

SENATE BILL NO. 51—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE AGING AND
DISABILITY SERVICES DIVISION)

PREFILED DECEMBER 20, 2012

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes relating to the regulation of certain nonmedical and medical services provided to persons with disabilities. (BDR 40-309)

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

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

AN ACT relating to public welfare; transferring the powers and duties concerning the certification and regulation of intermediary service organizations from the Aging and Disability Services Division of the Department of Health and Human Services to the Health Division of the Department; transferring the regulatory authority relating to intermediary service organizations from the Aging and Disability Services Division to the State Board of Health; authorizing the provision of certain medical services to persons with disabilities by an agency to provide personal care services in the home under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the Aging and Disability Services Division of the
2 Department of Health and Human Services to carry out and administer the
3 certification of intermediary service organizations. (NRS 427A.0291,
4 427A.701-427A.745) Existing law further requires the Division to adopt
5 regulations governing the: (1) certification of intermediary service organizations;
6 (2) imposition of administrative sanctions for violations related to such
7 certification; and (3) procedures for appealing the imposition of disciplinary action
8 or administrative sanctions. (NRS 427A.727, 427A.731, 427A.733) **Section 36** of
9 this bill repeals the provisions governing the certification and regulation of



10 intermediary service organizations by the Division. **Sections 2-25** of this bill
11 transfer the powers and duties concerning carrying out and administering the
12 certification of intermediary service organizations from the Aging and Disability
13 Services Division of the Department of Health and Human Services to the Health
14 Division of the Department. **Sections 16, 18 and 19** also transfer the duty to adopt
15 regulations governing intermediary service organizations from the Aging and
16 Disability Services Division to the State Board of Health.

17 Existing law provides that certain providers of health care may, under certain
18 circumstances, authorize a person to act as a personal assistant to perform specific
19 medical, nursing or home health services for a person with a disability without
20 obtaining a license to perform the service. (NRS 629.091) **Section 26** of this bill
21 authorizes an agency to provide personal care services in the home to provide those
22 medical services authorized pursuant to existing law to persons with disabilities
23 through its employees or by contractual arrangement with other persons.

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

1 **Section 1.** Chapter 449 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 26, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 25, inclusive, of this act,*
5 *unless the context otherwise requires, “intermediary service*
6 *organization” means a nongovernmental entity that provides*
7 *services authorized pursuant to section 3 of this act for a person*
8 *with a disability or other responsible person.*

9 **Sec. 3. 1.** *An intermediary service organization that is*
10 *certified pursuant to sections 2 to 25, inclusive, of this act may*
11 *provide services for a person with a disability or other responsible*
12 *person relating to personal assistance received by the person with*
13 *a disability. The services that may be provided by an intermediary*
14 *service organization include, without limitation:*

15 *(a) Obtaining a criminal background check of a personal*
16 *assistant selected by the person with a disability or other*
17 *responsible person to provide nonmedical services and any*
18 *medical services authorized pursuant to NRS 629.091;*

19 *(b) Providing payroll services to pay the personal assistant and*
20 *determine any tax liability;*

21 *(c) Providing services relating to financial management; and*

22 *(d) Providing any other services relating to the employment of*
23 *a personal assistant and any other financial assistance relating to*
24 *the personal assistance for the person with a disability.*

25 **2.** *As used in this section:*

26 *(a) “Other responsible person” means:*

27 *(1) A parent or guardian of, or any other person legally*
28 *responsible for, a person with a disability who is under the age of*
29 *18 years; or*



1 (2) *A parent, spouse, guardian or adult child of a person*
2 *with a disability who suffers from a cognitive impairment.*

3 (b) *“Personal assistance” means the provision of any goods or*
4 *services to help a person with a disability maintain his or her*
5 *independence, personal hygiene and safety, including, without*
6 *limitation, the provision of services by a personal assistant.*

7 (c) *“Personal assistant” means a person who, for*
8 *compensation and under the direction of a person with a disability*
9 *or other responsible person, performs services for a person with a*
10 *disability to help the person maintain his or her independence,*
11 *personal hygiene and safety.*

12 **Sec. 4.** *1. A person shall not operate or maintain in this*
13 *State an intermediary service organization without first obtaining*
14 *a certificate to operate an intermediary service organization as*
15 *provided in sections 2 to 25, inclusive, of this act.*

16 *2. A person who violates the provisions of this section is*
17 *guilty of a misdemeanor.*

18 **Sec. 5.** *Any person wishing to obtain a certificate to operate*
19 *an intermediary service organization pursuant to the provisions of*
20 *sections 2 to 25, inclusive, of this act must file with the Health*
21 *Division an application on a form prescribed, prepared and*
22 *furnished by the Health Division, containing:*

23 *1. The name of the applicant and, if a natural person,*
24 *whether the applicant has attained the age of 21 years.*

25 *2. The location of the intermediary service organization.*

26 *3. The name of the person in charge of the intermediary*
27 *service organization.*

28 *4. Such other information as may be required by the Health*
29 *Division for the proper administration and enforcement of*
30 *sections 2 to 25, inclusive, of this act.*

31 *5. Evidence satisfactory to the Health Division that the*
32 *applicant is of reputable and responsible character. If the*
33 *applicant is a firm, association, organization, partnership,*
34 *business trust, corporation or company, similar evidence must be*
35 *submitted as to the members thereof, and the person in charge of*
36 *the intermediary service organization for which application is*
37 *made.*

38 *6. Evidence satisfactory to the Health Division of the ability*
39 *of the applicant to comply with the provisions of sections 2 to 25,*
40 *inclusive, of this act and the standards and regulations adopted by*
41 *the Board.*

42 **Sec. 6.** *An application for the issuance of a certificate to*
43 *operate an intermediary service organization pursuant to section 5*
44 *of this act must include the social security number of the*
45 *applicant.*



1 **Sec. 7. 1.** *An applicant for the issuance or renewal of a*
2 *certificate to operate an intermediary service organization must*
3 *submit to the Health Division the statement prescribed by the*
4 *Division of Welfare and Supportive Services of the Department*
5 *pursuant to NRS 425.520. The statement must be completed and*
6 *signed by the applicant.*

7 **2.** *The Health Division shall include the statement required*
8 *pursuant to subsection 1 in:*

9 **(a)** *The application or any other forms that must be submitted*
10 *for the issuance or renewal of the certificate; or*

11 **(b)** *A separate form prescribed by the Health Division.*

12 **3.** *A certificate as an intermediary service organization may*
13 *not be issued or renewed by the Health Division if the applicant:*

14 **(a)** *Fails to submit the statement required pursuant to*
15 *subsection 1; or*

16 **(b)** *Indicates on the statement submitted pursuant to*
17 *subsection 1 that the applicant is subject to a court order for the*
18 *support of a child and is not in compliance with the order or a*
19 *plan approved by the district attorney or other public agency*
20 *enforcing the order for the repayment of the amount owed*
21 *pursuant to the order.*

22 **4.** *If an applicant indicates on the statement submitted*
23 *pursuant to subsection 1 that the applicant is subject to a court*
24 *order for the support of a child and is not in compliance with the*
25 *order or a plan approved by the district attorney or other public*
26 *agency enforcing the order for the repayment of the amount owed*
27 *pursuant to the order, the Health Division shall advise the*
28 *applicant to contact the district attorney or other public agency*
29 *enforcing the order to determine the actions that the applicant*
30 *may take to satisfy the arrearage.*

