

NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING FOR THE AMENDMENT AND ADOPTION OF REGULATION OF THE STATE OF NEVADA BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS

The State of Nevada Board of Examiners for Long Term Care Administrators will hold a public hearing at April 17, 2018 directly after the Board's Quarterly Board Meeting to be video-conferenced in the following locations:

Sawyer State Office Building
555 East Washington Avenue
Room 4412E
Las Vegas, Nevada 89102

and

Legislative Counsel Bureau
401 South Carson Street
Room 3138
Carson City, Nevada

The purpose of the hearing is to receive comments from all interest persons regarding the amendments/adoptions of regulations that pertain to Chapter 654 of the Nevada Administrative Code (NAC). If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Examiners for Long Term Care Administrators may proceed immediately to act upon any written submissions.

The time for the hearing is scheduled as follows:

Approx 11:30 A.M. Public Hearing and Possible Adoption of Proposed Amendments to NAC 654 are related to the licensure requirements for Health Services Executives, Nursing Facility Administrators and Residential Facility Administrators, License Renewals for Health Services Executives, Nursing Facility Administrators and Residential Facility Administrators.

NOTE: Possible action to adopt may be taken at this meeting.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need and the purpose of the proposed amendments to NAC Chapter 654 are Based on the recommendations from the State of Nevada Board of Examiners for Long Term Care Administrators. Proposed amendments are related to the licensure requirements for Health Services Executives, Nursing Facility Administrators and Residential Facility Administrators, License Renewals for Health Services Executives, Nursing Facility Administrators and Residential Facility Administrators.
2. The Subjects and Issues involved in the regulation are those who would be seeking, renewing and/or working in the capacity of a Health Services Executive, Nursing Facility Administrator or Residential Facility Administrator.
3. There is no economic effect of the regulation on the business and industry that it regulates.
There is no economic effect of the regulation on the public.
There are no immediate or long-term effects on the public.
4. The estimated cost to the State of Nevada Board of Examiners for Long Term Care Administrators for enforcement of the proposed regulations is none.
5. There are no federal laws affecting the proposed regulation and there is no duplication or overlap of state of local government agencies.

6. The proposed regulation is not required pursuant to federal law.
7. The proposed regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.
8. The proposed regulation does not establish a new fee. The proposed regulation does not increase the existing licensure fee.

Persons wishing to comment upon the proposed action of the State of Nevada Board of Examiners for Long Term Care Administrators may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Board Executive Director, State of Nevada Board of Examiners for Long Term Care Administrators, 3157 N. Rainbow Blvd. #313, Las Vegas, NV 89108. The Board must receive written submissions **on or before April 10, 2018**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the State of Nevada Board of Examiners for Long Term Care Administrators may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended/adopted will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended/adopted will be available at the State of Nevada Board of Examiners for Long Term Care Administrators at <http://beltca.nv.gov/> and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 day thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason or overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Grant Sawyer State Office Building
555 East Washington Ave.
Las Vegas, NV 89101
Fax: 702-486-2012

ADSD
3416 Goni Rd., Building – D 132
Carson City, NV 89706
Fax: 775-687-0574

ADSD
1860 East Sahara Ave.
Las Vegas, NV 89104
Fax: 702-486-3572

DPBH
727 Fairview Dr., Suite E
Carson City, NV 89706
Fax: 775-684-1073

DPBH
4220 S. Maryland Pkwy.
Suite 810, Bldg. D
Las Vegas, NV 89119
Fax: 702-486-6520

ADSD
445 Apple Street
Reno, NV 89502
Fax: 775-688-2969

Public Library
Sierra View Branch
Fax 775-827-8792

Carson City Courthouse
100 Stewart St.
Carson City, NV 89701
Fax: 775-887-2146

Clark County – Las Vegas Library
732 North Las Vegas Blvd.
Las Vegas, NV 89101
Fax: 702-507-3598

By E-Mail

Sue Levinsky, ADSD, LV
Paul Shubert, DPBH, LV
E. Beck (Grant Sawyer State Office Bldg)
Daniel Mathis
Jennifer Williams-Woods - ADSD
Theresa Brushfield
Susan Magluilo, Administrator
Blayne Osborn, NRHP

Jill Berntson, ADSD, Reno
Carrie Embree, ADSD
Minou Nelson, DPBH
Amir Bringard, DPBH
Shawn McGivney
Mark McBride
Donald Sampson, DPBH

