

**STATE OF NEVADA
BOARD OF EXAMINERS FOR LONG-TERM CARE ADMINISTRATORS**

Minutes of Regulation Workshop

February 1, 2012 and February 2, 2012

**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**

- I. Chair, Margaret McConnell called the meeting to order at 11:48 a.m.
- II. Executive Secretary, Sandy Lampert called the roll and a quorum was present.

Board Members:

Margaret McConnell, Chair	Mary Ellen Wilkinson, Vice Chair
Douglas Sinclair, Secretary/Treasurer	Terry Clodt
Lindsay Hansen, M.D.	Linda Gelinger, NFA - Excused
Carol Sala, Administrator, ADSD - Excused	

Staff:

Sophia G. Long, Esq. DAG	Sandy Lampert, Executive
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- III. Public Comments
- IV. Regulation Workshop – The Board reviewed the following items as noted and recommended the following amendments:

NEVADA ADMINISTRATIVE CODE

CHAPTER 654 - ADMINISTRATORS OF FACILITIES FOR LONG-TERM CARE

NURSING FACILITY ADMINISTRATORS

654.100	Qualifications; program for training
654.110 105	Additional requirements for licensure; fee
654.110	Application for Licensure; fee; time of completion
654.111	Licensure without examination



- [654.112](#) ~~Renewal of license; fee; use of title; expiration and reinstatement of license~~ Examination for licensure
- [654.113](#) Renewal of license, fee and expiration of license
- [654.130](#) Approval of programs of study; continuing education
- [654.140](#) Examination for licensure
- [654.142](#) Duties
- [654.144](#) Use of title; administrative fine

ADMINISTRATORS OF RESIDENTIAL FACILITIES FOR GROUPS

- [654.150](#) Qualifications for licensure
- [654.151](#) Application for licensure; fee; time for completion
- [654.155](#) Licensure without examination
- [654.157](#) Licensure without examination
- [654.160](#) Examination for licensure; fee
- [654.162](#) Examination for licensure; fee Renewal of license; fee; expiration and reinstatement of license; continuing education
- [654.164](#) Approval of mentor of applicant for licensure
- [654.165](#) Use of title; administrative fine Duties
- [654.166](#) Duties Use of title; administrative fine

NURSING FACILITY ADMINISTRATORS

NAC 654.100 Qualifications; program for training. ([NRS 654.110](#), [654.150](#))

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) Has one of the following:

- (1) A master's degree in the administration of nursing facilities or a related field from a college or university recognized by the United States Department of Education with at least 1,000 hours of AIT;

- (2) A baccalaureate degree from a college or university recognized by the United States Department of Education and, if the applicant has not completed an internship or residency in a facility providing long term nursing care, has successfully completed at least 1,000 hours of approved AIT

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- (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; and

- (c) Is not the subject of any disciplinary proceeding.

2. In addition to the requirements set forth in [NRS 654.150](#) and [654.180](#), A program for training administrators described in subsection 1 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* published by the National Association of Long Term Care Administrator Boards; and

- (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.

3. In addition to the requirements set forth in subsection 2, a program for training administrators described in subsection 1 **and 2** must require:

(a) A nursing facility administrator who is licensed in this State, is in good standing with the Board and has practiced as an administrator for at least 2 years to supervise the training of each person in the program in the areas set forth in subsection 2;

(b) The administrator to determine the order in which the training will be provided to each person he or she supervises; and

(c) The administrator to 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 administrator 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 seeking the approval of the Board to provide a program for training administrators described in subsection 1, **must meet the requirements of the Board and must** submit to the Board a description of the training program and any additional information required by the Board.

[Bd. of Exam'rs for Nursing Fac. Admin., License Rule No. 7, 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; A by Bd of Exam'rs for Long-Term Care Admin'rs by R129-09, 10-15-2010)

NAC 654.110-105 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 the applicant's knowledge he or she is of good health and free from contagious disease;

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

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

(d) 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; and

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

[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 654.110 Application for licensure; fee; time of completion. (NRS 654.110, 654.140, 654.155)

1. An applicant for a license as an administrator of a nursing facility 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 as determined by the Board but not to exceed \$250.00 (NRS 654.140).
4. An application that is not completed within 2 1 years 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 all of the required application fees to apply for a license.

