

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

LCB File No. R106-24

Filed December 19, 2024

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

AUTHORITY: §§ 1, 3, 6, 8, 12, 14 and 19-21, NRS 654.110; § 2, NRS 654.110 and 654.140; § 4, NRS 654.110 and 654.158; §§ 5, 18 and 23, NRS 654.110 and 654.170; §§ 7, 10 and 11, NRS 654.110 and 654.150; §§ 9 and 15, NRS 654.110 and 654.180; §§ 13 and 17, NRS 654.110 and 654.155; § 16, NRS 654.110, 654.140 and 654.155; § 22, NRS 654.110, 654.150, 654.155 and 654.180.

A REGULATION relating to long-term care administrators; revising provisions relating to the nonpayment of certain fines; removing requirements relating to the citizenship or immigration status of applicants for certain licenses; requiring a person whose license has expired to apply for a new license and revising requirements relating to such an applicant; revising provisions relating to continuing education for a health services executive, nursing facility administrator or an administrator of a residential facility for groups; removing certain requirements relating to veterans' homes; revising requirements governing programs of training for nursing facility administrators; revising requirements governing applicants for licensure as a nursing facility administrator or an administrator of a residential facility for groups; authorizing an investigator appointed by the Board of Examiners for Long-Term Care Administrators to perform certain functions; revising the procedure for imposing disciplinary action and the disciplinary actions that may be imposed; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Examiners for Long-Term Care Administrators to: (1) develop, impose and enforce standards for licensure for health services executives, nursing facility administrators and administrators of residential facilities for groups; (2) establish and carry out procedures to ensure compliance with those standards; and (3) conduct or approve a program of training and instruction designed to enable all persons to obtain the qualifications

requisite to meet standards for licensure. (NRS 654.110) Existing law also authorizes the Board to impose administrative fines and take other disciplinary action against a person who has engaged in certain prohibited conduct. (NRS 654.190)

Section 1 of this regulation authorizes the Board to refuse to provide administrative services to a person who fails to pay a fine imposed by the Board or refuse to renew the license of such a person after: (1) the order imposing the fine becomes final; and (2) the time prescribed for the payment of the fine has expired. **Section 21** of this regulation removes a provision that the Board will automatically refer an unpaid fine for disciplinary action.

Existing law prohibits a licensing board from denying licensure based on immigration or citizenship status. (NRS 622.238) **Sections 2 and 7** of this regulation accordingly remove requirements that an applicant for a license as a health services executive or a nursing facility administrator be a citizen of the United States or lawfully entitled to remain and work in the United States. **Sections 3 and 8** of this regulation make conforming changes to update an internal reference changed by **sections 2 and 7**, respectively.

Existing regulations establish requirements to renew a license or reinstate an expired license, including continuing education requirements. (NAC 654.091, 654.093, 654.112, 654.152, 654.154, 654.169) **Sections 4, 11 and 17** of this regulation require a person whose license as a health services executive, a nursing facility administrator or an administrator of a residential facility for groups, respectively, has expired to apply for a new license rather than applying to reinstate the expired license. **Sections 11 and 17** also remove the requirement that a person applying for a new license as a nursing facility administrator or administrator of a residential facility for groups after his or her license has expired take a written examination. **Sections 5 and 18** of this regulation require that continuing education programs completed by a health services executive or an administrator of a residential facility for groups be related to the field of long-term care support and services. **Section 23** of this regulation repeals a duplicative provision which establishes requirements for continuing education for a person who holds both a license as a nursing facility administrator and a license as an administrator of a residential facility for groups that are equivalent to the requirements for renewing those licenses separately. **Sections 11, 12, 17 and 18** of this regulation make conforming changes to remove references to the repealed section.

Existing regulations require a health services executive to ensure that a nursing facility, residential facility for groups or veterans' home complies with certain state laws and state and federal regulations. (NAC 654.095) **Section 6** of this regulation removes the requirement that a health services executive ensure a veterans' home complies with certain state laws and state and federal regulations.

Existing regulations establish the required qualifications for licensure as a nursing facility administrator. Such qualifications include the completion of certain educational, internship or residency programs, which may include a program for training administrators. (NAC 654.100, 654.111) **Sections 7 and 9** of this regulation: (1) revise the requirements applicable to such a program; and (2) remove authorization for an applicant to hold a certain certificate in lieu of completing another authorized educational, internship or residency program. **Sections 9 and 15** of this regulation remove certain requirements applicable to a person who is currently licensed as a nursing facility administrator or an administrator of a residential facility for groups in another

jurisdiction and wishes to obtain a license in this State without examination. **Section 12** terminates the automatic approval of certain programs of study to train and qualify applicants for a license as nursing facility administrators.

Existing regulations require an applicant for a license as: (1) a nursing facility administrator who is not licensed in another jurisdiction to have passed an examination administered by the National Association of Long Term Care Administrator Boards or any testing service approved by the Board; and (2) an administrator of a residential facility for groups to have passed an examination administered by the National Association of Long Term Care Administrator Boards. (NAC 654.1115, 654.1505) **Sections 10 and 16** of this regulation standardize provisions concerning these examinations to require an applicant for either a license as a nursing facility administrator or an administrator of a residential facility for groups to have passed an examination administered by the National Association of Long Term Care Administrator Boards. **Sections 10 and 16** also revise: (1) the number of times an applicant may fail that examination before being required to wait for a period of time to retake the examination; and (2) the period of time that such a person must wait before taking the examination.