**REVISED PROPOSED REGULATION OF THE
BOARD OF EXAMINERS FOR LONG-TERM CARE
ADMINISTRATORS**

LCB File No. R139-17

February 7, 2018

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

AUTHORITY: §§1, 6, 15, 16, 19 and 20, NRS 654.110, as amended by section 7 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 597; §§2 and 3, NRS 654.110, as amended by section 7 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 597, and NRS 654.140, as amended by section 9 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 599; §4, NRS 654.110, as amended by section 7 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 597, NRS 654.140, as amended by section 9 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 599, and NRS 654.170, as amended by section 11 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 600; §5, NRS 654.110, as amended by section 7 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 597, and NRS 654.170, as amended by section 11 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 600; §§7, 17 and 18, NRS 654.110, as amended by section 7 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 597, and NRS 654.190, as amended by section 12 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 600; §8, NRS 654.110, as amended by section 7 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 597, and NRS 654.150; §9, NRS 654.110, as amended by section 7 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 597, NRS 654.140, as amended by section 9 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 599, and NRS 654.150; §10, NRS 654.110, as amended by section 7 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 597, NRS 654.140, as amended by section 9 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 599, NRS 654.150 and 654.170, as amended by section 11 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 600; §11, NRS 654.110, as amended by section 7 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 597, NRS 654.150 and 654.170, as amended by section 11 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 600;

§12, NRS 654.110, as amended by section 7 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 597, and NRS 654.155; §13, NRS 654.110, as amended by section 7 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 597, NRS 654.140, as amended by section 9 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 599, and NRS 654.155; §14, NRS 654.110, as amended by section 7 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 597, NRS 654.140, as amended by section 9 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 599, NRS 654.155 and 654.170, as amended by section 11 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 600; §21, NRS 654.110, as amended by section 7 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 597, NRS 654.140, as amended by section 9 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 599, and NRS 654.190, as amended by section 12 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 600.

A REGULATION relating to health services executives; establishing certain standards for licensure as a health services executive; requiring health services executives to complete certain continuing education requirements; revising the requirements for continuing education for licensed long-term care administrators; revising provisions relating to license renewal for nursing facility administrators and administrators of residential facilities for groups; establishing grounds for disciplinary action against health services executives; revising the limitations on the administration of multiple facilities by nursing facility administrators and administrators of residential facilities for groups; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain qualifications for a person to obtain a license as a health services executive and authorizes the Board of Examiners for Long-Term Care Administrators to develop, impose and enforce standards which must be met by persons to obtain such a license. (NRS 654.110, as amended by section 7 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 597, and section 4 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 596) Existing law also provides that the Board may, after notice and an opportunity for a hearing, impose certain disciplinary actions against certain licensees. (NRS 654.190, as amended by section 12 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 600) **Sections 2-7 and 19** of this regulation establish the standards for licensure as a health services executive and the provisions governing disciplinary action against such licensees.

Under existing regulations, to obtain a license as a nursing facility administrator, an applicant must meet certain educational and training requirements. (NAC 654.100) **Section 8** of

this regulation additionally requires an applicant to be a citizen of the United States or lawfully entitled to remain and work in the United States. Additionally, existing regulations set forth the requirements for a licensed nursing facility administrator or an administrator of a residential facility for groups to renew his or her license. (NAC 654.112, 654.152) **Sections 10 and 14** of this regulation require an applicant who is renewing his or her application as a nursing facility administrator or an administrator of a residential facility for groups to do so at least 60 days before the expiration of his or her license. **Sections 9 and 13** of this regulation authorize the Board to charge applicants a fee to cover the actual cost of certain required trainings conducted by the Board. Existing regulations also set forth continuing education requirements for a person licensed as a nursing facility administrator. (NAC 654.130) **Section 11** of this regulation no longer allows a licensee to complete a certain number of continuing education units by publishing an article or presenting such a paper at a meeting of an organization concerned with long-term care.

The remaining sections of this regulation subject health services executives to the same regulatory requirements that apply to nursing facility administrators and administrators of residential facilities for groups.

Section 1. Chapter 654 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

Sec. 2. 1. *An applicant for licensure as a health services executive must complete an application provided by the Board.*

2. *The applicant's responses on the application must be typed or printed legibly. An application that is illegible or incomplete will be returned to the applicant.*

3. *The application must be accompanied by a nonrefundable fee of \$150 and a nonrefundable fee in an amount fixed by the Board to cover the actual cost of the training required by subsection 8 of section 3 of this regulation.*

4. *An application that is not completed within 1 year after the date on which it is submitted to the Board is void, and after that date the applicant must submit a new application accompanied by the required application fee to apply for a license.*

Sec. 3. In addition to the requirements of section 4 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 596, and section 2 of this regulation, an applicant for licensure as a health services executive must:

- 1. Be at least 21 years of age;*
- 2. Be a citizen of the United States or lawfully entitled to remain and work in the United States;*
- 3. Provide a statement to the Board indicating that to the best of the applicant's knowledge he or she is of good health and free from contagious disease;*
- 4. Indicate whether the applicant suffers from any mental impairment that would affect his or her ability to perform the duties of a health services executive;*
- 5. Be able to communicate adequately in the English language both verbally and in writing;*
- 6. Indicate whether the applicant has been investigated or is being investigated for misconduct or had a license or certificate revoked, modified, limited or suspended, or whether any other disciplinary action or proceeding has been instituted against him or her by any authority in any state;*
- 7. Provide a statement to the Board indicating whether since the age of 18 years the applicant has ever been:*
 - (a) Charged with any misdemeanor, gross misdemeanor or felony; or*
 - (b) Convicted of any misdemeanor, gross misdemeanor or felony; and*