31 **Sec. 8.** *Each application for a certificate to operate an*
32 *intermediary service organization must be accompanied by such*
33 *fee as may be determined by regulation of the Board. The Board*
34 *may, by regulation, allow or require payment of a fee for a*
35 *certificate in installments and may fix the amount of each*
36 *payment and the date on which the payment is due.*

37 **Sec. 9. 1.** *The Health Division shall issue the certificate to*
38 *operate an intermediary service organization to the applicant if,*
39 *after investigation, the Health Division finds that the:*

40 **(a)** *Applicant is in full compliance with the provisions of*
41 *sections 2 to 25, inclusive, of this act; and*

42 **(b)** *Applicant is in substantial compliance with the standards*
43 *and regulations adopted by the Board.*

44 **2.** *A certificate applies only to the person to whom it is issued*
45 *and is not transferable.*



1 **Sec. 10.** *Each certificate to operate an intermediary service*
2 *organization issued by the Health Division pursuant to sections 2*
3 *to 25, inclusive, of this act must be in the form prescribed by the*
4 *Health Division and must contain:*

- 5 1. *The name of the person or persons authorized to operate*
6 *the intermediary service organization;*
- 7 2. *The location of the intermediary service organization; and*
- 8 3. *The services offered by the intermediary service*
9 *organization.*

10 **Sec. 11.** *1. Each certificate to operate an intermediary*
11 *service organization issued pursuant to sections 2 to 25, inclusive,*
12 *of this act expires on December 31 following its issuance and is*
13 *renewable for 1 year upon reapplication and payment of all fees*
14 *required pursuant to section 8 of this act unless the Health*
15 *Division finds, after an investigation, that the intermediary service*
16 *organization has not satisfactorily complied with the provisions of*
17 *sections 2 to 25, inclusive, of this act or the standards and*
18 *regulations adopted by the Board.*

19 2. *Each reapplication for an intermediary service*
20 *organization must include, without limitation, a statement that the*
21 *organization is in compliance with the provisions of sections 20 to*
22 *23, inclusive, of this act.*

23 **Sec. 12.** *The Health Division may deny an application for a*
24 *certificate to operate an intermediary service organization or may*
25 *suspend or revoke any certificate issued under the provisions of*
26 *sections 2 to 25, inclusive, of this act upon any of the following*
27 *grounds:*

28 1. *Violation by the applicant or the holder of a certificate of*
29 *any of the provisions of sections 2 to 25, inclusive, of this act or of*
30 *any other law of this State or of the standards, rules and*
31 *regulations adopted thereunder.*

32 2. *Aiding, abetting or permitting the commission of any*
33 *illegal act.*

34 3. *Conduct inimical to the public health, morals, welfare and*
35 *safety of the people of the State of Nevada in the operation of an*
36 *intermediary service organization.*

37 4. *Conduct or practice detrimental to the health or safety of a*
38 *person under contract with or employees of the intermediary*
39 *service organization.*

40 **Sec. 13.** *1. If the Health Division receives a copy of a court*
41 *order issued pursuant to NRS 425.540 that provides for the*
42 *suspension of all professional, occupational and recreational*
43 *licenses, certificates and permits issued to a person who is the*
44 *holder of a certificate to operate an intermediary service*
45 *organization, the Health Division shall deem the certificate issued*



1 *to that person to be suspended at the end of the 30th day after the*
2 *date on which the court order was issued unless the Health*
3 *Division receives a letter issued to the holder of the certificate by*
4 *the district attorney or other public agency pursuant to NRS*
5 *425.550 stating that the holder of the certificate has complied with*
6 *the subpoena or warrant or has satisfied the arrearage pursuant to*
7 *NRS 425.560.*

8 *2. The Health Division shall reinstate a certificate to operate*
9 *an intermediary service organization that has been suspended by a*
10 *district court pursuant to NRS 425.540 if the Health Division*
11 *receives a letter issued by the district attorney or other public*
12 *agency pursuant to NRS 425.550 to the person whose certificate*
13 *was suspended stating that the person whose certificate was*
14 *suspended has complied with the subpoena or warrant or has*
15 *satisfied the arrearage pursuant to NRS 425.560.*

16 **Sec. 14.** *1. The Health Division may cancel a certificate to*
17 *operate an intermediary service organization and issue a*
18 *provisional certificate, effective for a period determined by the*
19 *Health Division, to the intermediary service organization if the*
20 *intermediary service organization:*

21 *(a) Is in operation at the time of the adoption of standards and*
22 *regulations pursuant to the provisions of sections 2 to 25,*
23 *inclusive, of this act and the Health Division determines that the*
24 *intermediary service organization requires a reasonable time*
25 *under the particular circumstances within which to comply with*
26 *the standards and regulations; or*

27 *(b) Has failed to comply with the standards or regulations and*
28 *the Health Division determines that the intermediary service*
29 *organization is in the process of making the necessary changes or*
30 *has agreed to make the changes within a reasonable time.*

31 *2. The provisions of subsection 1 do not require the issuance*
32 *of a certificate or prevent the Health Division from refusing to*
33 *renew or from revoking or suspending any certificate if the Health*
34 *Division deems such action necessary for the health and safety of*
35 *a person for whom the intermediary service organization provides*
36 *services.*

37 **Sec. 15.** *1. Money received from the certification of*
38 *intermediary service organizations:*

39 *(a) Must be forwarded to the State Treasurer for deposit in the*
40 *State Treasury;*

41 *(b) Must be accounted for separately in the State General*
42 *Fund; and*

43 *(c) May only be used to carry out the provisions of sections 2*
44 *to 25, inclusive, of this act.*



1 2. *The Health Division shall enforce the provisions of*
2 *sections 2 to 25, inclusive, of this act and may incur any necessary*
3 *expenses not in excess of money appropriated for that purpose by*
4 *the State or received from the Federal Government.*

5 **Sec. 16.** *1. The Board shall adopt regulations governing*
6 *the certification of intermediary service organizations and such*
7 *other regulations as it deems necessary to carry out the provisions*
8 *of sections 2 to 25, inclusive, of this act.*

9 2. *The Health Division may:*

10 (a) *Upon receipt of an application for a certificate to operate*
11 *an intermediary service organization, conduct an investigation*
12 *into the qualifications of personnel, methods of operation and*
13 *policies and purposes of any person proposing to engage in the*
14 *operation of an intermediary service organization.*

15 (b) *Upon receipt of a complaint against an intermediary*
16 *service organization, except for a complaint concerning the cost of*
17 *services, conduct an investigation into the qualifications of*
18 *personnel, methods of operation and policies, procedures and*
19 *records of that intermediary service organization or any other*
20 *intermediary service organization which may have information*
21 *pertinent to the complaint.*

22 (c) *Employ such professional, technical and clerical assistance*
23 *as it deems necessary to carry out the provisions of sections 2 to*
24 *25, inclusive, of this act.*

25 **Sec. 17.** *1. If an intermediary service organization violates*
26 *any provision related to its certification, including, without*
27 *limitation, any provision of sections 2 to 25, inclusive, of this act*
28 *or any condition, standard or regulation adopted by the Board, the*
29 *Health Division, in accordance with the regulations adopted*
30 *pursuant to section 18 of this act, may, as it deems appropriate:*

