

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 9:30 am on July 26, 2016 to be video-conferenced in the following locations:

Sawyer State Office Building
555 East Washington Avenue
Room 4401
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:

9:30 A.M. Public Hearing and Possible Adoption of Proposed Amendments to NAC 654 are related to the licensure requirements for Nursing Facility Administrators and Residential Facility Administrators, License Renewals for Nursing Facility Administrators and Residential Facility Administrators and status notices required from licensed 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 Nursing Facility Administrators and Residential Facility Administrators, License Renewals for Nursing Facility Administrators and Residential Facility Administrators and status notices required from licensed 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 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 July 12, 2016**. 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
Carrie Embree, ADSD
Charles Perry
Jennifer Williams-Woods - ADSD
Theresa Brushfield
Susan Magluilo, Administrator
Minou Nelson, DPBH

Jill Berntson, ADSD, Reno
Teresa Stricker, ADSD, LV
E. Beck (Grant Sawyer State Office Bldg)
Daniel Mathis, NVHCA
Shawn McGivney
Mark McBride, Administrator
Donald Sampson, DPBH
Blayne Osborn, NRHP

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

LCB File No. R030-16

May 2, 2016

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

AUTHORITY: §1, NRS 654.110 and 654.150; §2, NRS 654.110, 654.140 and 654.150; §3, NRS 654.110, 654.150 and 654.170; §4, NRS 654.110, 654.140 and 654.155; §5, NRS 654.110, 654.155 and 654.170; §6, NRS 654.110; §§7-9, NRS 654.110 and 654.190.

A REGULATION relating to long-term care administrators; revising the qualifications for licensure as an administrator; revising the requirements for continuing education for licensed administrators; revising the grounds for disciplinary action against licensed administrators; revising the limitations on the administration of multiple facilities by licensed administrators; 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 nursing facility administrator or an administrator of a residential facility for groups 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 those licenses. (NRS 654.110, 654.150, 654.155) Existing law also provides that the Board may, after notice and an opportunity for a hearing, impose certain disciplinary action against certain licensees. (NRS 654.190) This regulation revises the qualifications for licensure as an administrator and the provisions governing disciplinary action against licensees.

Under existing regulations, to obtain a license as a nursing facility administrator, an applicant must meet certain educational and training requirements. In addition, under existing regulations, a program of training to qualify for a license must require a licensed nursing facility administrator to supervise the training of each person in the program. (NAC 654.100) **Section 1** of this regulation: (1) increases from 1,000 hours to 1,200 hours the number of hours of training that must be completed by a person who seeks to qualify for a license by having a baccalaureate or master's degree in a field other than health care or nursing facility administration; (2) requires a program for training administrators to be completed in a nursing facility that has 40 or more

beds; and (3) requires a licensed nursing facility administrator who supervises a person in a program of training to complete a preceptor training program approved by the Board.

Under existing regulations, to obtain a license as an administrator of a residential facility for groups, an applicant must have certain experience in residential caregiving, the management or administration of a residential facility for groups or the field of health care. (NAC 654.1505) **Section 4** of this regulation revises this requirement to provide that an applicant may qualify for a license by having a certain amount of experience in long-term care or by having certain education in combination with a lesser amount of experience in long-term care. **Section 4** also defines the type of work that qualifies as experience in long-term care.

Existing law requires an applicant for a license as a nursing facility administrator or an administrator of a residential facility for groups to submit with the application a complete set of fingerprints and written permission authorizing the Board 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 on the applicant's background. (NRS 654.150, 654.155) **Sections 2 and 4** of this regulation require an applicant for a license to submit either the complete set of fingerprints or a written verification, on a form prescribed by the Board, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by other means to the Central Repository for a background investigation.

Existing law and regulations provide that to renew his or her license, a person licensed as a nursing facility administrator or an administrator of a residential facility for groups must complete a certain number of hours of continuing education in a program approved by the Board. (NRS 654.170; NAC 654.130, 654.154) **Sections 3 and 5** of this regulation provide that the Board will not approve more than 8 hours of continuing education credit earned in a 24-hour period.