8. *Complete 8 hours of training concerning the statutes and regulations relating to long-term care and any other standards of care which apply to health services executives that is approved by the Board.*

Sec. 4. *1. A health services executive may renew his or her license by submitting to the Board not more than 60 days before his or her license expires:*

- (a) An application for the renewal of the license;*
- (b) A nonrefundable renewal fee of \$350; and*
- (c) Evidence satisfactory to the Board that during the 2 years immediately preceding the application for renewal he or she has completed the requirements for continuing education set forth in subsection 1 of section 5 of this regulation.*

2. Every 4 years a health services executive who wishes to renew his or her license pursuant to this section must submit to the Board:

- (a) A complete set of fingerprints and written permission authorizing the Board or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; or*
- (b) Written verification, on a form prescribed by the Board, stating that the fingerprints of the health services executive were taken and directly forwarded electronically or by another means to the Central Repository and that the health services executive has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for its report.*

3. *If a health services executive does not renew his or her license on or before the date for renewal of the license, the license automatically expires.*

4. *A person whose licensure as a health services executive expires pursuant to subsection 3 may apply to have his or her license reinstated by the Board. To have his or her license reinstated, the person must:*

(a) *Submit to the Board an application for licensure as a health services executive and pay the fees required pursuant to section 2 of this regulation;*

(b) *Submit to the Board:*

(1) *A complete set of fingerprints and written permission authorizing the Board or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; or*

(2) *Written verification, on a form prescribed by the Board, stating that the fingerprints of the person were taken and directly forwarded electronically or by another means to the Central Repository and that the person has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for its report; and*

(c) *Complete 8 hours of training concerning the statutes and regulations relating to long-term care and any other standards of care which apply to health services executives that is approved by the Board.*

Sec. 5. 1. *To renew his or her licensure as a health services executive, a licensee must have, in the 2 years immediately preceding the date for renewal of the license, completed 40 continuing education units in a program approved by the Board pursuant to subsection 2. Two*

of the continuing education units must be in professional ethics and two of the continuing education units must be in training concerning the statutes and regulations relating to long-term care and any other standards of care which apply to health services executives.

2. The Board will approve programs for continuing education units for organizations, groups or persons that sponsor educational programs which meet certain criteria as the Board may prescribe. Special forms for requesting approval must be used and are available from the office of the Board. Topics for programs for continuing education units must be related to the domains of practice in the field of long-term care.

3. The Board will not approve more than 8 continuing education units earned in any 24-hour period.

Sec. 6. *A health services executive shall:*

1. Ensure that the nursing facility, residential facility for groups or veterans' home, as applicable, is in compliance with all applicable requirements of:

(a) Chapter 449 of NRS and chapter 449 of NAC; and

(b) Part 483 of Title 42 of the Code of Federal Regulations.

2. Oversee and direct the persons employed by the facility or home as necessary to ensure that the residents of the facility or home receive needed services and protective supervision.

Sec. 7. *1. Only a person who has qualified as a health services executive and who holds a license issued by the Board for the current licensing period may use the title "Health Services Executive," and may use the abbreviation "H.S.E." after his or her name. No other person may use or be designated by such a title or abbreviation or any other words, letters,*

sign, card or device tending to or intending to indicate that the person is a licensed health services executive.

2. If the Board imposes an administrative fine on a person for a violation of subsection 1, the amount of the fine will be at least \$500 for a first violation and at least \$1,000 for a second or subsequent violation, but will not exceed \$10,000 for each violation.

Sec. 8. NAC 654.100 is hereby amended to read as follows:

654.100 1. In addition to the requirements set forth in NRS 654.150 and 654.180, an applicant for a license as a nursing facility administrator must submit evidence satisfactory to the Board that the applicant:

(a) Is 21 years of age or older;

(b) *Is a citizen of the United States or lawfully entitled to remain and work in the United States;*

(c) Has one of the following:

(1) A baccalaureate or master's degree in the administration of nursing facilities or the field of health care from a college or university recognized by the United States Department of Education and has successfully completed at least 1,000 hours:

(I) In a program for training administrators approved by the Board or the National Association of Long Term Care Administrator Boards; or

(II) In an internship or residency program in a facility providing long-term nursing care;

(2) A baccalaureate or master's degree in any field from a college or university recognized by the United States Department of Education and has successfully completed at least 1,200

hours in a program for training administrators approved by the Board or the National Association of Long Term Care Administrator Boards; or

(3) A certificate issued by the American College of Health Care Administrators for the completion of the program for the certification of nursing home administrators;

~~[(e)]~~ (d) Has completed 8 hours of training concerning the statutes and regulations relating to long-term care and any other standards of care which apply to nursing facility administrators that is approved by the Board; and

~~[(d)]~~ (e) Is not the subject of any disciplinary proceeding.