31 (a) *Prohibit the intermediary service organization from*
32 *providing services pursuant to section 3 of this act until it*
33 *determines that the intermediary service organization has*
34 *corrected the violation;*

35 (b) *Impose an administrative penalty of not more than \$1,000*
36 *per day for each violation, together with interest thereon at a rate*
37 *not to exceed 10 percent per annum; and*

38 (c) *Appoint temporary management to oversee the operation of*
39 *the intermediary service organization and to ensure the health and*
40 *safety of the persons for whom the intermediary service*
41 *organization performs services, until:*

42 (1) *It determines that the intermediary service organization*
43 *has corrected the violation and has management which is capable*
44 *of ensuring continued compliance with the applicable statutes,*
45 *conditions, standards and regulations; or*



1 (2) *Improvements are made to correct the violation.*

2 2. *If the intermediary service organization fails to pay any*
3 *administrative penalty imposed pursuant to paragraph (b) of*
4 *subsection 1, the Health Division may:*

5 (a) *Suspend the certificate to operate an intermediary service*
6 *organization which is held by the intermediary service*
7 *organization until the administrative penalty is paid; and*

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

10 3. *The Health Division may require any intermediary service*
11 *organization that violates any provision of sections 2 to 25,*
12 *inclusive, of this act or any condition, standard or regulation*
13 *adopted by the Board, to make any improvements necessary to*
14 *correct the violation.*

15 4. *Any money collected as administrative penalties pursuant*
16 *to this section must be accounted for separately and used to*
17 *protect the health or property of the persons for whom the*
18 *intermediary service organization performs services in accordance*
19 *with applicable federal standards.*

20 **Sec. 18.** *The Board shall adopt regulations establishing the*
21 *criteria for the imposition of each sanction prescribed by section*
22 *17 of this act. These regulations must:*

23 1. *Prescribe the circumstances and manner in which each*
24 *sanction applies;*

25 2. *Minimize the time between identification of a violation and*
26 *the imposition of a sanction;*

27 3. *Provide for the imposition of incrementally more severe*
28 *sanctions for repeated or uncorrected violations; and*

29 4. *Provide for less severe sanctions for lesser violations of*
30 *applicable state statutes, conditions, standards or regulations.*

31 **Sec. 19.** 1. *When the Health Division intends to deny,*
32 *suspend or revoke a certificate to operate an intermediary service*
33 *organization, or to impose any sanction prescribed by section 17 of*
34 *this act, the Health Division shall give reasonable notice to the*
35 *holder of the certificate by certified mail. The notice must contain*
36 *the legal authority, jurisdiction and reasons for the action to be*
37 *taken. Notice is not required if the Health Division finds that the*
38 *public health requires immediate action. In that case, the Health*
39 *Division may order a summary suspension of a certificate or*
40 *impose any sanction prescribed by section 17 of this act, pending*
41 *proceedings for revocation or other action.*

42 2. *If a person wants to contest the action of the Health*
43 *Division, the person must file an appeal pursuant to regulations*
44 *adopted by the Board.*



1 3. Upon receiving notice of an appeal, the Health Division
2 shall hold a hearing pursuant to regulations adopted by the Board.

3 4. The Board shall adopt such regulations as are necessary to
4 carry out the provisions of this section.

5 **Sec. 20. 1.** Except as otherwise provided in subsection 2,
6 within 10 days after hiring an employee or entering into a contract
7 with an independent contractor, the holder of a certificate to
8 operate an intermediary service organization shall:

9 (a) Obtain a written statement from the employee or
10 independent contractor stating whether he or she has been
11 convicted of any crime listed in subsection 1 of section 23 of this
12 act;

13 (b) Obtain an oral and written confirmation of the information
14 contained in the written statement obtained pursuant to
15 paragraph (a);

16 (c) Obtain from the employee or independent contractor two
17 sets of fingerprints and a written authorization to forward the
18 fingerprints to the Central Repository for Nevada Records of
19 Criminal History for submission to the Federal Bureau
20 of Investigation for its report; and

21 (d) Submit to the Central Repository for Nevada Records of
22 Criminal History the fingerprints obtained pursuant to
23 paragraph (c).

24 2. The holder of a certificate to operate an intermediary
25 service organization is not required to obtain the information
26 described in subsection 1 from an employee or independent
27 contractor who provides proof that an investigation of his or her
28 criminal history has been conducted by the Central Repository for
29 Nevada Records of Criminal History within the immediately
30 preceding 6 months and the investigation did not indicate that the
31 employee or independent contractor had been convicted of any
32 crime set forth in subsection 1 of section 23 of this act.

33 3. The holder of a certificate to operate an intermediary
34 service organization shall ensure that the criminal history of each
35 employee or independent contractor who works at or for the
36 intermediary service organization is investigated at least once
37 every 5 years. The holder of the certificate shall:

38 (a) If the intermediary service organization does not have the
39 fingerprints of the employee or independent contractor on file,
40 obtain two sets of fingerprints from the employee or independent
41 contractor;

42 (b) Obtain written authorization from the employee or
43 independent contractor to forward the fingerprints on file or
44 obtained pursuant to paragraph (a) to the Central Repository for



1 *Nevada Records of Criminal History for submission to the Federal*
2 *Bureau of Investigation for its report; and*

3 *(c) Submit the fingerprints to the Central Repository for*
4 *Nevada Records of Criminal History.*

5 *4. Upon receiving fingerprints submitted pursuant to this*
6 *section, the Central Repository for Nevada Records of Criminal*
7 *History shall determine whether the employee or independent*
8 *contractor has been convicted of a crime listed in subsection 1 of*
9 *section 23 of this act and immediately inform the Health Division*
10 *and the holder of the certificate to operate an intermediary service*
11 *organization for which the person works whether the employee or*
12 *independent contractor has been convicted of such a crime.*

13 *5. The Central Repository for Nevada Records of Criminal*
14 *History may impose a fee upon an intermediary service*
15 *organization that submits fingerprints pursuant to this section for*
16 *the reasonable cost of the investigation. The intermediary service*
17 *organization may recover from the employee or independent*
18 *contractor not more than one-half of the fee imposed by the*
19 *Central Repository. If the intermediary service organization*
20 *requires the employee or independent contractor to pay for any*
21 *part of the fee imposed by the Central Repository, it shall allow the*
22 *employee or independent contractor to pay the amount through*
23 *periodic payments.*

24 **Sec. 21.** *Each intermediary service organization shall*
25 *maintain accurate records of the information concerning its*
26 *employees and independent contractors collected pursuant to*
27 *section 20 of this act and shall maintain a copy of the fingerprints*
28 *submitted to the Central Repository for Nevada Records of*
29 *Criminal History and proof that it submitted two sets of*
30 *fingerprints to the Central Repository for its report. These records*
31 *must be made available for inspection by the Health Division at*
32 *any reasonable time, and copies thereof must be furnished to the*
33 *Health Division upon request.*

34 **Sec. 22.** *1. Upon receiving information from the Central*
35 *Repository for Nevada Records of Criminal History pursuant to*
36 *section 20 of this act, or evidence from any other source, that an*
37 *employee or independent contractor of an intermediary service*
38 *organization has been convicted of a crime listed in subsection 1*
39 *of section 23 of this act, the holder of the certificate to operate an*
40 *intermediary service organization shall terminate the employment*
41 *or contract of that person after allowing the employee or*
42 *independent contractor time to correct the information pursuant to*
43 *subsection 2.*