Section 13 of this regulation revises the types of experience that the Board will accept to satisfy certain requirements for a license as an administrator of a residential facility for groups relating to experience in health care. **Section 13** also authorizes the Board to waive certain requirements for such licensure upon a showing of good cause. **Sections 14 and 19** of this regulation make conforming changes to update internal references changed by **section 13**. **Section 22** of this regulation provides that the changes made by **sections 7-9, 13 and 15** to the qualifications for licensure as a nursing facility administrator or an administrator of a residential facility for groups do not apply to persons who are currently licensed on the effective date of this regulation.

Existing regulations provide that a member of the Board or a committee appointed by the Board will review a complaint against a licensee and make certain recommendations for action. (NAC 654.220) **Section 20** of this regulation additionally authorizes an investigator appointed by the Board to conduct such a review and make such recommendations. **Section 20** also makes certain other revisions relating to the process for imposing disciplinary action against a licensee and the types of disciplinary action that the Board may impose.

Section 1. Chapter 654 of NAC is hereby amended by adding thereto a new section to read as follows:

If a person fails to pay a fine imposed pursuant to the provisions of this chapter or chapter 654 of NRS after the order imposing the fine becomes final and the time prescribed by the order for payment of the fine has expired, the Board may, in addition to imposing disciplinary action pursuant to NRS 654.190, refuse to:

1. Provide any administrative services to that person until the fine is paid in full.

2. Renew the license of that person until the fine is paid in full.

Sec. 2. NAC 654.085 is hereby amended to read as follows:

654.085 In addition to the requirements of NRS 654.158, an applicant for licensure as a health services executive must:

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

~~{8}~~ 7. Complete 8 hours of training concerning the statutes and regulations relating to long-term care and any other standards of care which apply to health services executives that is approved by the Board.

Sec. 3. NAC 654.087 is hereby amended to read as follows:

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

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

3. The application must be accompanied by a nonrefundable fee of \$150 and a nonrefundable fee in an amount fixed by the Board to cover the actual cost of the training required by subsection ~~{8}~~ 7 of NAC 654.085.

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

Sec. 4. NAC 654.091 is hereby amended to read as follows:

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

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

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

(c) Evidence satisfactory to the Board that during the 2 years immediately preceding the application for renewal he or she has completed the requirements for continuing education set forth in subsection 1 of NAC 654.093.

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

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

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

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

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

(a) Submit to the Board an application for licensure as a health services executive and pay the fees required pursuant to NAC 654.087;

(b) Submit to the Board:

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

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

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

Sec. 5. NAC 654.093 is hereby amended to read as follows:

654.093 1. To renew his or her licensure as a health services executive, a licensee must have, in the 2 years immediately preceding the date for renewal of the license, completed 40 continuing education units in a program approved by the Board pursuant to subsection 2. Two of the continuing education units must be in professional ethics and two of the continuing education units must be in training concerning the statutes and regulations relating to long-term care and any other standards of care which apply to health services executives.

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

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

Sec. 6. NAC 654.095 is hereby amended to read as follows:

654.095 A health services executive shall:

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

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

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

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

Sec. 7. NAC 654.100 is hereby amended to read as follows:

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

(a) Is 21 years of age or older;

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

~~{(c)}~~ Has one of the following:

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

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

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

(2) A baccalaureate or master's degree in any field from a college or university recognized by the United States Department of Education and has successfully completed at least 1,200 hours in a program for training administrators approved by the Board or the National Association of Long Term Care Administrator Boards; ~~for~~

~~— (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;~~

~~— (d)~~ (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

~~(e)~~ (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 Administrator Residency program of* the National Association of Long Term Care Administrator Boards;

(b) At least 1,000 hours of training *in topics covered by the examination described in NAC 654.1115* 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 ~~{(c)}~~ **(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) Be a licensed nursing facility administrator in good standing with the Board ~~{}~~ **or the licensing authority in the state or territory of the United States in which the preceptor is serving as a preceptor;**

- (b) Have practiced as a nursing facility administrator for at least 2 of the preceding 5 years;
- (c) Have completed a preceptor training program approved by the Board;
- (d) Determine the order in which the training will be provided to each person he or she supervises; ~~and~~
- (e) Record the dates and times that each person he or she supervises completes the training required in each area set forth in subsection 2 ~~†~~; *and*
- (f) Work at the same facility as the person he or she supervises if serving as a preceptor in the State of Nevada.*

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

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

5. A program for training administrators completed in another state *or territory of the United States* 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.† and comply with the applicable laws of the state or territory.~~

Sec. 8. NAC 654.105 is hereby amended to read as follows:

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

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

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

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

Sec. 9. NAC 654.111 is hereby amended to read as follows:

654.111 1. An applicant who holds a license as a nursing facility administrator or its equivalent from another jurisdiction and wishes to obtain a license as a nursing facility administrator in this State without taking the examination required by NRS 654.150 must, *except as otherwise provided in subsection 3*, submit an application to the Board with the applicable fees as required by NAC 654.105 and evidence satisfactory to the Board that:

(a) The applicant:

(1) Has obtained a baccalaureate or 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 and has successfully completed at least 1,000 hours ~~;~~

~~———(1) 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; } in a program for the training of administrators approved by the Board; or~~

(2) Has obtained 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 hours in a program for training administrators approved by the Board or the National Association of Long Term Care Administrator Boards. ~~}; or~~

~~(3) Has obtained a certificate issued by the American College of Health Care Administrators for the completion of the program for the certification of nursing home administrators. }~~

(b) ~~{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.~~

~~(e)}~~ 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)}~~ (c) 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.

