

STATE OF NEVADA
BOARD OF EXAMINERS FOR LONG-TERM CARE ADMINISTRATORS
3157 North Rainbow Boulevard, #313
Las Vegas, Nevada 89108
Telephone: 702-486-5445 Fax: 702-486-5439
Website: www.beltca.Nevada.gov
E-mail: beltca@beltca.nv.gov

PUBLIC WORKSHOP TO SOLICIT COMMENTS ON
PROPOSED AMENDMENTS

Date:	February 1, 2012
	February 2, 2012
Time:	Immediately following the Quarterly Board Meeting
Place of Meeting:	The Grant Sawyer State Office Building 555 East Washington Ave., Room 4412 Las Vegas, Nevada 89101 and
Video Conferencing	Legislative Counsel Bureau Conference Room 2134 401 South Carson Street Carson City Nevada 89701

All times are approximate. The Board reserves the right to take items in a different order, items may be combined for consideration by the Public Body and items may be pulled or removed at any time to accomplish business in the most efficient manner.

- I. OPEN MEETING**
- II. ROLL CALL**

III. PUBLIC COMMENTS

This item is to receive comments, limited to five (5) minutes, on any issue and any discussion of those items. However, no action will be taken on an item raised during Public Comments. Comments based on viewpoint are welcome.

IV. REGULATION WORKSHOP

Conduct workshop to solicit comments from interested persons on amending regulations per the following:

NAC 654.110 Additional requirements for licensure; fee. (NRS 654.110, 654.140, 654.150)

1. In addition to the requirements of NRS 654.150 and 654.180 and NAC 654.100, an applicant for a license as a nursing facility administrator must:

(a) Provide a statement to the Board indicating that to the best of his knowledge he is of good health and free from contagious disease;

(b) Indicate whether he suffers from any mental impairment that would affect his ability to perform the duties of a nursing facility administrator;

(c) Provide proof that he is able to communicate adequately in the English language both verbally and in writing;

(d) Indicate whether he 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 by any authority in any state; and

(e) Provide a statement to the Board indicating whether he has ever been convicted of a felony or any offense involving moral turpitude.

2. The fee for an application for a license as a nursing facility administrator is \$200 as determined by the Board and must be submitted to the Board with the application. The fee accompanying the application is not refundable.

[Bd. of Exam'rs for Nursing Fac. Admin., License Rule No. 8, eff. 12-28-69; A 8-16-75]—(NAC A 2-1-85; 3-27-92; A by Bd. of Exam'rs for Admin'rs of Facilities for Long-Term Care, 11-29-95; R187-97, 3-12-98; R200-99, 3-8-2000; R209-05, 5-4-2006)

NAC 654.112 Renewal of license; fee; use of title; expiration and reinstatement of license. (NRS 654.110, 654.150, 654.170)

1. A nursing facility administrator may renew his license by submitting to the Board:

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

(b) A nonrefundable renewal fee of \$350 as determined by the Board;

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

NAC 654.130 Approval of programs of study; continuing education. (NRS 654.110, 654.150, 654.170)

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 license, a licensee must have completed 30 hours in the 2 years immediately preceding the date for renewal of his license in a program of study for continuing education or 30 continuing education units in a program approved by the Board pursuant to subsection 5, or a combination of both.

3. A program of study for continuing education must be approved by the Board. A program of study is deemed approved by the Board if the program is approved by the National Association of Long Term Care Administrator Boards.

4. Subject to the approval of the Board, not more than a total of 10 hours may be obtained by:

(a) Having an article published (not self-published) in a publication concerned with health care, with 10 hours allowed for each published article containing at least 1,500 words;

(b) Having an article published (not self-published) in a publication concerned with health care, with 1 hour 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 hour allowed for each hour spent presenting the paper.