44 *2. If an employee or independent contractor believes that the*
45 *information provided by the Central Repository is incorrect,*



1 *the employee or independent contractor may immediately inform*
2 *the intermediary service organization. An intermediary service*
3 *organization that is so informed shall give the employee or*
4 *independent contractor a reasonable amount of time of not less*
5 *than 30 days to correct the information received from the Central*
6 *Repository before terminating the employment or contract of the*
7 *person pursuant to subsection 1.*

8 3. *An intermediary service organization that has complied*
9 *with section 20 of this act may not be held civilly or criminally*
10 *liable based solely upon the ground that the intermediary service*
11 *organization allowed an employee or independent contractor to*
12 *work:*

13 (a) *Before it received the information concerning the employee*
14 *or independent contractor from the Central Repository;*

15 (b) *During any period required pursuant to subsection 2 to*
16 *allow the employee or independent contractor to correct that*
17 *information;*

18 (c) *Based on the information received from the Central*
19 *Repository, if the information received from the Central*
20 *Repository was inaccurate; or*

21 (d) *Any combination thereof.*

22 ↪ *An intermediary service organization may be held liable for any*
23 *other conduct determined to be negligent or unlawful.*

24 **Sec. 23.** *In addition to the grounds listed in section 12 of this*
25 *act, the Health Division may deny a certificate to operate an*
26 *intermediary service organization to an applicant or may suspend*
27 *or revoke a certificate of a holder of a certificate to operate an*
28 *intermediary service organization if:*

29 1. *The applicant for or holder of the certificate has been*
30 *convicted of:*

31 (a) *Murder, voluntary manslaughter or mayhem;*

32 (b) *Assault with intent to kill or to commit sexual assault or*
33 *mayhem;*

34 (c) *Sexual assault, statutory sexual seduction, incest, lewdness,*
35 *indecent exposure or any other sexually related crime;*

36 (d) *Abuse or neglect of a child or contributory delinquency;*

37 (e) *A violation of any federal or state law regulating the*
38 *possession, distribution or use of any controlled substance or any*
39 *dangerous drug as defined in chapter 454 of NRS, within the past*
40 *7 years;*

41 (f) *A violation of any provision of NRS 200.5099 or 200.50995;*

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



1 (h) Any other felony involving the use of a firearm or other
2 deadly weapon, within the immediately preceding 7 years; or

3 2. The holder of a certificate has continued to employ a
4 person who has been convicted of a crime listed in subsection 1.

5 **Sec. 24.** 1. The Health Division may bring an action in the
6 name of the State to enjoin any person from operating or
7 maintaining an intermediary service organization within the
8 meaning of sections 2 to 25, inclusive, of this act:

9 (a) Without first obtaining a certificate to operate an
10 intermediary service organization; or

11 (b) After the person's certificate has been revoked or
12 suspended by the Health Division.

13 2. It is sufficient in such action to allege that the defendant
14 did, on a certain date and in a certain place, operate and maintain
15 the intermediary service organization without a certificate.

16 **Sec. 25.** The district attorney of the county in which an
17 intermediary service organization operates shall, upon application
18 by the Health Division, institute and conduct the prosecution of
19 any action for violation of any provision of sections 2 to 25,
20 inclusive, of this act.

21 **Sec. 26.** An agency to provide personal care services in the
22 home that is licensed pursuant to this section and NRS 449.030 to
23 449.240, inclusive, may, through its employees or by contractual
24 arrangement with other persons, provide:

25 1. To persons with disabilities, any medical services
26 authorized pursuant to NRS 629.091; and

27 2. Nonmedical services related to personal care to elderly
28 persons or persons with disabilities to assist those persons with
29 activities of daily living, including, without limitation:

30 (a) The elimination of wastes from the body;

31 (b) Dressing and undressing;

32 (c) Bathing;

33 (d) Grooming;

34 (e) The preparation and eating of meals;

35 (f) Laundry;

36 (g) Shopping;

37 (h) Cleaning;

38 (i) Transportation; and

39 (j) Any other minor needs related to the maintenance of
40 personal hygiene.

41 **Sec. 27.** NRS 449.0021 is hereby amended to read as follows:

42 449.0021 1. "Agency to provide personal care services in the
43 home" means any person, other than a natural person, which
44 provides in the home ~~through its employees or by contractual~~
45 ~~arrangement with other persons, nonmedical services related to~~



1 ~~personal care to elderly persons or persons with disabilities to assist~~
2 ~~those persons with activities of daily living, including, without~~
3 ~~limitation:~~

4 ~~—(a) The elimination of wastes from the body;~~

5 ~~—(b) Dressing and undressing;~~

6 ~~—(c) Bathing;~~

7 ~~—(d) Grooming;~~

8 ~~—(e) The preparation and eating of meals;~~

9 ~~—(f) Laundry;~~

10 ~~—(g) Shopping;~~

11 ~~—(h) Cleaning;~~

12 ~~—(i) Transportation; and~~

13 ~~—(j) Any other minor needs related to the maintenance of personal~~
14 ~~hygiene.] *the services authorized pursuant to section 26 of this act*~~
15 ~~*to elderly persons or persons with disabilities.*~~

16 2. The term does not include:

17 (a) An independent contractor who provides nonmedical
18 services specified ~~by subsection 1~~ *in section 26 of this act* without
19 the assistance of employees;

20 (b) An organized group of persons composed of the family or
21 friends of a person needing personal care services that employs or
22 contracts with persons to provide *nonmedical* services specified ~~by~~
23 ~~subsection 1~~ *in section 26 of this act* for the person if:

24 (1) The organization of the group of persons is set forth in a
25 written document that is made available for review by the Health
26 Division upon request; and

27 (2) The personal care services are provided to only one
28 person or one family who resides in the same residence; or

29 (c) An intermediary service organization.

30 3. As used in this section, “intermediary service organization”
31 has the meaning ascribed to it in ~~NRS 427A.0291~~ *section 2 of this*
32 *act.*

33 **Sec. 28.** NRS 449.0305 is hereby amended to read as follows:

34 449.0305 1. Except as otherwise provided in subsection 5, a
35 person must obtain a license from the Board to operate a business
36 that provides referrals to residential facilities for groups.

37 2. The Board shall adopt:

38 (a) Standards for the licensing of businesses that provide
39 referrals to residential facilities for groups;

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

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

42 (d) Regulations establishing requirements for training the
43 employees of such businesses.

44 3. A licensed nurse, social worker, physician or hospital, or a
45 provider of geriatric care who is licensed as a nurse or social



1 worker, may provide referrals to residential facilities for groups
2 through a business that is licensed pursuant to this section. The
3 Board may, by regulation, authorize a public guardian or any other
4 person it determines appropriate to provide referrals to residential
5 facilities for groups through a business that is licensed pursuant to
6 this section.

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

9 (a) Refer a person to a residential facility for groups that is not
10 licensed.

11 (b) Refer a person to a residential facility for groups if the
12 business or its employee knows or reasonably should know that the
13 facility, or the services provided by the facility, are not appropriate
14 for the condition of the person being referred.

15 (c) Refer a person to a residential facility for groups that is
16 owned by the same person who owns the business.