~~{(e)} The applicant was licensed as a full-time administrator of record of a nursing facility for 2 years of the 5-year period immediately preceding the date on which he or she submits his or her application to the Board.~~

~~{(f)}~~ (d) 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.

~~{(g)}~~ (e) The applicant 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.

~~{(h)}~~ (f) 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.

Sec. 10. NAC 654.1115 is hereby amended to read as follows:

654.1115 1. Examinations for licensure as a nursing facility administrator will be held at such times and places as ~~{the Board designates.}~~ *offered by the National Association of Long Term Care Administrator Boards.*

2. The ~~written~~ examination must be:

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

3. A passing grade will be determined by the National Association of Long Term Care Administrator Boards.

4. An applicant who fails the examination may retake the examination. An applicant who fails the examination on ~~two~~ *three* consecutive occasions must wait ~~1 year~~ *6 months* after the date of his or her last examination to apply for the examination.

Sec. 11. NAC 654.112 is hereby amended to read as follows:

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

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

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

(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~~ *1* of NAC 654.130; and

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

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

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

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

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

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

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

(b) Submit to the Board:

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

(2) Written verification, on a form prescribed by the Board, stating that the fingerprints of the person were taken and directly forwarded electronically or by another means to the Central

Repository and that the person has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for its report; *and*

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

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

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

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

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

Sec. 12. 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] *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 ~~{3}~~ 2.~~

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

~~{3-}~~ 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.

~~{4-}~~ 3. The Board will not approve more than 8 continuing education units earned in any 24-hour period.

Sec. 13. NAC 654.1505 is hereby amended to read as follows:

654.1505 1. 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;}~~ , *except as otherwise provided in subsection 2:*

~~{2-}~~ (a) Pass an examination administered by the National Association of Long Term Care Administrator Boards;

~~{3-}~~ (b) 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-}~~ (c) 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.}~~ (d) 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.}~~ (e) Be able to communicate adequately in the English language both verbally and in writing;

~~{7.}~~ (f) 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.}~~ (g) Provide a statement to the Board indicating whether since the age of 18 years the applicant has ever been:

~~{(a)}~~ (1) Charged with any misdemeanor, gross misdemeanor or felony; or

~~{(b)}~~ (2) Convicted of any misdemeanor, gross misdemeanor or felony;

~~{9.}~~ (h) Submit to the Board:

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

~~{(b)}~~ (2) 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.}~~ (i) Provide proof that he or she:

~~{(a)}~~ (I) Has:

~~{(1)-At}~~ (I) *A high school diploma or its equivalent and at least 2 years of experience in health care ~~{, including management and supervision,}~~* within the 6-year period immediately preceding the date on which he or she submits his or her application;

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

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

~~{(b)}~~ (2) 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)}~~ (3) Completed 40 hours of study under the supervision of a mentor who has been approved by the Board pursuant to NAC 654.156.

~~{→}~~ 2. *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.*

3. As used in this ~~{subsection,}~~ *section*, "experience in health care" means full-time, or equivalent hourly experience, working in a licensed residential facility for groups, licensed facility for skilled nursing or licensed facility for intermediate care . ~~{or providing home or community-based services related to health care.}~~

Sec. 14. NAC 654.151 is hereby amended to read as follows:

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

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

3. The application must be accompanied by a nonrefundable fee of \$150 and a nonrefundable fee in an amount fixed by the Board to cover the actual cost of the training required by *paragraph (b) of* subsection ~~13~~ 1 of NAC 654.1505.

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

Sec. 15. NAC 654.1515 is hereby amended to read as follows:

654.1515 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) ~~[For the 2 years immediately preceding the date on which he or she submits an application to the Board, the]~~ *The* applicant ~~[has been]~~ *is currently* 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 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 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 National Practitioner Data Bank maintained by the Health Resources and Services Administration of the United States Department of Health and Human Services.

Sec. 16. NAC 654.1518 is hereby amended to read as follows:

654.1518 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.~~ *set by the National Association of Long Term Care Administrator Boards.* 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.~~ *National Association of Long Term Care Administrator Boards.*

2. A passing grade will be determined by the National Association of Long Term Care Administrator Boards.

3. An applicant who fails the examination may retake the examination. An applicant who fails the examination ~~twice~~ *three times* must wait at least ~~1 year~~ *6 months* after the date of the last examination before he or she may retake the examination.

Sec. 17. NAC 654.152 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

(b) Submit to the Board:

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

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

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

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

Sec. 18. NAC 654.154 is hereby amended to read as follows:

654.154 1. ~~{Except as otherwise provided in NAC 654.169, to}~~ *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 ~~†~~ *support and services*.

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. 19. 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 *subparagraph (3)* of paragraph ~~(e)~~ *(i)* of subsection ~~(10)~~ *1* 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. 20. NAC 654.220 is hereby amended to read as follows:

654.220 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, *an investigator appointed by 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. Except as otherwise provided in subsection 4, 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, *an investigator appointed by the Board* or a committee appointed by the Board to review cases, decides to proceed with disciplinary action, the member of the Board, *investigator* or committee:

(a) Will refer the case to a prosecutor to bring charges against the licensee in the manner set forth in NRS 622A.300; and

(b) May recommend that the Board impose on the licensee one or more of the disciplinary actions set forth in subsection 8.

