Internet



\* S B 5 0 2 \*

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

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

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

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

43 Under existing law a license to operate certain facilities, homes or agencies  
44 may be denied, suspended or revoked if an applicant or a licensee has been  
45 convicted of certain crimes. (NRS 449.174) **Section 17** of this bill adds certain  
46 other facilities, hospitals, agencies, homes and programs to this provision. **Section**  
47 **17** also adds battery with the intent to kill or commit sexual assault or mayhem to  
48 the list of crimes, a conviction of which may result in the denial, suspension or  
49 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 or 435 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. 4.** *The Health Division may enter into cooperative*  
17 *agreements to obtain and accept information for inclusion on the*  
18 *Internet website established pursuant to section 2 of this act from:*

19 1. *The Statewide Central Registry for the Collection of*  
20 *Information Concerning the Abuse or Neglect of a Child*  
21 *established pursuant to NRS 432.100 and any similar registry*  
22 *maintained by a governmental entity of any state or territory*  
23 *within the United States;*

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

27 3. *Any other state or federal agency which maintains a*  
28 *database, repository or registry which contains information the*  
29 *Health Division determines is necessary or appropriate for*  
30 *inclusion on the Internet website.*

31 **Sec. 5.** 1. *In addition to any other information included on*  
32 *the Internet website established pursuant to section 2 of this act,*  
33 *the Health Division may collect, maintain and store on the*  
34 *Internet website the following information relating to the*  
35 *background and personal history of a person:*

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

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

40 (c) *Information regarding the criminal convictions of the*  
41 *person, if any;*

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

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



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

7       **Sec. 6.** *1. When establishing permissions for a website*  
8 *client to access information on the Internet website established*  
9 *pursuant to section 2 of this act, the Health Division shall*  
10 *determine the information necessary for the website client to*  
11 *conduct an investigation into the background and personal history*  
12 *of a person and limit access to the website client to only the*  
13 *information necessary for that website client.*

14       2. *Information regarding a person whose background and*  
15 *personal history is investigated must not be shared with any other*  
16 *website client.*

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

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

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

25       2. *Carry out the provisions of sections 2 to 7, inclusive, of this*  
26 *act.*

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

29       **Sec. 9.** *As used in NRS 449.121 to 449.125, inclusive, and*  
30 *sections 9 and 10 of this act, "facility, hospital, agency, program*  
31 *or home" means a residential facility for groups, an agency to*  
32 *provide personal care services in the home, a hospital described in*  
33 *42 U.S.C. § 1395ww(d)(1)(b)(iv) which accepts payment through*  
34 *Medicare, a home for individual residential care, a program of*  
35 *hospice care or, if residential services are provided to children, a*  
36 *medical facility or facility for the treatment of abuse of alcohol or*  
37 *drugs.*

38       **Sec. 10.** *1. A temporary employment service shall not send*  
39 *an employee to provide services to a facility, hospital, agency,*  
40 *program or home if the temporary employment service has*  
41 *received notice from a facility, hospital, agency, program or home*  
42 *that the employee of the temporary employment service is*  
43 *ineligible to provide such services.*

44       2. *A facility, hospital, agency, program or home that enters*  
45 *into an agreement with a temporary employment service to provide*



1 *services for the facility, hospital, agency, program or home on a*  
2 *temporary basis must require the temporary employment service*  
3 *to:*

4 (a) *Provide proof that each employee of the temporary*  
5 *employment service whom it may send to provide services to the*  
6 *facility, hospital, agency, program or home has been continuously*  
7 *employed by the temporary employment service since the last*  
8 *investigation conducted of the employee pursuant to NRS 449.123;*  
9 *and*

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

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

15 449.089 1. Each license issued pursuant to NRS 449.030 to  
16 449.240, inclusive, *and sections 9 and 10 of this act* expires on  
17 December 31 following its issuance and is renewable for 1 year  
18 upon reapplication and payment of all fees required pursuant to  
19 NRS 449.050 unless the Health Division finds, after an  
20 investigation, that the facility has not:

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

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

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

28 2. Each reapplication for an agency to provide personal care  
29 services in the home, ~~an agency to provide nursing in the home, a~~  
30 ~~facility for intermediate care, a facility for skilled nursing,~~ *a*  
31 *hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which*  
32 *accepts payment through Medicare, a residential facility for groups*  
33 *, a program of hospice care* or a home for individual residential  
34 care must include, without limitation, a statement that the facility,  
35 *hospital, agency, program* or home is in compliance with the  
36 provisions of NRS 449.121 to 449.125, inclusive, *and sections 9*  
37 *and 10 of this act*, and 449.174.