17 ↪ A person who violates the provisions of this subsection is liable
18 for a civil penalty to be recovered by the Attorney General in the
19 name of the Board for the first offense of not more than \$10,000 and
20 for a second or subsequent offense of not less than \$10,000 nor
21 more than \$20,000. Unless otherwise required by federal law, the
22 Board shall deposit all civil penalties collected pursuant to this
23 section into a separate account in the State General Fund to be used
24 to administer and carry out the provisions of ~~{this chapter}~~ *NRS*
25 *449.001 to 449.965, inclusive, and section 26 of this act* and to
26 protect the health, safety, well-being and property of the patients
27 and residents of facilities in accordance with applicable state and
28 federal standards.

29 5. This section does not apply to a medical facility that is
30 licensed pursuant to NRS 449.030 to 449.240, inclusive, *and*
31 *section 26 of this act* on October 1, 1999.

32 **Sec. 29.** NRS 449.160 is hereby amended to read as follows:

33 449.160 1. The Health Division may deny an application for
34 a license or may suspend or revoke any license issued under the
35 provisions of NRS 449.030 to 449.240, inclusive, *and section 26 of*
36 *this act* upon any of the following grounds:

37 (a) Violation by the applicant or the licensee of any of the
38 provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, *and*
39 *section 26 of this act* or of any other law of this State or of the
40 standards, rules and regulations adopted thereunder.

41 (b) Aiding, abetting or permitting the commission of any illegal
42 act.

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



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

3 (e) Failure of the applicant to obtain written approval from the
4 Director of the Department of Health and Human Services as
5 required by NRS 439A.100 or as provided in any regulation adopted
6 pursuant to ~~this chapter,~~ **NRS 449.001 to 449.965, inclusive, and**
7 **section 26 of this act** if such approval is required.

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

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

13 (a) Is convicted of violating any of the provisions of
14 NRS 202.470;

15 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
16 244.360, 244.3603 or 268.4124; or

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

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

25 (a) A summary of a complaint against the facility if the
26 investigation of the complaint by the Health Division either
27 substantiates the complaint or is inconclusive;

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

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

31 ➔ The facility shall make the information available to the public
32 pursuant to NRS 449.2486.

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

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

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

41 **Sec. 30.** NRS 449.163 is hereby amended to read as follows:

42 449.163 1. In addition to the payment of the amount required
43 by NRS 449.0308, if a medical facility or facility for the dependent
44 violates any provision related to its licensure, including any
45 provision of NRS 439B.410 or 449.030 to 449.240, inclusive, **and**



1 **section 26 of this act** or any condition, standard or regulation
2 adopted by the Board, the Health Division, in accordance with the
3 regulations adopted pursuant to NRS 449.165, may:

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

6 (b) Limit the occupancy of the facility to the number of beds
7 occupied when the violation occurred, until it determines that the
8 facility has corrected the violation;

9 (c) If the license of the facility limits the occupancy of the
10 facility and the facility has exceeded the approved occupancy,
11 require the facility, at its own expense, to move patients to another
12 facility that is licensed;

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

16 (e) Appoint temporary management to oversee the operation of
17 the facility and to ensure the health and safety of the patients of the
18 facility, until:

19 (1) It determines that the facility has corrected the violation
20 and has management which is capable of ensuring continued
21 compliance with the applicable statutes, conditions, standards and
22 regulations; or

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

24 2. If a violation by a medical facility or facility for the
25 dependent relates to the health or safety of a patient, an
26 administrative penalty imposed pursuant to paragraph (d) of
27 subsection 1 must be in a total amount of not less than \$1,000 and
28 not more than \$10,000 for each patient who was harmed or at risk of
29 harm as a result of the violation.

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

32 (a) Suspend the license of the facility until the administrative
33 penalty is paid; and

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

36 4. The Health Division may require any facility that violates
37 any provision of NRS 439B.410 or 449.030 to 449.240, inclusive,
38 **and section 26 of this act** or any condition, standard or regulation
39 adopted by the Board to make any improvements necessary to
40 correct the violation.

41 5. Any money collected as administrative penalties pursuant to
42 paragraph (d) of subsection 1 must be accounted for separately and
43 used to administer and carry out the provisions of ~~this chapter~~
44 **NRS 449.001 to 449.965, inclusive, and section 26 of this act** and
45 to protect the health, safety, well-being and property of the patients



1 and residents of facilities in accordance with applicable state and
2 federal standards.

3 **Sec. 31.** NRS 449.210 is hereby amended to read as follows:

4 449.210 1. In addition to the payment of the amount required
5 by NRS 449.0308, except as otherwise provided in subsection 2 and
6 NRS 449.24897, a person who operates a medical facility or facility
7 for the dependent without a license issued by the Health Division is
8 guilty of a misdemeanor.

9 2. In addition to the payment of the amount required by NRS
10 449.0308, if a person operates a residential facility for groups or a
11 home for individual residential care without a license issued by the
12 Health Division, the Health Division shall:

13 (a) Impose a civil penalty on the operator in the following
14 amount:

15 (1) For a first offense, \$10,000.

16 (2) For a second offense, \$25,000.

17 (3) For a third or subsequent offense, \$50,000.

18 (b) Order the operator, at the operator's own expense, to move
19 all of the persons who are receiving services in the residential
20 facility for groups or home for individual residential care to a
21 residential facility for groups or home for individual residential care,
22 as applicable, that is licensed.

23 (c) Prohibit the operator from applying for a license to operate a
24 residential facility for groups or home for individual residential care,
25 as applicable. The duration of the period of prohibition must be:

26 (1) For 6 months if the operator is punished pursuant to
27 subparagraph (1) of paragraph (a).

28 (2) For 1 year if the operator is punished pursuant
29 to subparagraph (2) of paragraph (a).

30 (3) Permanent if the operator is punished pursuant to
31 subparagraph (3) of paragraph (a).

32 3. Before the Health Division imposes an administrative
33 sanction pursuant to subsection 2, the Health Division shall provide
34 the operator of a residential facility for groups with reasonable
35 notice. The notice must contain the legal authority, jurisdiction and
36 reasons for the action to be taken. If the operator of a residential
37 facility for groups wants to contest the action, the operator may file
38 an appeal pursuant to the regulations of the State Board of Health
39 adopted pursuant to NRS 449.165 and 449.170. Upon receiving
40 notice of an appeal, the Health Division shall hold a hearing in
41 accordance with those regulations. For the purpose of this
42 subsection, it is no defense to the violation of operating a residential
43 facility for groups without a license that the operator thereof
44 subsequently licensed the facility in accordance with law.



1 4. Unless otherwise required by federal law, the Health
2 Division shall deposit all civil penalties collected pursuant to
3 paragraph (a) of subsection 2 into a separate account in the State
4 General Fund to be used to administer and carry out the provisions
5 of ~~[this chapter]~~ **NRS 449.001 to 449.965, inclusive, and section 26**
6 **of this act** and to protect the health, safety, well-being and property
7 of the patients and residents of facilities and homes for individual
8 residential care in accordance with applicable state and federal
9 standards.

10 **Sec. 32.** NRS 179A.075 is hereby amended to read as follows:

11 179A.075 1. The Central Repository for Nevada Records of
12 Criminal History is hereby created within the Records and
13 Technology Division of the Department.

14 2. Each agency of criminal justice and any other agency
15 dealing with crime or delinquency of children shall:

16 (a) Collect and maintain records, reports and compilations of
17 statistical data required by the Department; and

18 (b) Submit the information collected to the Central Repository
19 in the manner approved by the Director of the Department.