NAC 654.111 Licensure without examination. (NRS 654.110, 654.180)

1. An applicant who wishes to obtain a license as a nursing facility administrator without taking the examination required by [NRS 654.150](#) must submit an application to the Board with the applicable fees and evidence satisfactory to the Board that:

(a) The applicant has a Master's Degree in the administration of nursing facilities or a related field from a college or university recognized by the United States Department of Education with 1,000 hours of AIT; or

(b) The applicant has obtained a bachelor of arts or bachelor of science degree baccalaureate degree from a college or university accredited recognized by the United States Department of Education and has successfully completed at least 1,000 hours of AIT or a program for training administrators approved by the Board or National Association of Long Term Care Administrator Boards.

(c) The applicant is licensed as a nursing facility administrator in a state that requires a person to pass the examination administered by the National Association of Long Term Care Administrator Boards to obtain such a license.

(d) The applicant's score on the examination administered by the National Association of Long Term Care Administrator Boards is valid. For purposes of this paragraph, a score is valid if the applicant's license as a nursing facility administrator in another state has not lapsed or been suspended, revoked or otherwise restricted since the date that the score was issued by the National Association of Long Term Care Administrator Boards.

(e) The applicant's license in that state is in good standing and has been in good standing for the 2 years immediately preceding the date that he or she submits his or her application to the Board.

(f) The applicant was licensed as a full-time administrator of record of a nursing facility for the 2 years immediately preceding the date that he or she submits his or her application to the Board.

(g) Any license as a nursing facility administrator granted to the applicant by the licensing authority of another jurisdiction has not been suspended, revoked or otherwise restricted for any reason other than nonrenewal of the license or failure to obtain the required continuing education credits in a jurisdiction in which the applicant is licensed but is not currently engaged in the practice of nursing facility administration, evidence of which must be provided to the Board directly by the licensing authority of that jurisdiction.

(h) The applicant has complied with all other requirements for licensure as a nursing facility administrator set forth in this chapter and [chapter 654](#) of NRS.

2. The Board will review the evidence presented pursuant to this section to determine whether the applicant is eligible for licensure pursuant to this chapter and [chapter 654](#) of NRS.

3. The Board may, upon good cause shown, waive any of the requirements of subsection 1 other than a requirement set forth in [chapter 654](#) of NRS.

(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 R209-05, 5-4-2006; A by Bd. Of Exam'rs for Long-Term Care Admin'rs by R129-09, 10-15-2010)

NAC 654.140~~112~~ 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 or her score from the Board if he makes a written request within 45 days after the Board notifies the applicant that he or she has failed the examination, or the applicant may purchase a diagnostic score report directly from the professional exam service.

5-4. 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 or her 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; A by Bd. Of Exam'rs for Long-Term Care Admin'rs by R129-09, 10-15-2010)

NAC 654.112113 Renewal of license; fee and expiration and reinstatement of license. (NRS 654.110, 654.150, 654.170)

1. A nursing facility administrator may renew his or her 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 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 complete set of fingerprints or a receipt indicating that fingerprints have been submitted electronically and written permission a completed Civil Applicant Waiver 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.
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. and may be reinstated by the Board if the licensee submits an application for reinstatement and complies with the provisions of [NAC 654.100](#) and [654.110](#) and complies with the provisions of [NAC 654.140](#), unless exempted pursuant to [NAC 654.111](#).

[Bd. of Exam'rs for Nursing Fac. Admin., License Rule No. 15, eff. 12-28-69; A and renumbered as No. 14, 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; R200-99, 3-8-2000, eff. 1-1-2001; R171-01, 6-28-2002; R131-04, 9-24-2004; R209-05, 5-4-2006; A by Bd. Of Exam'rs for Long-Term Care Admin'rs by R129-09, 10-15-10)

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 or her license, a licensee must have completed 30 hours in the 2 years immediately preceding the date for renewal of the license in a program of study for continuing education or of 30 continuing education units in a program approved by the Board pursuant to subsection 5, or a combination of both with 2 hours devoted to regulations and 2 hours devoted to ethics.
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; A by Bd. Of Exam'rs for Long-Term Care Admin'rs by R129-09, 10-15-2010)

NAC 654.144 Use of title; administrative fine. (NRS 654.110, 654.190)

1. Only a person who has qualified as a licensed nursing facility administrator while practicing in Nevada and who holds a Nevada license for the current licensing period may use the title "Nursing Facility Administrator" and may use the abbreviation "N.F.A." 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 intended to indicate that the person is a licensed nursing facility administrator.
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 Long-Term Care Admin'rs by R129-0, eff. 10-15-2010)

ADMINISTRATORS OF RESIDENTIAL FACILITIES FOR GROUPS

NAC 654.155 150 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 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. Provide proof that he or she is 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 the applicant, since the age of 18, has been charged, even if charges were dropped, or dismissed, or has ever been convicted of a felony or any 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 or she 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 [NAC 654.156](#).