Existing law and regulations authorize the Board to impose an administrative fine of not more than \$10,000 on a person licensed as a nursing facility administrator or an administrator of a residential facility for groups for each violation of certain regulations adopted by the Board. (NRS 654.190; NAC 654.181, 654.210, 654.250) **Sections 7-9** of this regulation authorize the Board to take disciplinary action against a licensee who fails to pay certain fines imposed by the Board in accordance with the terms of the written notice to the licensee of the fine. **Section 8** of this regulation also reorganizes the list of grounds for disciplinary action.

Existing regulations establish limits on the ability of a person licensed as a nursing facility administrator or an administrator of a residential facility for groups to be the administrator of record for more than one facility. (NAC 654.250) **Section 9** of this regulation prohibits a person who holds both licenses and who is the administrator of record for more than one facility from being the administrator of record for more than a total of 150 beds located in all facilities for which he or she is the administrator of record.

Section 1. 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) Has one of the following:

(1) A baccalaureate or master's degree in the administration of nursing facilities or ~~fa~~
~~related~~ *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 ~~1,000~~
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;

(c) 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) 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; ~~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 ~~+~~ ; and
- (c) If the applicant is required to complete 1,200 hours of training pursuant to subparagraph (2) of paragraph (b) 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) ~~[A]~~ Be a licensed* nursing facility administrator ~~[who is licensed in this State, is]~~ in good standing with the Board ~~[and has]~~ ;
 - (b) Have* practiced as ~~[an]~~ *a nursing facility* administrator for at least 2 *of the preceding 5* years ~~[to supervise the training of each person in the program in the areas set forth in subsection 2;~~
 - ~~—(b) The administrator to determine]~~ ;
 - (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) The administrator to record]~~

(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 ~~administrator~~ *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. 2. NAC 654.110 is hereby amended to read as follows:

654.110 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:

- 1. 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;
- 2. 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;

3. Be able to communicate adequately in the English language both verbally and in writing;

4. 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~~

5. 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 ~~H~~ ; and

6. *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 to such other law enforcement agencies as the Board deems necessary.

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

Sec. 4. 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; ~~and~~

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 : ~~has:~~

(a) ~~At least:~~ *Has*

(1) ~~Two~~ *At least 2* years of experience in ~~residential caregiving or as a manager of a residential facility for groups or an administrator of a residential facility for groups~~ *long-term*

care, including management and supervision, within the 6-year period immediately preceding the date on which he or she submits his or her application; ~~for~~

(2) ~~{One}~~ *An associate's degree and at least 1 year of experience in ~~{the field of~~ healthcare;}* *long-term 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 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 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.

Sec. 5. NAC 654.154 is hereby amended to read as follows:

654.154 1. Except as otherwise provided in NAC 654.169, to renew his or her license, in the 2 years immediately preceding the date for renewal of the license, an administrator of a residential facility for groups must have completed 16 continuing education units in programs 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 residential group and any other standards of care which apply to operators of residential facilities.

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. An administrator of a residential facility for groups who is approved by the Board to serve as a mentor pursuant to NAC 654.156 may receive credit for not more than 10 continuing education units during each renewal period by supervising the study of an applicant for a license as an administrator of a residential facility for groups. One continuing education unit will be awarded for each 4 hours of actual supervision.

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

Sec. 6. NAC 654.156 is hereby amended to read as follows:

654.156 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 paragraph (c) of subsection ~~9~~ 10 of NAC 654.1505 must meet the requirements set forth in subsection 2 and be approved to serve as a mentor 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;
- 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 by 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 Division of Public and Behavioral Health of the Department of Health and Human Services against the holder of the license to operate the facility.