20 3. Each agency of criminal justice shall submit the information
21 relating to records of criminal history that it creates or issues, and
22 any information in its possession relating to the genetic markers of a
23 biological specimen of a person who is convicted of an offense
24 listed in subsection 4 of NRS 176.0913, to the Division. The
25 information must be submitted to the Division:

26 (a) Through an electronic network;

27 (b) On a medium of magnetic storage; or

28 (c) In the manner prescribed by the Director of the Department,

29 ↪ within the period prescribed by the Director of the Department. If
30 an agency has submitted a record regarding the arrest of a person
31 who is later determined by the agency not to be the person who
32 committed the particular crime, the agency shall, immediately upon
33 making that determination, so notify the Division. The Division
34 shall delete all references in the Central Repository relating to that
35 particular arrest.

36 4. The Division shall, in the manner prescribed by the Director
37 of the Department:

38 (a) Collect, maintain and arrange all information submitted to it
39 relating to:

40 (1) Records of criminal history; and

41 (2) The genetic markers of a biological specimen of a person
42 who is convicted of an offense listed in subsection 4 of
43 NRS 176.0913.



1 (b) When practicable, use a record of the personal identifying
2 information of a subject as the basis for any records maintained
3 regarding him or her.

4 (c) Upon request, provide the information that is contained in
5 the Central Repository to the State Disaster Identification Team of
6 the Division of Emergency Management of the Department.

7 5. The Division may:

8 (a) Disseminate any information which is contained in the
9 Central Repository to any other agency of criminal justice;

10 (b) Enter into cooperative agreements with repositories of the
11 United States and other states to facilitate exchanges of information
12 that may be disseminated pursuant to paragraph (a); and

13 (c) Request of and receive from the Federal Bureau of
14 Investigation information on the background and personal history of
15 any person whose record of fingerprints the Central Repository
16 submits to the Federal Bureau of Investigation and:

17 (1) Who has applied to any agency of the State of Nevada or
18 any political subdivision thereof for a license which it has the power
19 to grant or deny;

20 (2) With whom any agency of the State of Nevada or any
21 political subdivision thereof intends to enter into a relationship of
22 employment or a contract for personal services;

23 (3) Who has applied to any agency of the State of Nevada or
24 any political subdivision thereof to attend an academy for training
25 peace officers approved by the Peace Officers' Standards and
26 Training Commission;

27 (4) For whom such information is required to be obtained
28 pursuant to NRS 62B.270, 424.031, ~~427A.735,~~ 432A.170,
29 433B.183 and 449.123 ~~+~~ **and section 20 of this act;** or

30 (5) About whom any agency of the State of Nevada or any
31 political subdivision thereof is authorized by law to have accurate
32 personal information for the protection of the agency or the persons
33 within its jurisdiction.

34 ➔ To request and receive information from the Federal Bureau of
35 Investigation concerning a person pursuant to this subsection, the
36 Central Repository must receive the person's complete set of
37 fingerprints from the agency or political subdivision and submit the
38 fingerprints to the Federal Bureau of Investigation for its report.

39 6. The Central Repository shall:

40 (a) Collect and maintain records, reports and compilations of
41 statistical data submitted by any agency pursuant to subsection 2.

42 (b) Tabulate and analyze all records, reports and compilations of
43 statistical data received pursuant to this section.



1 (c) Disseminate to federal agencies engaged in the collection of
2 statistical data relating to crime information which is contained in
3 the Central Repository.

4 (d) Investigate the criminal history of any person who:

5 (1) Has applied to the Superintendent of Public Instruction
6 for the issuance or renewal of a license;

7 (2) Has applied to a county school district, charter school or
8 private school for employment; or

9 (3) Is employed by a county school district, charter school or
10 private school,

11 ↪ and notify the superintendent of each county school district, the
12 governing body of each charter school and the Superintendent of
13 Public Instruction, or the administrator of each private school, as
14 appropriate, if the investigation of the Central Repository indicates
15 that the person has been convicted of a violation of NRS 200.508,
16 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or
17 any offense involving moral turpitude.

18 (e) Upon discovery, notify the superintendent of each county
19 school district, the governing body of each charter school or the
20 administrator of each private school, as appropriate, by providing
21 the superintendent, governing body or administrator with a list of all
22 persons:

23 (1) Investigated pursuant to paragraph (d); or

24 (2) Employed by a county school district, charter school or
25 private school whose fingerprints were sent previously to the
26 Central Repository for investigation,

27 ↪ who the Central Repository's records indicate have been
28 convicted of a violation of NRS 200.508, 201.230, 453.3385,
29 453.339 or 453.3395, or convicted of a felony or any offense
30 involving moral turpitude since the Central Repository's initial
31 investigation. The superintendent of each county school district, the
32 governing body of a charter school or the administrator of each
33 private school, as applicable, shall determine whether further
34 investigation or action by the district, charter school or private
35 school, as applicable, is appropriate.

36 (f) Investigate the criminal history of each person who submits
37 fingerprints or has fingerprints submitted pursuant to NRS 62B.270,
38 424.031, ~~427A.735~~ 432A.170, 433B.183, 449.122 or 449.123 ~~§~~
39 *or section 20 of this act.*

40 (g) On or before July 1 of each year, prepare and present to the
41 Governor a printed annual report containing the statistical data
42 relating to crime received during the preceding calendar year.
43 Additional reports may be presented to the Governor throughout the
44 year regarding specific areas of crime if they are approved by the
45 Director of the Department.



1 (h) On or before July 1 of each year, prepare and submit to the
2 Director of the Legislative Counsel Bureau for submission to the
3 Legislature, or to the Legislative Commission when the Legislature
4 is not in regular session, a report containing statistical data about
5 domestic violence in this State.

6 (i) Identify and review the collection and processing of
7 statistical data relating to criminal justice and the delinquency of
8 children by any agency identified in subsection 2 and make
9 recommendations for any necessary changes in the manner of
10 collecting and processing statistical data by any such agency.

11 7. The Central Repository may:

12 (a) In the manner prescribed by the Director of the Department,
13 disseminate compilations of statistical data and publish statistical
14 reports relating to crime or the delinquency of children.

15 (b) Charge a reasonable fee for any publication or special report
16 it distributes relating to data collected pursuant to this section. The
17 Central Repository may not collect such a fee from an agency of
18 criminal justice, any other agency dealing with crime or the
19 delinquency of children which is required to submit information
20 pursuant to subsection 2 or the State Disaster Identification Team of
21 the Division of Emergency Management of the Department. All
22 money collected pursuant to this paragraph must be used to pay for
23 the cost of operating the Central Repository.

24 (c) In the manner prescribed by the Director of the Department,
25 use electronic means to receive and disseminate information
26 contained in the Central Repository that it is authorized to
27 disseminate pursuant to the provisions of this chapter.

28 8. As used in this section:

29 (a) "Personal identifying information" means any information
30 designed, commonly used or capable of being used, alone or in
31 conjunction with any other information, to identify a person,
32 including, without limitation:

33 (1) The name, driver's license number, social security
34 number, date of birth and photograph or computer-generated image
35 of a person; and

36 (2) The fingerprints, voiceprint, retina image and iris image
37 of a person.

38 (b) "Private school" has the meaning ascribed to it in
39 NRS 394.103.