2. A program for training administrators described in subsection 1 must be completed in a nursing facility that has 40 or more beds and must require a person in the program to complete:

(a) All the activities and forms provided in *The NAB Five-Step Program Administrator-in-Training Internship Manual for Nursing Home Administrators* published by the National Association of Long Term Care Administrator Boards;

(b) At least 1,000 hours of training in a period of not less than 20 weeks and include training in the following areas:

- (1) Administration of nursing facilities;
- (2) Personnel management of nursing facilities;
- (3) Nursing;
- (4) Rehabilitation of patients in nursing facilities;
- (5) Management of medical records in nursing facilities;
- (6) Activities for patients of nursing facilities;
- (7) Social services for patients of nursing facilities;

- (8) Admission of patients of nursing facilities;
 - (9) Management of a business office;
 - (10) Dietary needs of patients of nursing facilities;
 - (11) Housekeeping and laundry services provided in nursing facilities; and
 - (12) Maintenance and environmental management of nursing facilities; and
- (c) If the applicant is required to complete 1,200 hours of training pursuant to subparagraph (2) of paragraph ~~(b)~~ (c) of subsection 1, 200 hours of training as follows:
- (1) Sixty-five hours of training on resident care;
 - (2) Forty-five hours of training on personnel management;
 - (3) Twenty-five hours of training on financial management;
 - (4) Twenty-five hours of training on maintenance, housekeeping and laundry; and
 - (5) Forty hours of training on administration.
3. In addition to the requirements set forth in subsection 2, a program for training administrators described in subsection 1 must require a preceptor to supervise each person receiving the training set forth in subsection 2. The preceptor must:
- (a) Be a licensed nursing facility administrator in good standing with the Board;
 - (b) Have practiced as a nursing facility administrator for at least 2 of the preceding 5 years;
 - (c) Have completed a preceptor training program approved by the Board;
 - (d) Determine the order in which the training will be provided to each person he or she supervises; and
 - (e) Record the dates and times that each person he or she supervises completes the training required in each area set forth in subsection 2.

4. Evidence of the successful completion of a program for training administrators submitted pursuant to subsection 1 must be a certificate of completion that is:

- (a) On a form provided by the Board; and
- (b) Signed by the preceptor who supervised the applicant.

5. A program for training administrators completed in another state must be equivalent to those programs approved in this State.

6. Before an applicant for a license as a nursing facility administrator may begin a program for training administrators described in subsection 1, the applicant must obtain approval from the Board to do so.

7. A person or entity must obtain approval of the Board to provide a program for training administrators described in subsection 1. The person or entity seeking approval must submit to the Board a description of the training program and any additional information required by the Board.

Sec. 9. NAC 654.105 is hereby amended to read as follows:

654.105 1. An applicant for a license as a nursing facility administrator must complete an application provided by the Board.

2. The applicant's responses on the application must be typed or printed legibly. An application that is illegible or incomplete will be returned to the applicant.

3. The application must be accompanied by a nonrefundable fee of \$200 ~~[-]~~ *and a nonrefundable fee in an amount fixed by the Board to cover the actual cost of the training required by paragraph (d) of subsection 1 of NAC 654.100;*

4. An application that is not completed within 1 year after the date on which it is submitted to the Board is void, and after that date the applicant must submit a new application accompanied by the required application fee to apply for a license.

Sec. 10. NAC 654.112 is hereby amended to read as follows:

654.112 1. Except as otherwise provided in NAC 654.169, a nursing facility administrator may renew his or her license by submitting to the Board ~~to~~ *not more than 60 days before his or her license expires:*

(a) An application for the renewal of the license;

(b) A nonrefundable renewal fee of \$350;

(c) Evidence satisfactory to the Board that during the 2 years immediately preceding the application for renewal he or she has completed the requirements for continuing education set forth in subsection 2 of NAC 654.130; and

(d) If applicable, the information required pursuant to subsection 2.

2. Every 4 years a nursing facility administrator who wishes to renew his or her license pursuant to this section must submit to the Board:

(a) A complete set of fingerprints and written permission authorizing the Board or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; or

(b) Written verification, on a form prescribed by the Board, stating that the fingerprints of the nursing facility administrator were taken and directly forwarded electronically or by another means to the Central Repository and that the nursing facility administrator has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to

submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for its report.

3. If a nursing facility administrator does not renew his or her license on or before the date for renewal of the license, the license automatically expires.