5. The Board will approve programs for continuing education units to organizations, groups or persons sponsoring 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 field of long-term care and may include, without limitation:

- (a) Administration;
- (b) Clinical management;
- (c) Human resource management;
- (d) Financial management;
- (e) Environmental services;
- (f) Psychosocial care;
- (g) Recreational and;
- (h) Ethics.

6. ~~A person who wishes to receive credit for continuing education received in a program which has not been approved pursuant to subsection 5 must submit a request for approval of continuing education units to the Board before the Board will award credit for the continuing education. A request made pursuant to this subsection must be submitted on a special form available for the office of the Board.~~

[Bd. of Exam'rs for Nursing Fac. Admin., License Rule No. 12, eff. 12-28-69; A 8-16-75]—(NAC A 2-1-85; 3-27-92; A by Bd. of Exam'rs for Admin'rs of Facilities for Long-Term Care, 11-29-95; R187-97, 3-12-98; R200-99, 3-8-2000; R171-01, 6-28-2002)

NAC 654.140 Examination for licensure. (NRS 654.110, 654.150)

1. Examinations for licensure as a nursing facility administrator will be held at such times and places as the Board designates.

2. The written examination must be:

(a) Prepared by the National Association of Long Term Care Administrator Boards or any testing service approved by the Board; and

(b) Administered, in a manner approved by the Board, by the National Association of Long Term Care Administrator Boards or any testing service approved by the Board.

3. To pass the written examination, an applicant must receive ~~a grade of at least 75 percent~~ a passing grade as established by the National Association of Long Term Care Administrator Boards.

4. An applicant who fails an examination may obtain his score from the Board if he makes a written request within 45 days after the Board notifies him that he has failed the examination, or the applicant may purchase a diagnostic score report directly from the professional exam service.

5. An applicant who fails the examination may retake the examination. An applicant who fails the examination on two consecutive occasions must wait 1 year after the date of his last examination to apply for the examination.

[Bd. of Exam'rs for Nursing Fac. Admin., License Rule No. 6, eff. 12-28-69]—(NAC A by Bd. of Exam'rs for Admin'rs of Facilities for Long-Term Care, 11-29-95; R187-97, 3-12-98; R200-99, 3-8-2000)

NAC 654.152 Application fee; renewal of license; renewal fee; expiration and reinstatement of license; continuing education. (NRS 654.110, 654.140, 654.155, 654.170)

1. All applications filed with the Board must be accompanied with a non-refundable fee of \$150, and licensing must be completed within a year of submission or the application will be considered void.

2. Except as otherwise provided in NAC 654.169, an administrator of a residential facility for groups may renew his license by submitting to the Board:

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

(b) A nonrefundable renewal fee of ~~\$350~~ as determined by the Board;

(c) Evidence satisfactory to the Board that he has completed 16 hours of continuing education or has completed 16 continuing education units in a program approved pursuant to subsection 5, or a combination of both, in the 2 years immediately preceding his application for renewal; and

(d) If applicable, the information required pursuant to subsection 3.

NAC 654.155 Qualifications for licensure. (NRS 654.110, 654.155) 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 his knowledge he is of good health and free from contagious disease;
5. Indicate whether he suffers from any mental impairment that would affect his ability to perform the duties of an administrator of a residential facility for groups;
6. Provide proof that he is able to communicate adequately in the English language both verbally and in writing;
7. Indicate whether he 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 by any authority in any state;
8. Provide a statement to the Board indicating whether he or she, since attaining the age of 18 has been charged, even if charges were dropped, or dismissed, or convicted of a criminal offense ~~involving moral turpitude~~ whether a felony, gross misdemeanor or misdemeanor, placed on probation, or granted deferred adjudication, pretrial diversion or had records sealed or expunged, or advised by an attorney that he or she did not have to list the conviction, in any jurisdiction;
9. Have:
 - (a) At least 2 years of experience in residential caregiving or as an administrator of a residential facility for groups within the 6-year period immediately preceding the date he submits his application; or
 - (b) Completed 40 hours of study or training approved by the Board that includes at least one of the topics set forth in subsection 5 of NAC 654.152; and
10. Complete 40 hours of study under the supervision of a mentor who has been approved by the Board pursuant to section 4 of this regulation.