5. If the member of the Board, *an investigator appointed by the Board* or committee appointed to review the case recommends that the Board impose one or more of the disciplinary actions set forth in subsection 8:

(a) The Board will give the licensee written notice of the disciplinary action recommended by the member of the Board, *investigator* or committee appointed to review the case. The written notice must be:

(1) Delivered personally to the licensee; or

(2) Sent by certified mail to the last known address of the licensee.

(b) Upon receipt of the written notice required pursuant to paragraph (a), the licensee may submit a written request to the Board to enter into a discipline agreement with the Board. The written request must:

(1) Be on a form prescribed by the Board; and

(2) State that the licensee knowingly, intelligently and voluntarily:

(I) Waives his or her right to a hearing on the charges brought against him or her; and

(II) Agrees to the terms of the discipline recommended to the Board pursuant to

paragraph (b) of subsection 4.

6. If a licensee submits a written request for a discipline agreement to the Board pursuant to paragraph (b) of subsection 5, the Board will consider whether to impose the discipline recommended pursuant to paragraph (b) of subsection 4 at a meeting of the Board held pursuant to NRS 654.100. At the meeting, the Board may not impose any discipline on the licensee other than the discipline recommended pursuant to paragraph (b) of subsection 4 that was agreed to by the licensee pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 5.

7. If ~~†~~

~~—(a) The Board does not impose discipline on the licensee at the meeting described in subsection 6; or~~

~~—(b) The~~ *the* licensee does not submit a written request to enter into a discipline agreement with the Board pursuant to paragraph (b) of subsection 5, †

~~†~~ the Board will set a time and place for a formal hearing. The Board will conduct the hearing in compliance with the provisions of chapters 233B and 622A of NRS.

8. If the Board determines by a finding of substantial evidence at a hearing conducted pursuant to subsection 7 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 of record.

(b) Receive a public reprimand.

(c) Have restrictions placed on the licensee's 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.

9. If the Board determines at a hearing conducted pursuant to subsection 7 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.

10. If discipline is imposed against a licensee pursuant to this section, the Board will report the disciplinary action to the National Practitioner Data Bank maintained by the Health Resources and Services Administration of the United States Department of Health and Human Services or its successor.

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

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

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

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

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

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

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

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

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

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

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

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

5. Each license and secondary license issued by the Board must include the name of the nursing facility or the residential facility for groups for which the license or secondary license was obtained. The Board will label each secondary administrator's license issued pursuant to subsection 2 or 4 as an "A," "B," "C" or "D" license.

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

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

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

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

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

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

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

Sec. 22. This regulation is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

The amendatory provisions of sections 7, 8, 9, 13 and 15 of this regulation do not apply to any person who is currently licensed as a nursing facility administrator or an administrator of a residential facility for groups, as applicable, on the effective date of this regulation.

Sec. 23. NAC 654.169 is hereby repealed.

TEXT OF REPEALED SECTION

654.169 Renewal of license. (NRS 654.110, 654.170)

1. 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, except as otherwise provided in subsection 2, the licensee has completed:

(a) A total of 30 continuing education units in programs approved by the Board pursuant to NAC 654.130; and

(b) A total of 16 continuing education units in programs approved by the Board pursuant to NAC 654.154.

2. If a program of continuing education has been approved by the Board for continuing education units pursuant to both NAC 654.130 and 654.154, 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 use the continuing education units earned for the program to satisfy the requirements of paragraphs (a) and (b) of subsection 1.

INFORMATIONAL STATEMENT FOR ADOPTED PERMANENT REGULATION PER NRS 233B.066

LCB FILE NO. R106-24

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 654.

1. A clear and concise explanation of the need for the adopted regulation.

The need for of the adopted regulation is: (1) to improve and streamline the licensure process by removing outdated requirements and references; (2) remove language that is outdated or unnecessary; (3) improve compliance with various notifications from licensees to the Board so that the public can better know which licensee is serving where; and (4) update and modernize investigative and disciplinary procedures.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent via e-mail to all of the Board's licensees who maintain an e-mail address with the Board, totaling 415. The Board also sent a copy of the proposed regulations, notice of workshop and notice of intent to act upon the regulation to the persons on the Board's website and notification list pursuant to the Nevada Open Meeting Law.

Text of the proposed regulation may also be inspected online at <http://beltca.nv.gov> or <http://leg.state.nv.us/register/2024Register/R106-24P.pdf>

The proposed revisions were discussed in an open and public meetings on January 24, 2024 and May 15, 2024. On June 12, 2024, the Board held a workshop on the consensus language of the regulation.

On November 6, 2024, the Board conducted a hearing regarding the final language of the proposed regulation with two (2) proposed Amendments:

- 1) NAC 654.100 to remove language in subsection 1(b)"Is a citizen of the United States"
- 2) NAC 654.1505 1(a) to remove language in subsection 1(b)"Is a citizen of the United States"

No written comments were submitted prior to the hearing. No member of the public spoke at the hearing. Because there were no written comments or testimony received by the Board at the June 12, 2024 workshop or the November 6, 2024 regulation hearing, there are no public responses to summarize, and, therefore, no summary of public responses was prepared or can be made available to the public.

At the conclusion of the hearing, the Board announced the hearing closed. A Motion was made to Adopt the Regulations as written with the two (2) amendments to remove language in NAC 654.100 subsection(1)(b)"Is a citizen of the United States" and NAC 654.1505(1)(a) subsection

1(b)"Is a citizen of the United States". The Motion was seconded. There being no further discussion, the Motion Passed Unanimously.