(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; A by Bd. of Exam'rs for Long-Term Care Admin'rs by R129-09, 10-15-2010)

NAC 654.151 Application for licensure; fee; time of completion. ([NRS 654.110](#), [654.140](#), [654.155](#))

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 as determined by the Board but not to exceed \$150.00 ([NRS 654.140](#)).

4. An application that is not completed within 2 1/2 years 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.

(Added to NAC by Bd. of Exam'rs for Long-Term Care Admin'rs by R129-09 eff. 10-15-2010)

NAC 654.157 155 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) The applicant 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;

(b) The applicant's license in that state is in good standing; and

(c) The applicant was licensed as a full-time administrator of record of a residential facility for the 2 years immediately preceding the date that he or she submits his or her application to the Board; and

(d) The applicant 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 or she has a record of any disciplinary, civil or criminal action taken against him or her 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; A by Bd. of Exam'rs for Long-Term Care Admin'rs by R129-09, 10-15-2010)

NAC 654.162 160 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 or her score if he makes a written request to the Board within 45 days after the Board notifies him or her that he or she failed the examination.

3. An applicant who fails the examination may retake the examination not more than three 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 or she retakes the examination. An applicant who fails the examination on two consecutive occasions must wait 1 year after the date of his or her last examination to apply for 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 R187-97, 3-12-98; R200-99, 3-8-2000; R209-05, 5-4-2006; A by Bd. of Exam'rs for Long-Term Care Admin'rs by R129-09 10-15-2010)

NAC 654.152 162 Renewal of license; fee; expiration and reinstatement of license; continuing education. (NRS 654.110, 654.155, 654.170)

1. 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 or her license;
 - (b) A nonrefundable renewal fee of \$350 as determined by the Board;
 - (c) Evidence satisfactory to the Board that the licensee 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 or her application for renewal with 2 hours devoted to regulations and 2 hours on ethics; 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 complete set of fingerprints or a receipt indicating that fingerprints have been submitted electronically and written permission a completed Civil Applicant Waiver 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.
3. If an administrator of a residential facility for groups does not renew his license on or before the date for renewal of the license, the license automatically expires. and may be reinstated by the Board if the licensee submits an application for reinstatement and complies with [NAC 654.151](#) and [654.155](#) and complies with the provisions of [NAC 654.162](#), unless exempted pursuant to [NAC 654.157](#).
4. A program of study for continuing education must be approved by the Board.
5. The Board will approve programs for continuing education units for 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 activities; and
 - (h) Ethics.
6. A licensee who is approved by the Board to serve as a mentor pursuant to [NAC 654.156](#) may receive credit for not more than 10 hours of continuing education during each renewal period by supervising the study of an applicant for a license as an administrator of a residential facility for groups. One hour of credit will be awarded for each 4 hours of actual supervision.
7. A person who wishes to receive credit for continuing education received in a program which has not been approved pursuant to subsection 4 or 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 from the office of the Board.

(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; R200-99, 3-8-2000, eff. 1-1-2001; R171-01, 6-28-2002; R131-04, 9-24-2004; R209-05, 5-4-2006; A by Bd. of Exam'rs for Long-Term Care Admin'rs by R129-09, 10-15-2010)

NAC 654.156 164 Approval of mentor of applicant for licensure. (NRS 654.110)

1. A person who wishes to mentor an applicant for a license as an administrator of a residential facility for groups as required for such applicants pursuant to subsection 10 of [NAC 654.155](#) must be approved to serve as a mentor meet requirements as established by the Board.
2. The Board may approve a person to serve as a mentor if the person completes an application provided by the Board and demonstrates that he or she:
 - (a) Holds a license issued by the Board as an administrator of a residential facility for groups;
 - (b) Has at least 2 years of experience as an administrator of a residential facility for groups;

- (c) Has completed a course that has been approved by the Board for the training of mentors ~~within 2 years after the date on which the application for approval is submitted~~ and a refresher course every 2 years thereafter; and
 - (d) Is able to communicate effectively orally and in writing.
3. The Board may deny approval for a person to serve as a mentor if:
- (a) The person has been the subject of a disciplinary action brought the Board; or
 - (b) The person has been the administrator of record of a residential facility for groups that has been the subject of an action brought by the Health Division of the Department of Health and Human Services against the holder of the license to operate the facility.