40 **Sec. 33.** NRS 200.5093 is hereby amended to read as follows:

41 200.5093 1. Any person who is described in subsection 4 and
42 who, in a professional or occupational capacity, knows or has
43 reasonable cause to believe that an older person has been abused,
44 neglected, exploited or isolated shall:



1 (a) Except as otherwise provided in subsection 2, report the
2 abuse, neglect, exploitation or isolation of the older person to:

3 (1) The local office of the Aging and Disability Services
4 Division of the Department of Health and Human Services;

5 (2) A police department or sheriff's office;

6 (3) The county's office for protective services, if one exists
7 in the county where the suspected action occurred; or

8 (4) A toll-free telephone service designated by the Aging and
9 Disability Services Division of the Department of Health and
10 Human Services; and

11 (b) Make such a report as soon as reasonably practicable but not
12 later than 24 hours after the person knows or has reasonable cause to
13 believe that the older person has been abused, neglected, exploited or
14 isolated.

15 2. If a person who is required to make a report pursuant to
16 subsection 1 knows or has reasonable cause to believe that the
17 abuse, neglect, exploitation or isolation of the older person involves
18 an act or omission of the Aging and Disability Services Division,
19 another division of the Department of Health and Human Services
20 or a law enforcement agency, the person shall make the report to an
21 agency other than the one alleged to have committed the act or
22 omission.

23 3. Each agency, after reducing a report to writing, shall forward
24 a copy of the report to the Aging and Disability Services Division of
25 the Department of Health and Human Services and the Unit for the
26 Investigation and Prosecution of Crimes.

27 4. A report must be made pursuant to subsection 1 by the
28 following persons:

29 (a) Every physician, dentist, dental hygienist, chiropractor,
30 optometrist, podiatric physician, medical examiner, resident, intern,
31 professional or practical nurse, physician assistant licensed pursuant
32 to chapter 630 or 633 of NRS, perfusionist, psychiatrist,
33 psychologist, marriage and family therapist, clinical professional
34 counselor, clinical alcohol and drug abuse counselor, alcohol and
35 drug abuse counselor, music therapist, athletic trainer, driver of an
36 ambulance, advanced emergency medical technician, licensed
37 dietitian or other person providing medical services licensed or
38 certified to practice in this State, who examines, attends or treats an
39 older person who appears to have been abused, neglected, exploited or
40 isolated.

41 (b) Any personnel of a hospital or similar institution engaged in
42 the admission, examination, care or treatment of persons or an
43 administrator, manager or other person in charge of a hospital or
44 similar institution upon notification of the suspected abuse, neglect,



- 1 exploitation or isolation of an older person by a member of the staff
2 of the hospital.
- 3 (c) A coroner.
- 4 (d) Every person who maintains or is employed by an agency to
5 provide personal care services in the home.
- 6 (e) Every person who maintains or is employed by an agency to
7 provide nursing in the home.
- 8 (f) Every person who operates, who is employed by or who
9 contracts to provide services for an intermediary service
10 organization as defined in ~~NRS 427A.0291~~ *section 2 of this act.*
- 11 (g) Any employee of the Department of Health and Human
12 Services.
- 13 (h) Any employee of a law enforcement agency or a county's
14 office for protective services or an adult or juvenile probation
15 officer.
- 16 (i) Any person who maintains or is employed by a facility or
17 establishment that provides care for older persons.
- 18 (j) Any person who maintains, is employed by or serves as a
19 volunteer for an agency or service which advises persons regarding
20 the abuse, neglect, exploitation or isolation of an older person and
21 refers them to persons and agencies where their requests and needs
22 can be met.
- 23 (k) Every social worker.
- 24 (l) Any person who owns or is employed by a funeral home or
25 mortuary.
- 26 5. A report may be made by any other person.
- 27 6. If a person who is required to make a report pursuant to
28 subsection 1 knows or has reasonable cause to believe that an older
29 person has died as a result of abuse, neglect or isolation, the person
30 shall, as soon as reasonably practicable, report this belief to the
31 appropriate medical examiner or coroner, who shall investigate the
32 cause of death of the older person and submit to the appropriate
33 local law enforcement agencies, the appropriate prosecuting
34 attorney, the Aging and Disability Services Division of the
35 Department of Health and Human Services and the Unit for the
36 Investigation and Prosecution of Crimes his or her written findings.
37 The written findings must include the information required pursuant
38 to the provisions of NRS 200.5094, when possible.
- 39 7. A division, office or department which receives a report
40 pursuant to this section shall cause the investigation of the report to
41 commence within 3 working days. A copy of the final report of the
42 investigation conducted by a division, office or department, other
43 than the Aging and Disability Services Division of the Department
44 of Health and Human Services, must be forwarded within 30 days
45 after the completion of the report to the:



- 1 (a) Aging and Disability Services Division;
- 2 (b) Repository for Information Concerning Crimes Against
- 3 Older Persons created by NRS 179A.450; and
- 4 (c) Unit for the Investigation and Prosecution of Crimes.

5 8. If the investigation of a report results in the belief that an
6 older person is abused, neglected, exploited or isolated, the Aging
7 and Disability Services Division of the Department of Health and
8 Human Services or the county's office for protective services may
9 provide protective services to the older person if the older person is
10 able and willing to accept them.

11 9. A person who knowingly and willfully violates any of the
12 provisions of this section is guilty of a misdemeanor.

13 10. As used in this section, "Unit for the Investigation and
14 Prosecution of Crimes" means the Unit for the Investigation and
15 Prosecution of Crimes Against Older Persons in the Office of the
16 Attorney General created pursuant to NRS 228.265.

17 **Sec. 34.** NRS 427A.175 is hereby amended to read as follows:

18 427A.175 1. Within 1 year after an older patient sustains
19 damage to his or her property as a result of any act or failure to act
20 by a facility for intermediate care, a facility for skilled nursing, a
21 residential facility for groups, a home for individual residential care,
22 an agency to provide personal care services in the home, an
23 intermediary service organization or an agency to provide nursing in
24 the home in protecting the property, the older patient may file a
25 verified complaint with the Division setting forth the details of the
26 damage.

27 2. Upon receiving a verified complaint pursuant to subsection
28 1, the Administrator shall investigate the complaint and attempt to
29 settle the matter through arbitration, mediation or negotiation.

30 3. If a settlement is not reached pursuant to subsection 2, the
31 facility, home, agency, organization or older patient may request a
32 hearing before the Specialist for the Rights of Elderly Persons. If
33 requested, the Specialist for the Rights of Elderly Persons shall
34 conduct a hearing to determine whether the facility, home, agency
35 or organization is liable for damages to the patient. If the Specialist
36 for the Rights of Elderly Persons determines that the facility, home,
37 agency or organization is liable for damages to the patient, the
38 Specialist for the Rights of Elderly Persons shall order the amount
39 of the surety bond pursuant to NRS 449.065 or the substitute for the
40 surety bond necessary to pay for the damages pursuant to NRS
41 449.067 to be released to the Division. The Division shall pay any
42 such amount to the older patient or the estate of the older patient.

43 4. The Division shall create a separate account for money to be
44 collected and distributed pursuant to this section.