38 3. Each reapplication for an agency to provide personal care  
39 services in the home, a facility for intermediate care, a facility for  
40 skilled nursing, a facility for the care of adults during the day, a  
41 residential facility for groups or a home for individual residential  
42 care must include, without limitation, a statement that the holder of  
43 the license to operate, and the administrator or other person in  
44 charge and employees of, the facility, agency or home are in  
45 compliance with the provisions of NRS 449.093.



1       **Sec. 12.** NRS 449.121 is hereby amended to read as follows:  
2       449.121 1. Except as otherwise provided in subsection 2, the  
3 provisions of NRS 449.122 to 449.125, inclusive, *and sections 9*  
4 *and 10 of this act* and 449.174 do not apply to any facility for the  
5 treatment of abuse of alcohol or drugs.

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

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

12       449.122 1. Each applicant for a license to operate a facility  
13 ~~for intermediate care, facility for skilled nursing, residential facility~~  
14 ~~for groups, agency to provide personal care services in the home or~~  
15 ~~home for individual residential care or, if residential services are~~  
16 ~~provided to children, a medical facility or facility for the treatment~~  
17 ~~of abuse of alcohol or drugs}, *hospital, agency, program or home*~~  
18 shall submit to the Central Repository for Nevada Records of  
19 Criminal History two complete sets of fingerprints for submission to  
20 the Federal Bureau of Investigation for its report.

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

27       3. A person who holds a license to operate ~~an agency, a~~  
28 ~~facility or a~~ *a facility, hospital, agency, program or* home which  
29 provides residential services to children shall submit to the Central  
30 Repository for Nevada Records of Criminal History two complete  
31 sets of fingerprints for a report required by this section at least once  
32 every 5 years after the initial investigation.

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

34       449.123 1. Except as otherwise provided in subsection ~~2,~~ *3,*  
35 within 10 days after hiring an employee, *accepting an employee of*  
36 *a temporary employment service* or entering into a contract with an  
37 independent contractor, the administrator of, or the person licensed  
38 to operate ~~an agency to provide personal care services in the~~  
39 ~~home, an agency to provide nursing in the home, a facility for~~  
40 ~~intermediate care, a facility for skilled nursing, a residential facility~~  
41 ~~for groups or a home for individual residential care or, if residential~~  
42 ~~services are provided to children, a medical facility or a facility for~~  
43 ~~the treatment of abuse of alcohol or drugs} *a facility, hospital,*~~  
44 *agency, program or home* shall:



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

5 (b) Obtain an oral and written confirmation of the information  
6 contained in the written statement obtained pursuant to  
7 paragraph (a);

8 (c) *Obtain from the employee, employee of the temporary*  
9 *employment service or independent contractor proof that he or she*  
10 *holds any required license, permit or certificate;*

11 (d) Obtain from the employee , *employee of the temporary*  
12 *employment service* or independent contractor two sets of  
13 fingerprints and a written authorization to forward the fingerprints to  
14 the Central Repository for Nevada Records of Criminal History for  
15 submission to the Federal Bureau of Investigation for its report; ~~and~~  
16 ~~—(d)†~~ (e) Submit to the Central Repository for Nevada Records of  
17 Criminal History the fingerprints obtained pursuant to paragraph  
18 ~~†(e)†~~ (d) to obtain information on the background and personal  
19 history of each employee , *employee of a temporary employment*  
20 *service* or independent contractor to determine whether the person  
21 has been convicted of any crime listed in NRS 449.174 †

22 ~~—2.† ; and~~

23 (f) *If an Internet website has been established pursuant to*  
24 *section 2 of this act, screen the employee, employee of the*  
25 *temporary employment service or independent contractor using*  
26 *the Internet website. Upon request of the Health Division, proof*  
27 *that the employee, temporary employee or independent contractor*  
28 *was screened pursuant to this paragraph must be provided to the*  
29 *Health Division.*