(Added to NAC by Bd. of Exam'rs for Admin'rs of Facilities for Long-Term Care, eff. 11-29-95; A by R187-97, 3-12-98; R200-99, 3-8-2000; R171-01, 6-28-2002; R131-04, 9-24-2004)

NAC 654.157 Licensure without examination. (NRS 654.110, 654.180)

1. An applicant who wishes to obtain a license as an administrator of a residential facility for groups without taking the examination required by NRS 654.155 must submit evidence satisfactory to the Board that:

(a) He is licensed as an administrator of a residential facility for groups in a state that requires a person to pass the national examination administered by the National Association of Examiners of Long Term Care Administrator Boards to obtain such a license, and provide documentation indicating a passing score on the national examination;

(b) His license in that state is in good standing; and

(c) He has complied with all other requirements for licensure as an administrator of a residential facility for groups set forth in this chapter and chapter 654 of NRS.

2. An applicant who wishes to be licensed pursuant to this section will be denied licensure if he has a record of any disciplinary, civil or criminal action taken against him for activities that the Board finds to be contrary to the qualifications for a licensee that is listed on a federal, state or private registry or data bank, including, without limitation, the Healthcare Integrity and Protection Data Bank maintained by the Health Resources and Services Administration of the United States Department of Health and Human Services.

(Added to NAC by Bd. of Exam'rs for Admin'rs of Facilities for Long-Term Care by R200-99, eff. 3-8-2000; A by R171-01, 6-28-2002)

NAC 654.162 Examination for licensure; fee. (NRS 654.110, 654.140, 654.155)

1. Examinations for licensure as an administrator of a residential facility for groups will be held at such times and places as the Board designates. The fee for each examination will be established by the Board in an amount to cover the cost of administering the examination. The fee is not refundable.

2. A passing grade will be determined by the National Association of Long Term Care Administrator Boards. An applicant who fails the examination may obtain his score if he makes a written request to the Board within 45 days after the Board notifies him that he failed the examination.

3. An applicant who fails the examination may retake the examination ~~not more than three~~ one additional time ~~times~~ within the year after the date on which he first took the examination. An applicant must pay the fee for the examination each time he retakes the examination.

(Added to NAC by Bd. of Exam'rs for Admin'rs of Facilities for Long-Term Care, eff. 11-29-95; A by R

NAC 654.165 Use of title. (NRS 654.110)

1. Only a person who holds a valid license for the current licensing period as an administrator of a residential facility for groups may use the title "Residential Facility Administrator," and may use the abbreviation "R.F.A." after his 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 intended to indicate that the person is licensed as an administrator of a residential facility for groups.

2. If the Board imposes an administrative fine on a licensee 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.

(Added to NAC by Bd. of Exam'rs for Admin'rs of Facilities for Long-Term Care, eff. 11-29-95)

NAC 654.166 Duties. (NRS 654.110) Each administrator of a residential facility for groups:

1. Shall ensure that the facility complies with all applicable requirements of chapter 449 of NRS and chapter 449 of NAC; and

2. Is required to have a physical presence and is responsible for the oversight and direction of the members of the staff of the facility as necessary to ensure that the residents of the facility receive needed services and protective supervision.

(Added to NAC by Bd. of Exam'rs for Admin'rs of Facilities for Long-Term Care by R131-04, eff. 9-24-2004)

NAC 654.168 Provisional licensure; inactive status; fee. (NRS 654.110)

~~1. The Board may issue a provisional license to an applicant pending receipt of the report of the Federal Bureau of Investigation concerning the criminal history of the applicant if the Board determines that the applicant is otherwise qualified. A provisional license expires 90 days after the date it is issued and is renewable at the discretion of the Board.~~

21. Upon the written request of a nursing facility administrator or an administrator of a residential facility for groups who is in good standing, the Board will transfer the status of his license to inactive for a time not to exceed 2 years. A licensee whose license is on inactive status shall pay a nonrefundable fee of \$50 as determined by the Board per year. Upon written request and approval by the Board, a licensee whose license is on inactive status may transfer his license to active status if the licensee meets the requirements of continuing education and pays the fees for an active license.