3. The number of persons who:

(a) **Attended the June 12, 2024 Workshop – 0**
Testified at the June 12, 2024 Workshop – 0

(b) **Attended the November 6, 2024 Hearing – 0**
Testified at the November 6, 2024 Hearing - 0

(c) **Submitted written statements for the June 12, 2024 Workshop – 0**
Submitted written comments for the November 6, 2024 Hearing – 0

4. For each person identified in subparagraph (b) and (c) above, see attached for the following information that was provided to the Board of Examiners for Long Term Care Administrators:

Because there were no written comments or testimony received by the Board at the June 12, 2024 workshop or the November 6, 2024 regulation hearing, there are no public responses to summarize, and, therefore, no summary of public responses was prepared or can be made available to the public.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

There were no comments received.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted on November 6, 2024 with two amendments, namely to strike the language in NAC 654.100 subsection(1)(b)"Is a citizen of the United States" and NAC 654.1505(1)(a) subsection 1(b)"Is a citizen of the United States".

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects.

(1) Adverse: This regulation will have minimal adverse effects on Nevada small businesses, since any adverse effects will be upon licensees of the Board and not upon any businesses.

(2) Beneficial: This regulation will be beneficial to small businesses that employ the Board's licensees since the intent is to streamline and modernize the licensure processes by removing outdated or unnecessary licensure requirements.

(b) Both immediate and long-term effects.

(1) Immediate: These regulations will have the immediate effect of positively effecting licensure applications by removing outdated or unnecessary licensure requirements.

(2) Long-term: The long-term effect is to have more licensees and to improve the licensees' compliance with various important notifications so that the public can always know which licensing is serving which facility.

(a) Both adverse and beneficial effects on the Nevada public.

(1) Adverse: This regulation will have no adverse effects on the Nevada public.

(2) Beneficial: This regulation will be beneficial to the Nevada public by, among other things, potentially increasing the pool of licensees who can serve the public and by better enforcing the notifications required of licensees so that the public can know which licensees are serving where.

(b) Both immediate and long-term effects on the Nevada public.

(1) Immediate: These regulations will have immediate effect on the public served by the Board's licensees.

(2) Indirect: The indirect effect is unknowable at this time.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The Board is not aware of any similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

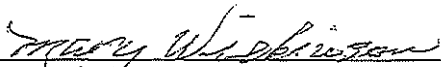
This proposed regulation is not required by federal law.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulations do not recommend new or increased fees.

This Informational Statement was prepared by Mary Wilkinson, Executive Director, and is accurate and complete.

Signed this 13th day of November, 2024.



Mary Wilkinson
Executive Director
Nevada State Board of Examiners for Long
Term Care Administrators

of certain statements of disclosure to persons who are aged or their representatives. (NRS 449.114, 449.1145)

Sections 6 and 8 of this regulation update the name of the National Practitioner Data Bank, a federal database of certain adverse actions against providers of health care.

Existing regulations prohibit a nursing facility administrator, administrator of a residential facility for groups or health services executive from paying or giving, or causing to be paid or given, any compensation, inducement or incentive for the solicitation, procurement or referral of a patient or resident to a facility. Existing regulations additionally prohibit such a person from paying or giving, or causing to be paid or given, any financial incentive to a patient, resident or family member of or responsible party for a patient or resident for referring the patient or resident to a facility. (NAC 654.210) **Section 7** of this regulation creates an exception to those prohibitions to authorize a nursing facility administrator, administrator of a residential facility for groups or health services executive to pay or give, or cause to be paid or given, compensation, an inducement or an incentive to a senior living community referral agency for the solicitation, procurement or referral of a patient or resident by a senior living community referral agency to a senior living community under certain conditions. **Section 7** additionally prohibits a nursing facility administrator, administrator of a residential facility for groups or health services executive from accepting a resident or patient into a facility if the nursing facility administrator, administrator of a residential facility for groups or health services executive knows or should know that the facility is unable to provide adequate care to the resident or patient.

Section 1. Chapter 654 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *“Senior living community” has the meaning ascribed to it in NRS 449.0179.*

Sec. 3. *“Senior living community referral agency” has the meaning ascribed to it in NRS 449.0181.*

Sec. 4. *If a nursing facility administrator, an administrator of a residential facility for groups or a health services executive serves as the administrator of a senior living community that contracts with a senior living community referral agency, the nursing facility administrator, administrator of a residential facility for groups or health services executive*

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

LCB File No. R105-24

Filed on September 16, 2024

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

AUTHORITY: §§ 1-5, NRS 654.110; § 6, NRS 654.110 and 654.180; §§ 7 and 8, NRS 654.110 and 654.190.

A REGULATION relating to long-term care administrators; requiring certain administrators of facilities for long-term care to obtain and maintain certain documents from senior living community referral agencies; updating the name of a certain federal database; revising the grounds for disciplinary action against a long-term care administrator; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Examiners for Long-Term Care Administrators to: (1) develop, impose and enforce standards for licensure for nursing facility administrators, administrators of residential facilities for groups and health services executives; and (2) establish and carry out procedures to ensure such persons are in compliance with the standards. (NRS 654.110) Senate Bill No. 260 (S.B. 260) of the 2023 Legislative Session establishes requirements for the operation of senior living community referral agencies. (Sections 4 and 5 of Senate Bill No. 260, chapter 109, Statutes of Nevada 2023, at pages 564 and 565, respectively) (NRS 449.114, 449.1145)) **Sections 2 and 3** of this regulation define certain terms for the purposes of this regulation to have the same meanings as are ascribed to those terms in S.B. 260. **Section 5** of this regulation makes a conforming change to indicate the proper placement of **sections 2 and 3** in the Nevada Administrative Code.