4. A person whose license as a nursing facility administrator expires pursuant to subsection 3 may apply to have his or her license reinstated by the Board. To have his or her license reinstated, the person must:

(a) Submit to the Board an application for a license as a nursing facility administrator and pay the ~~application fee as~~ fees required pursuant to NAC 654.105;

(b) Submit to the Board:

(1) A complete set of fingerprints and written permission authorizing the Board or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; or

(2) Written verification, on a form prescribed by the Board, stating that the fingerprints of the person were taken and directly forwarded electronically or by another means to the Central Repository and that the person has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for its report;

(c) Complete 8 hours of training concerning the statutes and regulations relating to long-term care and any other standards of care which apply to nursing facility administrators that is approved by the Board; and

(d) Except as otherwise provided in subsection 5, take the written examination required pursuant to NRS 654.150 and receive a passing grade as determined by the National Association of Long Term Care Administrator Boards.

5. A person who applies to have his or her license reinstated pursuant to subsection 4 is not required to take the written examination if the person:

(a) Applies to have his or her license reinstated not later than 5 years after the date on which the license expired; and

(b) Has taken and received a passing grade on the written examination not later than 5 years after the date on which the license expired.

Sec. 11. NAC 654.130 is hereby amended to read as follows:

654.130 1. A program of study to train and qualify applicants for a license as nursing facility administrators offered by any accredited university or college is acceptable and approved for such a purpose.

2. Except as otherwise provided in NAC 654.169, to renew his or her license, a licensee must have, in the 2 years immediately preceding the date for renewal of the license, completed 30 continuing education units in a program approved by the Board pursuant to subsection ~~5.~~ 3. Two of the continuing education units must be in professional ethics and two of the continuing education units must be in training concerning the statutes and regulations relating to long-term care and any other standards of care which apply to nursing facility administrators.

3. ~~Subject to the approval of the Board, not more than a total of 10 continuing education units may be obtained by:~~

~~—(a) Except as otherwise provided in subsection 4, having an article published in a publication concerned with health care, with 10 continuing education units allowed for each published article containing at least 1,500 words;~~

~~—(b) Except as otherwise provided in subsection 4, having an article published in a publication concerned with health care, with 1 continuing education unit allowed for each hour spent writing the article; or~~

~~—(c) Presenting a paper at a meeting of an organization concerned with long-term care, with 1 continuing education unit allowed for each hour spent presenting the paper.~~

~~—4. If an article is self-published by a nursing facility administrator, the nursing facility administrator may not receive the continuing education units that are described in paragraphs (a) and (b) of subsection 3.~~

~~—5.]~~ The Board will approve programs for continuing education units for organizations, groups or persons that sponsor educational programs which meet certain criteria as the Board may prescribe. Special forms for requesting approval must be used and are available from the office of the Board. Topics for programs for continuing education units must be related to the domains of practice in the field of long-term care.

~~[6.]~~ 4. The Board will not approve more than 8 continuing education units earned in any 24-hour period.

Sec. 12. NAC 654.1505 is hereby amended to read as follows:

654.1505 In addition to the requirements of NRS 654.155 and 654.180, an applicant for a license as an administrator of a residential facility for groups must:

1. Possess a high school diploma, general equivalency diploma or degree from an accredited institution of higher learning;
2. Pass an examination administered by the National Association of Long Term Care Administrator Boards;
3. Complete a program of training approved by the Board concerning the statutes and regulations relating to residential group care and any other standards of care which apply to operators of residential facilities;
4. Provide a statement to the Board indicating that to the best of the applicant's knowledge he or she is of good health and free from contagious disease;
5. Indicate whether the applicant suffers from any mental impairment that would affect the ability to perform the duties of an administrator of a residential facility for groups;
6. Be able to communicate adequately in the English language both verbally and in writing;
7. Indicate whether the applicant has been investigated for misconduct or had a license or certificate revoked, modified, limited or suspended, or whether any other disciplinary action or proceeding has been instituted against him or her by any authority in any state;
8. Provide a statement to the Board indicating whether since the age of 18 years the applicant has ever been:
 - (a) Charged with any misdemeanor, gross misdemeanor or felony; or
 - (b) Convicted of any misdemeanor, gross misdemeanor or felony;
9. Submit to the Board:

(a) A complete set of fingerprints and written permission authorizing the Board or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; or

(b) Written verification, on a form prescribed by the Board, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and such other law enforcement agencies as the Board deems necessary; and

10. Provide proof that he or she:

(a) Has :

(1) At least 2 years of experience in ~~long-term~~ health care, including management and supervision, within the 6-year period immediately preceding the date on which he or she submits his or her application;

(2) An associate's degree and at least 1 year of experience in ~~long-term~~ health care, including 6 months of management and supervision, within the 6-year period immediately preceding the date on which he or she submits his or her application; or

(3) A bachelor's degree, master's degree or doctoral degree and at least 6 months of experience in ~~long-term~~ health care, including management and supervision, within the 6-year period immediately preceding the date on which he or she submits his or her application;

(b) Completed 100 hours of study or training approved by the Board in the domains of practice in the field of operating a residential facility for groups; and

(c) Completed 40 hours of study under the supervision of a mentor who has been approved by the Board pursuant to NAC 654.156.