(Added to NAC by Bd. of Exam'rs for Admin'rs of Facilities for Long-Term Care, eff. 11-29-95; A by R187-97, 3-12-98; R171-01, 6-28-2002; R131-04, 9-24-2004; R209-05, 5-4-2006)

NAC 654.169 Renewal of license. (NRS 654.110, 654.170) A licensee who holds both a license as a nursing facility administrator and a license as an administrator of a residential facility for groups may renew his license as a nursing facility administrator and his license as an administrator of a residential facility for groups if he has completed a total of 30 and 16 continuing education units specific to that license in programs approved by the Board pursuant to NAC 654.130 or 654.152.

(Added to NAC by Bd. of Exam'rs of Admin'rs of Facilities for Long-Term Care by R187-97, eff. 3-12-98)

NAC 654.181 Notification of Board regarding certain changes in circumstances. (NRS 654.110)

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

a. Of any change in his residential address within 15 days after such a change; or

b. Any time he becomes the administrator of record of a different facility within 15 days after such an event.

c. Any time there is a change in the number of licensed beds at a facility.
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 other action as determined by the Board and at least \$1,000 for a second or subsequent violation, but will not exceed \$10,000 for each violation.

(Added to NAC by Bd. of Exam'rs for Admin'rs of Facilities for Long-Term Care by R131-04, eff. 9-24-2004)

NAC 654.190 Display of license. (NRS 654.110) Each person licensed as a nursing facility administrator or an administrator of a residential facility for groups shall conspicuously display his original license naming that facility in a public place within the facility of which he is the administrator of record.

[Bd. of Exam'rs for Nursing Fac. Admin., License Rule No. 20, eff. 12-28-69; renumbered as No. 19, 8-16-75]—
(NAC A by Bd. of Exam'rs for Admin'rs of Facilities for Long-Term Care, 11-29-95; R171-01, 6-2)

NAC 654.200 Issuance of duplicate license; fee. (NRS 654.110) After the receipt of satisfactory evidence that a license has been lost, mutilated or destroyed; or an administrator requires a name change due to marriage, divorce, etc.; or a facility name change or a change in the number of licensed beds, the Board will issue a duplicate license upon payment of a nonrefundable fee of \$25.

[Bd. of Exam'rs for Nursing Fac. Admin., License Rule No. 21, eff. 12-28-69; renumbered as No. 20, 8-16-75]—
(NAC A 2-1-85; A by Bd. of Exam'rs for Admin'rs of Facilities for Long-Term Care, 11-29-95; R131-04, 9-24-2004)

NAC 654.210 Grounds for disciplinary action, denial of license or refusal to renew license. (NRS 654.110)

In addition to the reasons set forth in NRS 654.190, 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 if, ~~after notice and hearing~~, the Board finds that the applicant or licensee:

(h) Referring a patient or resident to a facility in which the applicant or licensee is employed or otherwise has an interest if the employment or interest was not disclosed, both verbally and in writing, to the patient or resident, his family or his agent by the applicant or licensee or his representative, an administrator shall not: pay or receive a fee, inducement or incentive for any reason for prospective clients, or from any person or entity; give a discharge planner, case manager, social worker or any other person who has the responsibility of discharge planning, a fee or incentive for prospective clients;

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

(j) Receiving a conviction in any jurisdiction for a felony or for any offense involving moral turpitude, including, without limitation:

(1) Murder, voluntary manslaughter or mayhem;