If a senior living community that is administered by a nursing facility administrator, administrator of a residential facility for groups or health services executive contracts with a senior living community referral agency, **section 4** of this regulation requires the nursing facility administrator, administrator of a residential facility for groups or health services executive to obtain and maintain documents that establish that the senior living community referral agency is complying with certain requirements of S.B. 260 relating to insurance, privacy and the provision

shall obtain annually from the senior living community referral agency and maintain for at least 5 years:

1. Proof that the senior living community referral agency maintains liability insurance as required by paragraph (b) of subsection 2 of NRS 449.1145;

2. A copy of the policy established by the senior living community referral agency to protect the privacy of persons who are aged and the representatives of such persons required by paragraph (f) of subsection 2 of NRS 449.1145; and

3. A copy of the statement of disclosure that the senior living community referral agency provides to a person who is aged or the representative of such a person pursuant to paragraph (a) of subsection 1 of NRS 449.114.

Sec. 5. NAC 654.010 is hereby amended to read as follows:

654.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 654.014 to 654.055, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

Sec. 6. NAC 654.1515 is hereby amended to read as follows:

654.1515 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) For the 2 years immediately preceding the date on which he or she submits an application to the Board, the applicant has been 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 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 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~~ *National Practitioner* Data Bank maintained by the Health Resources and Services Administration of the United States Department of Health and Human Services.

Sec. 7. 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, administrator of a residential facility for groups or health services executive if the Board finds that the applicant or licensee:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license pursuant to this chapter.

2. Is guilty of unprofessional conduct, including, without limitation:

(a) Providing services to a patient or resident which the applicant or licensee is not capable of providing with reasonable skill and safety because of his or her use of alcohol or drugs, or because of lack of adequate training, skill or knowledge;

(b) Gross or repeated negligence in providing services;

(c) Willful noncompliance with any order of the Board or any other enforcement authority;

shall obtain annually from the senior living community referral agency and maintain for at least 5 years:

1. Proof that the senior living community referral agency maintains liability insurance as required by paragraph (b) of subsection 2 of NRS 449.1145;

2. A copy of the policy established by the senior living community referral agency to protect the privacy of persons who are aged and the representatives of such persons required by paragraph (f) of subsection 2 of NRS 449.1145; and

3. A copy of the statement of disclosure that the senior living community referral agency provides to a person who is aged or the representative of such a person pursuant to paragraph (a) of subsection 1 of NRS 449.114.

Sec. 5. NAC 654.010 is hereby amended to read as follows:

654.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 654.014 to 654.055, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

Sec. 6. NAC 654.1515 is hereby amended to read as follows:

654.1515 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) For the 2 years immediately preceding the date on which he or she submits an application to the Board, the applicant has been 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 Long Term Care Administrator Boards to obtain such a license;

(d) Failure to notify the Board of the loss of a license issued by the Bureau of Health Care Quality and Compliance of the Division of Public and Behavioral Health of the Department of Health and Human Services;

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

(f) Paying or giving, or causing to be paid or given, a fee, commission or other valuable consideration, inducement or incentive *to a senior living community referral agency* for the solicitation, ~~or~~ procurement *or referral* of a patient or resident ~~to~~ *to a senior living community by the senior living community referral agency, except where the licensee has obtained from the senior living community referral agency:*

(1) An affirmation that the senior living community referral agency provided a statement of disclosure to and obtained the consent of the patient or resident, or his or her representative, pursuant to subsection 1 of NRS 449.114; and

(2) A copy of the contract between the senior living community referral agency and the senior living community as required by paragraph (e) of subsection 1 of NRS 449.1145;

(g) ~~Paying~~ *Except as otherwise provided in paragraph (f), paying* or giving, or causing to be paid or given, a fee, commission or other valuable consideration, inducement or incentive for ~~referring~~ *the solicitation, procurement or referral of* a patient or resident to a facility;

(h) ~~Providing~~ *Paying* 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 ~~{}~~, *except where the referral is authorized by paragraph (f);*

- (i) Engaging in fraudulent, misleading or deceptive advertising;
- (j) Failing to protect the privacy of a resident or patient;
- (k) Violating the confidentiality of a resident or patient;
- (l) Failing to maintain records as required by law;
- (m) Falsifying or altering the records of a resident or patient;
- (n) Failing to protect a resident or patient from the incompetent, abusive or illegal practice of any person;
- (o) Engaging in sexual contact with a resident or patient;
- (p) Engaging in conduct which endangers the safety of the general public, patients, residents, clients or employees by making actual or implied threats of violence or carrying out such threats;
- (q) Abusing, exploiting, isolating, neglecting or abandoning a resident or patient as defined in NRS 200.5092; ~~{or}~~
- (r) Willfully or repeatedly violating the provisions of this chapter ~~{}~~; *or*
- (s) Accepting a resident or patient into a facility administered by the licensee if the licensee knows or should know that the facility is unable to provide adequate care to the resident or patient.*

3. Is convicted in any jurisdiction of:

- (a) A felony or any offense involving moral turpitude;
- (b) Any offense listed in paragraph (a) of subsection 1 of NRS 449.174;
- (c) Any violation of NRS 200.5091 to 200.50995, inclusive;

(d) Failure to notify the Board of the loss of a license issued by the Bureau of Health Care Quality and Compliance of the Division of Public and Behavioral Health of the Department of Health and Human Services;