⇒ As used in this subsection, “experience in ~~long-term~~ *health* care” means full-time, or equivalent hourly experience, working in a licensed residential facility for groups, licensed facility for skilled nursing or licensed facility for intermediate care ~~or~~ *or providing home or community-based services related to health care.*

Sec. 13. NAC 654.151 is hereby amended to read as follows:

654.151 1. An applicant for a license as an administrator of a residential facility for groups must complete an application provided by the Board.

2. The applicant’s responses on the application must be typed or printed legibly. An application that is illegible or incomplete will be returned to the applicant.

3. The application must be accompanied by a nonrefundable fee of \$150 ~~and~~ *a nonrefundable fee in an amount fixed by the Board to cover the actual cost of the training required by subsection 3 of NAC 654.1505.*

4. An application that is not completed within 1 year after the date on which it is submitted to the Board is void, and after that date the applicant must submit a new application accompanied by the required application fee to apply for a license.

Sec. 14. NAC 654.152 is hereby amended to read as follows:

654.152 1. Except as otherwise provided in NAC 654.169, an administrator of a residential facility for groups may renew his or her license by submitting to the Board ~~not~~ *more than 60 days before his or her license expires:*

(a) An application for the renewal of his or her license;

(b) A nonrefundable renewal fee of \$350;

(c) Evidence satisfactory to the Board that during the 2 years immediately preceding the application for renewal he or she has completed the requirements for continuing education set forth in subsection 1 of NAC 654.154; and

(d) If applicable, the information required pursuant to subsection 2.

2. Every 4 years an administrator of a residential facility for groups who wishes to renew his or her license pursuant to this section must submit to the Board:

(a) A complete set of fingerprints and written permission authorizing the Board or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; or

(b) Written verification, on a form prescribed by the Board, stating that the fingerprints of the administrator of a residential facility for groups were taken and directly forwarded electronically or by another means to the Central Repository and that the administrator of a residential facility for groups has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for its report.

3. If an administrator of a residential facility for groups does not renew his or her license on or before the date for renewal of the license, the license automatically expires.

4. A person whose license as an administrator of a residential facility for groups expires pursuant to subsection 3 may apply to have his or her license reinstated by the Board. To have his or her license reinstated, the person must:

(a) Submit to the Board an application for a license as an administrator of a residential facility for groups and pay the ~~[application fee as]~~ *fees* required pursuant to NAC 654.151;

(b) Submit to the Board:

(1) A complete set of fingerprints and written permission authorizing the Board or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; or

(2) Written verification, on a form prescribed by the Board, stating that the fingerprints of the person were taken and directly forwarded electronically or by another means to the Central Repository and that the person has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for its report;

(c) Complete 8 hours of training concerning the statutes and regulations relating to residential group care and any other standards of care which apply to operators of residential facilities that is approved by the Board; and

(d) Take the written examination required pursuant to NRS 654.155 and receive a passing grade as determined by the National Association of Long Term Care Administrator Boards.

Sec. 15. NAC 654.168 is hereby amended to read as follows:

654.168 1. The Board may issue a provisional license to an applicant pending final approval of the application by the Board. A provisional license expires 90 days after the date it is issued and is renewable at the discretion of the Board.

2. Upon the written request of a nursing facility administrator, ~~[or an]~~ administrator of a residential facility for groups *or health services executive* who is in good standing, the Board

will transfer the status of his or her license to inactive for a time not to exceed 2 consecutive years. A licensee whose license is on inactive status shall pay a nonrefundable fee of \$50 per year. Upon written request and approval by the Board, a licensee whose license is on inactive status may transfer his or her license to active status if the licensee meets the requirements for continuing education and pays the fees for an active license.

Sec. 16. NAC 654.170 is hereby amended to read as follows:

654.170 If the Board finds that programs of training and instruction conducted within this State are not sufficient in number or content to enable a nursing facility administrator, ~~for an~~ administrator of a residential facility for groups *or health services executive* to meet the requirements established by this chapter and chapter 654 of NRS, it will institute and conduct its own program or arrange or cooperate with organizations in other states to conduct one or more programs accessible to residents of this State. The Board will approve programs conducted within and outside of this State which meet the educational and training requirements established by chapter 654 of NRS and this chapter. Reasonable fees may be charged by the sponsors of programs to persons enrolled in these programs.

Sec. 17. NAC 654.181 is hereby amended to read as follows:

654.181 1. Each person licensed as a nursing facility administrator, ~~for an~~ administrator of a residential facility for groups *or health services executive* shall notify the Board, in writing:

(a) Of any change in his or her residential address, telephone number, electronic mail address or other contact information within 15 days after such a change;

(b) Any time the person ~~becomes~~ *begins* or terminates his or her position as the administrator of record of a facility within 15 days after such an event; or

(c) Of any change in the number of beds authorized in the facility of which the person is the administrator of record.