30 2. The administrator of, or the person licensed to operate ~~†, an~~  
31 ~~agency to provide personal care services in the home, an agency to~~  
32 ~~provide nursing in the home, a facility for intermediate care, a~~  
33 ~~facility for skilled nursing, a residential facility for groups or a home~~  
34 ~~for individual residential care or, if residential services are provided~~  
35 ~~to children, a medical facility or a facility for the treatment of abuse~~  
36 ~~of alcohol or drugs†~~ *a facility, hospital, agency, program or home*  
37 is not required to obtain the information described in subsection 1  
38 from an employee , *employee of a temporary employment service*  
39 or independent contractor who provides proof that ~~†an investigation~~  
40 ~~of his or her background and personal history has been conducted~~  
41 ~~by†~~ :

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





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

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

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

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

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

28           (b) At least once every 5 years ~~thereafter~~ *after the date of the*  
29 *initial investigation.*

30           4. The administrator or person shall ~~is~~ *, when required:*

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

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

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



1 5. Upon receiving fingerprints submitted pursuant to this  
2 section, the Central Repository for Nevada Records of Criminal  
3 History shall determine whether the employee , *employee of the*  
4 *temporary employment service* or independent contractor has been  
5 convicted of a crime listed in NRS 449.174 and immediately inform  
6 the Health Division and the administrator of, or the person licensed  
7 to operate, the ~~{agency,}~~ facility , *hospital, agency, program* or  
8 home at which the person works whether the employee , *employee*  
9 *of the temporary employment service* or independent contractor has  
10 been convicted of such a crime.

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

32 7. *Unless a greater penalty is provided by law, a person who*  
33 *willfully provides a false statement or information in connection*  
34 *with an investigation of the background and personal history of*  
35 *the person pursuant to this section is guilty of a misdemeanor.*

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

37 449.124 1. Each ~~{agency to provide personal care services in~~  
38 ~~the home, agency to provide nursing in the home, facility for~~  
39 ~~intermediate care, facility for skilled nursing, residential facility for~~  
40 ~~groups and home for individual residential care and, if residential~~  
41 ~~services are provided to children, a medical facility and facility for~~  
42 ~~the treatment of abuse of alcohol or drugs}~~ *facility, hospital, agency,*  
43 *program or home* shall maintain records of the information  
44 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 ~~†~~, *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,†~~ 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 and*  
24 *submit the list to the Health Division for inclusion on the Internet*  
25 *website.*

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

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

33 449.125 1. Upon receiving information from the Central  
34 Repository for Nevada Records of Criminal History pursuant to  
35 NRS 449.123, or evidence from any other source, that an employee,  
36 *employee of a temporary employment service* or independent  
37 contractor of ~~†an agency to provide personal care services in the~~  
38 ~~home, an agency to provide nursing in the home, a facility for~~  
39 ~~intermediate care, a facility for skilled nursing, a residential facility~~  
40 ~~for groups or home for individual residential care or, if residential~~  
41 ~~services are provided to children, a medical facility or facility for~~  
42 ~~the treatment of abuse of alcohol or drugs†~~ *a facility, hospital,*  
43 *agency, program or home* has been convicted of a crime listed in  
44 paragraph (a) of subsection 1 of NRS 449.174, *or has had a*  
45 *substantiated report of abuse or neglect made against him or her,*



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

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

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

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

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

39 (c) Based on the information received from the Central  
40 Repository, if the information received from the Central Repository  
41 was inaccurate; or

42 (d) Any combination thereof.

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



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

2     449.174 1. In addition to the grounds listed in NRS 449.160,  
3 the Health Division may deny a license to operate a ~~facility for~~  
4 ~~intermediate care, facility for skilled nursing, residential facility for~~  
5 ~~groups or home for individual residential care~~ **facility, hospital,**  
6 **agency, program or home** to an applicant or may suspend or revoke  
7 the license of a licensee to operate such a facility **hospital, agency,**  
8 **program** or home if:

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

10       (1) Murder, voluntary manslaughter or mayhem;

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

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

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

19       (5) A crime involving domestic violence that is punished as a  
20 felony;

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

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

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

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

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

36       (11) A violation of any provision of NRS 422.450 to  
37 422.590, inclusive;

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

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

43       (14) Any other felony involving the use or threatened use of  
44 force or violence against the victim or the use of a firearm or other  
45 deadly weapon; or



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

3 ~~to~~

4 (b) The licensee has, in violation of NRS 449.125, continued to  
5 employ a person who has been convicted of a crime listed in  
6 paragraph (a) ~~to~~; or

7 (c) *The applicant or licensee has had a substantiated report of*  
8 *child abuse or neglect made against him or her.*

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

18 3. As used in this section:

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

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

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

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

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