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

(f) Paying or giving, or causing to be paid or given, a fee, commission or other valuable consideration, inducement or incentive *to a senior living community referral agency* for the solicitation, ~~or~~ procurement *or referral* of a patient or resident ~~to~~ *to a senior living community by the senior living community referral agency, except where the licensee has obtained from the senior living community referral agency:*

(1) An affirmation that the senior living community referral agency provided a statement of disclosure to and obtained the consent of the patient or resident, or his or her representative, pursuant to subsection 1 of NRS 449.114; and

(2) A copy of the contract between the senior living community referral agency and the senior living community as required by paragraph (e) of subsection 1 of NRS 449.1145;

(g) ~~Paying~~ *Except as otherwise provided in paragraph (f), paying* or giving, or causing to be paid or given, a fee, commission or other valuable consideration, inducement or incentive for ~~referring~~ *the solicitation, procurement or referral of* a patient or resident to a facility;

(h) ~~Providing~~ *Paying* 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

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

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

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

5. Fails to pay an administrative fine levied by the Board pursuant to this chapter or NRS 654.190.

Sec. 8. NAC 654.220 is hereby amended to read as follows:

654.220 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. Except as otherwise provided in subsection 4, 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, the member of the Board or committee:

(a) Will refer the case to a prosecutor to bring charges against the licensee in the manner set forth in NRS 622A.300; and

(b) May recommend that the Board impose on the licensee one or more of the disciplinary actions set forth in subsection 8.

5. If the member of the Board or committee appointed to review the case recommends that the Board impose one or more of the disciplinary actions set forth in subsection 8:

(a) The Board will give the licensee written notice of the disciplinary action recommended by the member of the Board or committee appointed to review the case. The written notice must be:

(1) Delivered personally to the licensee; or

(2) Sent by certified mail to the last known address of the licensee.

(b) Upon receipt of the written notice required pursuant to paragraph (a), the licensee may submit a written request to the Board to enter into a discipline agreement with the Board. The written request must:

(1) Be on a form prescribed by the Board; and

(2) State that the licensee knowingly, intelligently and voluntarily:

(I) Waives his or her right to a hearing on the charges brought against him or her; and

(II) Agrees to the terms of the discipline recommended to the Board pursuant to

paragraph (b) of subsection 4.

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

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

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

5. Fails to pay an administrative fine levied by the Board pursuant to this chapter or NRS 654.190.

Sec. 8. NAC 654.220 is hereby amended to read as follows:

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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. Except as otherwise provided in subsection 4, a member of the Board who participated in the investigation may not participate in the decision whether to take further

6. If a licensee submits a written request for a discipline agreement to the Board pursuant to paragraph (b) of subsection 5, the Board will consider whether to impose the discipline recommended pursuant to paragraph (b) of subsection 4 at a meeting of the Board held pursuant to NRS 654.100. At the meeting, the Board may not impose any discipline on the licensee other than the discipline recommended pursuant to paragraph (b) of subsection 4 that was agreed to by the licensee pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 5.

7. If:

(a) The Board does not impose discipline on the licensee at the meeting described in subsection 6; or

(b) The licensee does not submit a written request to enter into a discipline agreement with the Board pursuant to paragraph (b) of subsection 5,
⇒ the Board will set a time and place for a formal hearing. The Board will conduct the hearing in compliance with the provisions of chapters 233B and 622A of NRS.

8. If the Board determines by a finding of substantial evidence at a hearing conducted pursuant to subsection 7 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 of record.

(b) Receive a public reprimand.

(c) Have restrictions placed on the licensee's 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.

9. If the Board determines at a hearing conducted pursuant to subsection 7 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.

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

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

6. If a licensee submits a written request for a discipline agreement to the Board pursuant to paragraph (b) of subsection 5, the Board will consider whether to impose the discipline recommended pursuant to paragraph (b) of subsection 4 at a meeting of the Board held pursuant to NRS 654.100. At the meeting, the Board may not impose any discipline on the licensee other than the discipline recommended pursuant to paragraph (b) of subsection 4 that was agreed to by the licensee pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 5.

7. If:

(a) The Board does not impose discipline on the licensee at the meeting described in subsection 6; or

(b) The licensee does not submit a written request to enter into a discipline agreement with the Board pursuant to paragraph (b) of subsection 5,
↳ the Board will set a time and place for a formal hearing. The Board will conduct the hearing in compliance with the provisions of chapters 233B and 622A of NRS.

8. If the Board determines by a finding of substantial evidence at a hearing conducted pursuant to subsection 7 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 of record.

(b) Receive a public reprimand.

INFORMATIONAL STATEMENT FOR ADOPTED PERMANENT REGULATION PER NRS 233B.066

LCB FILE NO. R105-24

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 654.

1. A clear and concise explanation of the need for the adopted regulation.

The purpose of the proposed regulation is to facilitate the operation of SB 260 (2023 Session) that authorized Senior Living Community Referral Agencies to refer clients or patients to Nevada's long term care facilities and to collect payment for the referral . New language was added to:

- Sec. 2 - NEW LANGUAGE - Defines "senior living community"*
- Sec. 3 - NEW LANGUAGE - Defines "senior living community referral agency"*
- Sec. 4 - NEW LANGUAGE - Sets out list of documents that must be obtained at least once annually by an administrator from a senior living community referral agency that has contracted with the administrator's facility*
- Sec. 5 - AMENDS NAC 654.010 - Conforming language*
- Sec. 6 - AMENDS NAC 654.1515 - Changes reference to the national database to conform to the present title for the database, namely the National Practitioner Data Bank*
- Sec. 7 - AMENDS NAC 654.210 - Defines terms and conditions under which a paid referral may be made to and accepted by an administrator of a long term care facility and creates new cause for disciplinary action where an administrator accepts a resident or patient into a facility where the administrator knows or should know that the facility is unable to provide adequate care to the resident or patient*
- Sec. 8 - AMENDS NAC 654.220 - Changes reference to the national database to conform to the present title for the database, namely the National Practitioner Data Bank*