2. If the Board imposes an administrative fine on a licensee for a violation of subsection 1, the amount of the fine will be at least \$500 for a first violation and at least \$1,000 for a second or subsequent violation, but will not exceed \$10,000 for each violation.

3. If the Board imposes an administrative fine pursuant to subsection 2, and the fine is not paid in accordance with the terms of the written notice to the licensee of the fine, the Board will refer the matter to an investigator and the legal counsel for the Board to initiate disciplinary action against the licensee pursuant to NAC 654.210.

Sec. 18. NAC 654.190 is hereby amended to read as follows:

654.190 1. Each person licensed as a nursing facility administrator, ~~for an~~ administrator of a residential facility for groups *or health services executive* shall conspicuously display the person's original license showing the person is the facility's administrator of record in a public place within the facility of which he or she is the administrator of record.

2. If the Board imposes an administrative fine on a licensee for a violation of subsection 1, the amount of the fine will be at least \$250 for a first violation and at least \$500 for a second or subsequent violation, but will not exceed \$10,000 for each violation.

Sec. 19. NAC 654.210 is hereby amended to read as follows:

654.210 In addition to the reasons set forth in NRS 654.190, *as amended by section 12 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 600, section 18 of Senate Bill No. 71, chapter 326, Statutes of Nevada 2017, at page 1911, section 18 of Senate Bill No. 324, chapter 373, Statutes of Nevada 2017, at page 2312, and section 9 of Senate Bill No. 482,*

chapter 578, Statutes of Nevada 2017, at page 4173, the Board may bring disciplinary action against a licensee or deny the issuance of or refuse to renew a license as a nursing facility administrator, ~~{or-an}~~ administrator of a residential facility for groups *or health services executive* if the Board finds that the applicant or licensee:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license pursuant to this chapter.
2. Is guilty of unprofessional conduct, including, without limitation:
 - (a) Providing services to a patient or resident which the applicant or licensee is not capable of providing with reasonable skill and safety because of his or her use of alcohol or drugs, or because of lack of adequate training, skill or knowledge;
 - (b) Gross or repeated negligence in providing services;
 - (c) Willful noncompliance with any order of the Board or any other enforcement authority;
 - (d) Failure to notify the Board of the loss of a license issued by the Bureau of Health Care Quality and Compliance of the Division of Public and Behavioral Health of the Department of Health and Human Services;
 - (e) Failure to notify the Board of a change in circumstances as required pursuant to NAC 654.181;
 - (f) Paying or giving, or causing to be paid or given, a fee, commission or other valuable consideration, inducement or incentive for the solicitation or procurement of a patient or resident;
 - (g) Paying or giving, or causing to be paid or given, a fee, commission or other valuable consideration, inducement or incentive for referring a patient or resident to a facility;

(h) Providing or giving, or causing to be paid or given, any financial incentive, including, without limitation, a discount on rent or other fees, to a patient, resident, or family member of or responsible party for a patient or resident, to fund a payment to a person or entity for referring the patient or resident to a facility;

(i) Engaging in fraudulent, misleading or deceptive advertising;

(j) Failing to protect the privacy of a resident or patient;

(k) Violating the confidentiality of a resident or patient;

(l) Failing to maintain records as required by law;

(m) Falsifying or altering the records of a resident or patient;

(n) Failing to protect a resident or patient from the incompetent, abusive or illegal practice of any person;

(o) Engaging in sexual contact with a resident or patient;

(p) Engaging in conduct which endangers the safety of the general public, patients, residents, clients or employees by making actual or implied threats of violence or carrying out such threats;

(q) Abusing, exploiting, isolating, neglecting or abandoning a resident or patient as defined in NRS 200.5092; or

(r) Willfully or repeatedly violating the provisions of this chapter.

3. Is convicted in any jurisdiction of:

(a) A felony or any offense involving moral turpitude;

(b) Any offense listed in paragraph (a) of subsection 1 of NRS 449.174;

(c) Any violation of NRS 200.5091 to 200.50995, inclusive;

(d) Any offense which is substantially related to the practice of an administrator ~~[H]~~ *or health services executive*; or

(e) Any offense for driving under the influence of intoxicating liquor or a controlled substance.

4. Has a record of any disciplinary, civil or criminal action taken against the applicant or licensee that has been reported to or is required pursuant to the law of any jurisdiction to be reported to the National Practitioner Data Bank maintained by the Health Resources and Services Administration of the United States Department of Health and Human Services which the Board determines is contrary to the qualifications of an applicant or licensee.