45 5. As used in this section:



1 (a) "Agency to provide nursing in the home" has the meaning
2 ascribed to it in NRS 449.0015;

3 (b) "Agency to provide personal care services in the home" has
4 the meaning ascribed to it in NRS 449.0021;

5 (c) "Facility for intermediate care" has the meaning ascribed to
6 it in NRS 449.0038;

7 (d) "Facility for skilled nursing" has the meaning ascribed to it
8 in NRS 449.0039;

9 (e) "Home for individual residential care" has the meaning
10 ascribed to it in NRS 449.0105;

11 (f) *"Intermediary service organization" has the meaning*
12 *ascribed to it in section 2 of this act;*

13 (g) "Older patient" has the meaning ascribed to it in NRS
14 449.065; and

15 ~~(e)~~ (h) "Residential facility for groups" has the meaning
16 ascribed to it in NRS 449.017.

17 **Sec. 35.** NRS 632.472 is hereby amended to read as follows:

18 632.472 1. The following persons shall report in writing to
19 the Executive Director of the Board any conduct of a licensee or
20 holder of a certificate which constitutes a violation of the provisions
21 of this chapter:

22 (a) Any physician, dentist, dental hygienist, chiropractor,
23 optometrist, podiatric physician, medical examiner, resident, intern,
24 professional or practical nurse, nursing assistant, medication aide -
25 certified, perfusionist, physician assistant licensed pursuant to
26 chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and
27 family therapist, clinical professional counselor, alcohol or drug
28 abuse counselor, music therapist, driver of an ambulance, advanced
29 emergency medical technician or other person providing medical
30 services licensed or certified to practice in this State.

31 (b) Any personnel of a medical facility or facility for the
32 dependent engaged in the admission, examination, care or treatment
33 of persons or an administrator, manager or other person in charge of
34 a medical facility or facility for the dependent upon notification by a
35 member of the staff of the facility.

36 (c) A coroner.

37 (d) Any person who maintains or is employed by an agency to
38 provide personal care services in the home.

39 (e) Any person who operates, who is employed by or who
40 contracts to provide services for an intermediary service
41 organization as defined in ~~NRS 427A.0291~~ *section 2 of this act.*

42 (f) Any person who maintains or is employed by an agency to
43 provide nursing in the home.

44 (g) Any employee of the Department of Health and Human
45 Services.



1 (h) Any employee of a law enforcement agency or a county's
2 office for protective services or an adult or juvenile probation
3 officer.

4 (i) Any person who maintains or is employed by a facility or
5 establishment that provides care for older persons.

6 (j) Any person who maintains, is employed by or serves as a
7 volunteer for an agency or service which advises persons regarding
8 the abuse, neglect or exploitation of an older person and refers them
9 to persons and agencies where their requests and needs can be met.

10 (k) Any social worker.

11 2. Every physician who, as a member of the staff of a medical
12 facility or facility for the dependent, has reason to believe that a
13 nursing assistant or medication aide - certified has engaged in
14 conduct which constitutes grounds for the denial, suspension or
15 revocation of a certificate shall notify the superintendent, manager
16 or other person in charge of the facility. The superintendent,
17 manager or other person in charge shall make a report as required in
18 subsection 1.

19 3. A report may be filed by any other person.

20 4. Any person who in good faith reports any violation of the
21 provisions of this chapter to the Executive Director of the Board
22 pursuant to this section is immune from civil liability for reporting
23 the violation.

24 5. As used in this section, "agency to provide personal care
25 services in the home" has the meaning ascribed to it in
26 NRS 449.0021.

27 **Sec. 36.** NRS 427A.0291, 427A.701, 427A.703, 427A.705,
28 427A.707, 427A.709, 427A.711, 427A.713, 427A.715, 427A.717,
29 427A.719, 427A.721, 427A.723, 427A.725, 427A.727, 427A.729,
30 427A.731, 427A.733, 427A.735, 427A.737, 427A.739, 427A.741,
31 427A.743 and 427A.745 are hereby repealed.

32 **Sec. 37.** 1. Any administrative regulations adopted by an
33 officer, agency or other entity whose name has been changed or
34 whose responsibilities have been transferred pursuant to the
35 provisions of this act to another officer, agency or other entity
36 remain in force until amended by the officer, agency or other entity
37 to which the responsibility for the adoption of the regulations has
38 been transferred.

39 2. Any contracts or other agreements entered into by an officer,
40 agency or other entity whose name has been changed or whose
41 responsibilities have been transferred pursuant to the provisions of
42 this act to another officer, agency or other entity are binding upon
43 the officer, agency or other entity to which the responsibility for the
44 administration of the provisions of the contract or other agreement
45 has been transferred. Such contracts and other agreements may be



1 enforced by the officer, agency or other entity to which the
2 responsibility for the enforcement of the provisions of the contract
3 or other agreement has been transferred.

4 3. Any action taken by an officer, agency or other entity whose
5 name has been changed or whose responsibilities have been
6 transferred pursuant to the provisions of this act to another officer,
7 agency or other entity remains in effect as if taken by the officer,
8 agency or other entity to which the responsibility for the
9 enforcement of such actions has been transferred.

10 **Sec. 38.** An intermediary service organization that is certified
11 pursuant to NRS 427A.701 to 427A.745, inclusive, before the
12 effective date of this act, and whose certification is not expired or
13 revoked is not required to obtain a certificate pursuant to sections 2
14 to 25, inclusive, of this act until the expiration of the certificate
15 obtained pursuant to NRS 427A.701 to 427A.745, inclusive.

16 **Sec. 39.** 1. This act becomes effective upon passage and
17 approval.

18 2. Sections 6, 7 and 13 of this act expire by limitation on the
19 date on which the provisions of 42 U.S.C. § 666 requiring each state
20 to establish procedures under which the state has authority to
21 withhold or suspend, or to restrict the use of professional,
22 occupational and recreational licenses of persons who:

23 (a) Have failed to comply with a subpoena or warrant relating to
24 a proceeding to determine the paternity of a child or to establish or
25 enforce an obligation for the support of a child; or

26 (b) Are in arrears in the payment for the support of one or more
27 children,

28 ↪ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

- 427A.0291 “Intermediary service organization” defined.**
- 427A.701 Authority to provide services.**
- 427A.703 Certificate required; penalty.**
- 427A.705 Application for certificate: Contents.**
- 427A.707 Application for certificate: Social security number required.**
- 427A.709 Application for certificate: Statement regarding obligation of child support; grounds for denial; duty of Division.**
- 427A.711 Application for certificate: Fee.**
- 427A.713 Certificate: Issuance; nontransferability.**
- 427A.715 Certificate: Form; contents.**



- 427A.717 Certificate: Expiration and renewal.
- 427A.719 Certificate: Grounds for denial, suspension or revocation.
- 427A.721 Certificate: Suspension for failure to pay child support or comply with certain subpoenas or warrants; reinstatement.
- 427A.723 Provisional certificate.
- 427A.725 Deposit of money received from certification; expenses of Division to enforce provisions.
- 427A.727 Duties and powers of Division.
- 427A.729 Administrative sanctions: Imposition by Division; consequences of failure to pay; use of money collected.
- 427A.731 Administrative sanctions: Regulations.
- 427A.733 Notice by Division of disciplinary action; exception; appeal.
- 427A.735 Initial and periodic investigations of criminal history of employee or independent contractor.
- 427A.737 Maintenance and availability of certain records regarding employees and independent contractors.
- 427A.739 Termination of employee or independent contractor required for conviction for certain crimes; reasonable time to correct information; liability of organization.
- 427A.741 Additional grounds for denial, suspension or revocation of certificate.
- 427A.743 Action to enjoin violations.
- 427A.745 Prosecution by district attorney.