(2) Assault with intent to kill or to commit sexual assault or mayhem;

(3) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(4) Prostitution, solicitation, lewdness or indecent exposure or any other sexually related crime that is punished as a felony;

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

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

(47) Abuse or neglect of a child or contributory delinquency;

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

(59) A violation of any provision of NRS 200.50955 or 200.5099;

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

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

NAC 654.250 Limitations on administration of multiple facilities; secondary administrator's license; fee; waiver. (NRS 654.110)

1. Except as otherwise provided in subsection 6, a person licensed as a nursing facility administrator 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 without approval by the Board.
2. Except as otherwise provided in subsections 3 and 6, a person licensed as an administrator of a residential facility for groups may be an administrator of record for not more than 150 beds located in not more than five residential facilities for groups.
3. If a person licensed as an administrator of a residential facility for groups operates more than one residential facility for groups, the administrator must:

(a) Immediately notify the Board that he 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 is operating by paying a nonrefundable fee of \$100 for each license with the name of the facility imprinted on each license.

The Board may impose an administrative fine on a licensee for failure to comply with paragraph (a). The amount of such 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.

4. The Board will label each secondary administrator's license issued pursuant to subsection 3 as an "A," "B," "C" or "D" license.

5. An administrator of a residential facility for groups who obtains a secondary administrator's license pursuant to subsection 3 shall surrender and return each secondary administrator's license to the Board upon:

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

(b) The closure of the residential facility for groups for which the license was obtained; and

(c) A licensee who fails to return a license naming a facility after terminating his affiliation with that facility or the closure of the facility within 15 days of such event will be subject to a fine of \$500 for a first violation and at least \$1000 for a second or subsequent violation, but will not exceed \$10,000 for each violation.

(d) No license can be issued naming a facility until the previous license is returned to the Board.

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

(Added to NAC by Bd. of Exam'rs for Nursing Fac. Admin., eff. 3-27-92; A by Bd. of Exam'rs for Admin'rs of Facilities for Long-Term Care, 11-29-95; R187-97, 3-12-98; R131-04, 9-24-2004; R209-05, 5-4-2006)

V. PUBLIC COMMENTS

This item is to receive comments, limited to five (5) minutes, on any issue and any discussion of those items. However, no action will be taken on an item raised during Public Comments. Comments based on viewpoint are welcome.

VI. ADJOURNMENT

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary please notify the Board of Examiners for Long Term Care Administrators by calling the Board Office at 70-486-5445, or by e-mail at: beltca@beltca.nv.gov.

Copies of BELTCA's Meeting Minutes are available at no charge at BELTCA's web site at:
Beltca.Nevada.gov

**The Notice was posted at the following locations:
BELTCA'S website: www.beltca.Nevada.gov**

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

BELTCA
3157 North Rainbow Blvd., #313
Las Vegas, NV 89018
Fax: 702-486-5439

ADSD
3416 Goni Rd., Building – D 132
Carson City, NV 89706
Fax: 775-687-4264

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

HCQC
727 Fairview Dr., Suite E
Carson City, NV 89706
Fax: 775-684-4455

HCQC
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

Wendy Simons, Chief HCQC, CC
Patricia Chambers, HCQC, CC
Paul Shubert, HCQC, LV
Julie Bell, HCQC, LV
Donna McAfferty, HCQC, LV
Charles Perry, Executive Director, NHCA
Lynn Ann Homnick
Daniel Mathis

Kay Panelli, Chief of Elder Rights, CC
Jill Berntson, ADS, Reno
Teresa Stricker, ADS, LV
Donald Sampson, HCQC, LV
Sue Levinsky, ADS, LV
Rosemary Womack, The Abba Group
Heather Korbolic, ADS
Shawn McGivney, MD, RFA

By Mail:

Rexanne O. Warner, United Health Care
Bureau, LV Rev-Journal

Paul Harrasim, LV Rev-JournalEd Vogel, Capitol