5. Fails to pay an administrative fine levied by the Board pursuant to this chapter or NRS 654.190 ~~[H]~~, *as amended by section 12 of Assembly Bill No. 165, chapter 130, Statutes of Nevada 2017, at page 600, section 18 of Senate Bill No. 71, chapter 326, Statutes of Nevada 2017, at page 1911, section 18 of Senate Bill No. 324, chapter 373, Statutes of Nevada 2017, at page 2312, and section 9 of Senate Bill No. 482, chapter 578, Statutes of Nevada 2017, at page 4173.*

Sec. 20. NAC 654.230 is hereby amended to read as follows:

654.230 1. A nursing facility administrator, ~~[or an]~~ administrator of a residential facility for groups *or health services executive* whose license has been revoked may apply to the Board for reinstatement of his or her license. The Board may reinstate the license if he or she has:

(a) Submitted evidence, satisfactory to the Board, that he or she has removed the deficiency which led to the revocation of the license;

(b) Applied for a license;

- (c) Successfully passed the examination for licensure;
- (d) Completed 8 hours of training that is approved by the Board concerning the statutes and regulations relating to long-term care or residential group care, as applicable, and any other standards of care which apply to nursing facility administrators, ~~for~~ operators of residential facilities ~~or~~ *or health services executives*, as applicable; and
- (e) Meets all the other requirements for licensure as a nursing facility administrator, ~~for an~~ administrator of a residential facility for groups *or health services executive* set forth in this chapter and chapter 654 of NRS.

2. After receipt of an application for reinstatement, the Board will schedule a formal hearing after providing notice in accordance with the provisions of chapter 233B of NRS.

3. If the conviction for which a licensee's license was revoked is reversed on appeal and the licensee is acquitted or discharged, his or her license becomes effective from the date of the acquittal or discharge.

Sec. 21. NAC 654.250 is hereby amended to read as follows:

654.250 1. Except as otherwise provided in subsection 8, a person licensed as a nursing facility administrator *or health services executive* may not be the administrator of record of more than one nursing facility at the same time for more than 90 days in a calendar year.

2. If a person licensed as a nursing facility administrator *or health services executive* is the administrator of record of more than one nursing facility, the person must:

- (a) Immediately notify the Board that he or she is the administrator of record of more than one nursing facility; and

(b) Obtain a secondary administrator's license for each additional nursing facility for which he or she is the administrator of record by paying a nonrefundable fee of \$100 for each license.

⇒ The Board may impose an administrative fine on a licensee for failure to comply with paragraph (a). The amount of such a fine will be at least \$500 for a first violation and at least \$1,000 for a second or subsequent violation, but will not exceed \$10,000 for each violation.

3. Except as otherwise provided in subsections 4 and 8, a person licensed as an administrator of a residential facility for groups *or health services executive* who is the administrator of record for more than one facility may be an administrator of record for not more than 150 beds located in not more than five residential facilities for groups. For purposes of this subsection, multiple facilities located on the same campus are deemed to be a single facility.

4. If a person licensed as an administrator of a residential facility for groups *or health services executive* operates more than one residential facility for groups, the ~~administrator~~ *person* must:

(a) Immediately notify the Board that he or she is operating more than one residential facility for groups; and

(b) Obtain a secondary administrator's license for each additional residential facility for groups that he or she is operating by paying a nonrefundable fee of \$100 for each license.

⇒ The Board may impose an administrative fine on a licensee for failure to comply with paragraph (a). The amount of such a fine will be at least \$500 for a first violation and at least \$1,000 for a second or subsequent violation, but will not exceed \$10,000 for each violation.

5. Each license and secondary license issued by the Board must include the name of the nursing facility or the residential facility for groups for which the license or secondary license

was obtained. The Board will label each secondary administrator's license issued pursuant to subsection 2 or 4 as an "A," "B," "C" or "D" license.

6. A person licensed as a nursing facility administrator and as an administrator of a residential facility for groups , *or a person licensed as a health services executive*, who is the administrator of record for more than one facility may be an administrator of record for not more than 150 beds located in all facilities for which he or she is the administrator of record. For purposes of this subsection, multiple facilities located on the same campus are deemed to be a single facility.

7. A nursing facility administrator , ~~for an~~ administrator of a residential facility for groups *or health services executive* shall surrender and return a license to the Board not later than 15 calendar days after:

(a) Relinquishing his or her responsibilities at the nursing facility or residential facility for groups for which the license was obtained; or

(b) The closure of the nursing facility or residential facility for groups for which the license was obtained.

⇒ The Board may impose an administrative fine on a licensee for failure to comply with this subsection. The amount of such a fine will be at least \$500 for a first violation and at least \$1,000 for a second or subsequent violation, but will not exceed \$10,000 for each violation.

8. Upon application to the Board, a nursing facility administrator , ~~for an~~ administrator of a residential facility for groups *or health services executive* may, at the discretion of the Board, receive a waiver for a specified period of time from the limitations imposed by this section.

9. If the Board imposes an administrative fine pursuant to subsection 2, 4 or 7 and the fine is not paid in accordance with the terms of the written notice to the licensee of the fine, the Board will refer the matter to an investigator and the legal counsel for the Board to initiate disciplinary action against the licensee pursuant to NAC 654.210.