NAC 654.166 165 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 449.002 to 449.99939](#), inclusive; and
 - 2. 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 654.165 166 Use of title; administrative fine. (NRS 654.110, 654.190)

- 1. Only a person who ~~has qualified as a licensed residential facility administrator while practicing in Nevada and who~~ holds a valid Nevada 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; A by Bd. of Exam'rs for Long-Term Care Admin'rs by R129-09, 10-15-2010)

PROVISIONS APPLICABLE TO BOTH NURSING FACILITY ADMINISTRATORS AND ADMINISTRATORS OF RESIDENTIAL FACILITIES FOR GROUPS

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

- 1. The Board may issue a provisional license to ~~an applicant~~ a licensee 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 ~~final approval of a license by the full 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 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 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 or her 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 or

her license as a nursing facility administrator and his or her license as an administrator of a residential facility for groups if the licensee 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](#) with 2 hours being devoted to regulations and 2 hours on ethics.

(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; administrative fine. ([NRS 654.110](#), [654.190](#))

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 and/or contact information provided to the Board such as phone number and email address within 15 days after such a change; or

(b) Any time he or she 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 for 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 \$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; A by Bd. of Exam'rs for Long-Term Care Admin'rs by R129-09, 10-15-2010)

NAC 654.190 Display of license; administrative fine. ([NRS 654.110](#); [654.190](#))

1. Each person licensed as a nursing facility administrator or an administrator of a residential facility for groups shall conspicuously display the person's original license naming that facility 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 and/or other disciplinary action as deemed appropriate by the Board on a licensee for a violation of subsection 1, the amount of the fine will be at least \$250 for the first violation and at least \$500 for a second or subsequent violation, but will not exceed \$10,000 for each violation.

[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, 6-28-2002; R131-04, 9-24-2004; A by Bd. of Exam'rs for Long-Term Care Admin'rs by R129-09, 10-15-2010)

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 as determined by the Board.

[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; R187-97, 3-12-98; R209-05, 5-4-2006)

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 among other things:

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) Conviction for violation of any federal or state law or regulation governing the prescription, possession, distribution or use of a controlled substance or any dangerous drug as defined in [chapter 454](#) of NRS, within the past 7 years;

(e) Failure to notify the Board of the loss of a license issued by the Bureau of Licensure and Certification of the Health Division of the Department of Health and Human Services;

(f) Failure to notify the Board of a change in circumstances as required pursuant to [NAC 654.181](#);

(g) ~~Paying or giving, or causing to be paid or given, a commission or other valuable consideration for the solicitation or procurement of a patient or resident if the source and amount of the commission was not fully disclosed, both verbally and in writing, to the patient or resident, his or her family or his or her agent~~ Giving 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;

(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 or her family or his or her agent by the applicant or licensee or a representative of the applicant or licensee;~~

(i) Accepting any fee, inducement or incentive, for any reason, ; or

(~~j~~) Engaging in fraudulent, misleading or deceptive advertising;

(~~j~~) k) 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 within the immediately preceding 7 years;

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

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

(~~7~~) 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](#);

(~~9~~) A violation of any provision of [NRS 200.50955](#) or [200.5099](#);

(~~10~~) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years; and

(~~11~~) Any other felony involving the use of a firearm or other deadly weapon, within the immediately preceding 7 years;

(k) Receiving a conviction in any jurisdiction for:

(1) Any offense which is substantially related to the practice of an administrator; or

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

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

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

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

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

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

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

(r) 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;

(s) Abusing, exploiting, isolating or neglecting a resident or patient as defined in [NRS 200.5092](#); or

3. 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 Healthcare Integrity and Protection 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.

[Bd. of Exam'rs for Nursing Fac. Admin., License Rule No. 16, eff. 12-28-69; A and renumbered as No. 15, 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; R187-97, 3-12-98; R171-01, 6-28-2002; R131-04, 9-24-2004)

NAC 654.220 Complaints: Filing; investigation; formal hearing; service of notice; disciplinary action or dismissal of charges; report of discipline imposed; voluntary surrender of license. ([NRS 654.110, 654.190](#))

1. Any person who becomes aware that a person licensed pursuant to the provisions of [chapter 654](#) of NRS is engaged in conduct which constitutes grounds for disciplinary action may file a complaint with the Board. The complaint must be in writing and signed by the complainant.