Sec. 7. NAC 654.181 is hereby amended to read as follows:

654.181 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 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 *or terminates his or her position as* the administrator of record of a ~~{different}~~ 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. 8. NAC 654.210 is hereby amended to read as follows:

654.210 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 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) ~~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 Health Care Quality and Compliance of the Division of Public and Behavioral Health of the Department of Health and Human Services;

~~{(f)}~~ (e) Failure to notify the Board of a change in circumstances as required pursuant to NAC 654.181;

~~{(g)}~~ (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;

~~{(h)}~~ (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;

~~{(i)}~~ (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;

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

~~{(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) Soliciting or engaging in prostitution;~~

- ~~— (5) Except as otherwise provided in paragraph (1), domestic violence;~~
- ~~— (6) Abuse or neglect of a child or contributory delinquency;~~
- ~~— (7) A violation of any provision of NRS 200.50955 or 200.5099;~~
- ~~— (8) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years; and~~
- ~~— (9) Any other felony involving the use of a firearm or other deadly weapon, within the immediately preceding 7 years;~~
- ~~— (l) Receiving a conviction in any jurisdiction for a misdemeanor for domestic violence within the immediately preceding 7 years;~~
- ~~— (m) 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;~~
- ~~— (n)}~~ *(j)* Failing to protect the privacy of a resident or patient;
- ~~{(e)}~~ *(k)* Violating the confidentiality of a resident or patient;
- ~~{(p)}~~ *(l)* Failing to maintain records as required by law;
- ~~{(q)}~~ *(m)* Falsifying or altering the records of a resident or patient;
- ~~{(r)}~~ *(n)* Failing to protect a resident or patient from the incompetent, abusive or illegal practice of any person;
- ~~{(s)}~~ *(o)* Engaging in sexual contact with a resident or patient;

~~[(u)]~~ (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;

~~[(u)]~~ (q) Abusing, exploiting, isolating, ~~[(or)]~~ neglecting *or abandoning* a resident or patient as defined in NRS 200.5092 ~~[(h)]~~, *as amended by section 3 of Assembly Bill No. 223, chapter 174, Statutes of Nevada 2015, at page 804;* or

~~[(v)]~~ (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, as amended by section 41 of Assembly Bill No. 223, chapter 174, Statutes of Nevada 2015, at page 839;

(c) Any violation of NRS 200.5091 to 200.50995, inclusive, as amended by sections 2 to 13, inclusive, of Assembly Bill No. 223, chapter 174, Statutes of Nevada 2015, at pages 804-13;

(d) Any offense which is substantially related to the practice of an administrator; 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 ~~[(Healthcare Integrity and Protection)]~~ *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.

Sec. 9. NAC 654.250 is hereby amended to read as follows:

654.250 1. Except as otherwise provided in subsection ~~7.1~~ 8, 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.

2. If a person licensed as a nursing facility administrator 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 ~~7.1~~ 8, a person licensed as an administrator of a residential facility for groups *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 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.

➡ 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 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 or an administrator of a residential facility for groups 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.

~~17.1~~ 8. 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.

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.



STATE OF NEVADA
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BRIAN SANDOVAL
Governor

**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608**

Date: June 27, 2016
Re: Proposed Adoption of Regulations Revising NAC 654.

I, Sandy Lampert, Executive Director of the State of Nevada Board of Examiners for Long Term Care Administrators, do hereby certify that, to the best of my knowledge or belief:

1. The proposed changes to the regulation NAC 654 are not likely to (a) impose a direct or Significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden. The State of Nevada Board of Examiners for Long Term Care Administrators has relied on the expert knowledge of Board staff and the Attorney General's Office to determine that the impact is solely on long term care applicants and administrators.
3. All relevant materials were reviewed and the Board considered its history with implementing similar regulations; the proposed changes are within the historic scope of the Board's activities and present no new cost of enforcement.
4. Comment has not been solicited from small business, and no summary of their response is provided, because small business are not impacted by this regulation and thus no burden or economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in the statement was prepared properly and is accurate.

Respectfully submitted,
State of Nevada Board of Examiners for Long Term Care Administrators


Sandy Lampert
Executive Director