2. The Board will permit the licensee to provide proof satisfactory to the Board that he or she was not engaged in conduct which is grounds for disciplinary action.

3. A member of the Board, or a committee appointed by the Board to review cases, will review each complaint and conduct an investigation to determine whether there is a reasonable basis for the complaint. A member of the Board who participated in the investigation may not participate in the decision whether to take further action on the complaint following the investigation and may not participate in any subsequent hearing or action by the Board relating to the complaint.

4. If a member of the Board, or a committee appointed by the Board to review cases, decides to proceed with disciplinary action;

(a) the member of the Board or committee may recommend a proposed disciplinary action. The proposed action to be sent to the licensee at which time the licensee can agree with the proposal and execute a Stipulation for Settlement of Disciplinary Action, or request a public hearing; or

(b) the member of the Board or committee will refer the case to a prosecutor to bring charges against the licensee in the manner set forth in NRS 622A.300. If charges are brought against the licensee, the Board will:

(i) Set a time and place for a formal hearing; and

(ii) Conduct the hearing in compliance with the provisions of [chapters 233B](#) and 622A of NRS.

5. If the Board determines by a finding of substantial evidence that the licensee was engaged in conduct which is grounds for disciplinary action, it may order that the licensee:

(a) Be placed on probation for a specified time with conditions that the Board considers appropriate which may include, without limitation, restricting the number of facilities for which the licensee may act as an administrator or record.

(b) Receive a public reprimand.

(c) Have restrictions placed on his practice, including, without limitation, prohibiting the licensee from transporting patients or residents by motor vehicle if the licensee has been convicted for any offense for driving under the influence of intoxicating liquor or a controlled substance.

(d) Receive a suspension for a specified time or until further order of the Board.

(e) Have his or her license revoked.

(f) Participate in a program for the treatment of substance abuse.

(g) Pay an administrative fine, pursuant to NRS 654.190, of not more than \$10,000 for each violation.

6. If the Board determines that the licensee was not engaged in conduct which is grounds for disciplinary action, the Board will dismiss the charges in writing and notify the licensee that the charges have been dismissed.

7. If discipline is imposed against a licensee pursuant to this section, the Board will report the disciplinary action to 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 or its successor.

8. The Board may, subject to the provisions of NRS 654.190, accept the voluntary surrender of a license.

[Bd. of Exam'rs for Nursing Fac. Admin., License Rule No. 17, eff. 12-28-69; renumbered as No. 16, 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; R171-01, 6-28-2002; A by Bd. of Exam'rs for Lon-Term Care Admin'rs by R129-09, 10-15-2010)

NAC 654.230 Reinstatement of license. ([NRS 654.110](#))

1. A nursing facility administrator or an administrator of a residential facility for groups 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; and
 - (d) Completes 8 hours of Regulation Training approved by the Board; and
 - (e) Meets all other requirements for licensure as a nursing facility administrator or an administrator of a residential facility for groups 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.
- [Bd. of Exam'rs for Nursing Fac. Admin., License Rule No. 19, eff. 12-28-69; renumbered as No. 18, 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; R171-01, 6-28-2002)

NAC 654.250 Limitations on administration of multiple facilities; secondary administrator's license; fee; administrative fine; waiver. ([NRS 654.110](#), [654.140](#), [654.190](#))

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 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 **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 or her responsibilities at the residential facility for groups for which the license was obtained; or
 - (b) The closure of the residential facility for groups for which the license was obtained.
- (c) **A licensee who fails to return a license naming a facility after terminating his or her 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 \$1,000 for a second or subsequent violation, but will not exceed \$10,000 for each violation.**
 - (d) **A license cannot be issued naming a facility until the previous license is returned to the Board.**

This provision may be waived at the discretion of 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, 5-4-2006A by Bd. of Exam'rs for Long-Term Care Admin'rs by R129-09, 10-15-2010)

V. Public Comments

VI. Adjournment – Chair, Margaret McConnell called for a motion to adjourn. Lindsay Hansen so moved. Mary Ellen Wilkinson seconded. Motion carried.

Respectfully submitted:

Sandy Lampert

Sandy Lampert
Executive Secretary

Attested:

Douglas Sinclair

Douglas Sinclair
Secretary/Treasurer