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent via e-mail to all of the Board's licensees who maintain an e-mail address with the Board, totaling 432. The Board also sent a copy of the proposed regulations, notice of workshop and notice of intent to act upon the regulation to representatives for two Senior Living Community Referral Agencies who had indicated interest in the regulation and who had taken part in the development of the final language. The documents were also posted at the following locations:

- Nevada State Board of Examiners for Long Term Care Administrators, 3157 N. Rainbow Blvd. #313, Las Vegas, Nevada
- Nevada State Library & Archives, 100 Stewart St., Carson City

- Office of the Attorney General, Grant Sawyer Bldg., 555 E. Washington Avenue, Las Vegas, NV 89101
- Office of the Attorney General, 100 N. Carson Street, Carson City, NV 89701
- Legislative Building, 401 South Carson St., Carson City

Text of the proposed regulation may also be inspected online at <http://beltca.nv.gov> or <http://leg.state.nv.us/register/2024Register/R105-24P.pdf>.

The proposed revisions were discussed in an open and public meetings on September 27, 2023, December 6, 2023, January 24, 2024, and May 15, 2024. Between the January 24, 2024 meeting and the May 15, 2024 meeting, Board staff and legal counsel met with and extensively negotiated with affected small businesses and their legal counsel. Board staff and legal counsel and affected small businesses and their legal counsel produced and worked through seven drafts of the regulation language to reach compromise language agreeable to all involved. On June 12, 2024, the Board held a workshop on the consensus language of the regulation.

On August 7, 2024, the Board conducted a hearing regarding the final language of the proposed regulation. No written comments were submitted prior to the hearing, and no member of the public attended or spoke at the hearing. At the conclusion of the hearing, the Board announced its final determinations regarding the language of the regulation.

Because there were no written comments or testimony received by the Board at the June 12, 2024 workshop or the August 7, 2024 regulation hearing, there are no public responses to summarize, and, therefore, no summary of public responses was prepared or can be made available to the public.

3. The number of persons who:

- (a) Attended the June 12, 2024 Workshop – 0
Testified at the June 12, 2024 Workshop – 0**
- (b) Attended the August 7, 2024 Hearing – 0
Testified at the August 7, 2024 Hearing – 0**
- (c) Submitted written statements for the June 12, 2024 Workshop – 0
Submitted written comments for the August 7, 2024 Hearing – 0**

4. For each person identified in subparagraph (b) and (c) above, see attached for the following information that was provided to the Chiropractic Physicians' Board:

Because there were no written comments or testimony received by the Board at the June 12, 2024 workshop or the August 7, 2024 regulation hearing, there are no public responses to summarize, and, therefore, no summary of public responses was prepared or can be made available to the public.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

INFORMATIONAL STATEMENT FOR ADOPTED PERMANENT REGULATION PER NRS 233B.066

LCB FILE NO. R105-24

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 654.

1. A clear and concise explanation of the need for the adopted regulation.

The purpose of the proposed regulation is to facilitate the operation of SB 260 (2023 Session) that authorized Senior Living Community Referral Agencies to refer clients or patients to Nevada's long term care facilities and to collect payment for the referral . New language was added to:

- Sec. 2 - NEW LANGUAGE - Defines "senior living community"*
- Sec. 3 - NEW LANGUAGE - Defines "senior living community referral agency"*
- Sec. 4 - NEW LANGUAGE - Sets out list of documents that must be obtained at least once annually by an administrator from a senior living community referral agency that has contracted with the administrator's facility*
- Sec. 5 - AMENDS NAC 654.010 – Conforming language*
- Sec. 6 - AMENDS NAC 654.1515 – Changes reference to the national database to conform to the present title for the database, namely the National Practitioner Data Bank*
- Sec. 7 - AMENDS NAC 654.210 – Defines terms and conditions under which a paid referral may be made to and accepted by an administrator of a long term care facility and creates new cause for disciplinary action where an administrator accepts a resident or patient into a facility where the administrator knows or should know that the facility is unable to provide adequate care to the resident or patient*
- Sec. 8 - AMENDS NAC 654.220 - Changes reference to the national database to conform to the present title for the database, namely the National Practitioner Data Bank*

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent via e-mail to all of the Board's licensees who maintain an e-mail address with the Board, totaling 432. The Board also sent a copy of the proposed regulations, notice of workshop and notice of intent to act upon the regulation to representatives for two Senior Living Community Referral Agencies who had indicated interest in the regulation and who had taken part in the development of the final language. The documents were also posted at the following locations:

- Nevada State Board of Examiners for Long Term Care Administrators, 3157 N. Rainbow Blvd. #313, Las Vegas, Nevada
- Nevada State Library & Archives, 100 Stewart St., Carson City

Comments were received via appearances at the various public meetings from some licensees and from representatives of several of the Senior Living Community Referral Agencies. Between the January 24, 2024 meeting and the May 15, 2024 meeting, Board staff and legal counsel met with and extensively negotiated with affected small businesses and their legal counsel. Board staff and legal counsel and affected small businesses and their legal counsel produced and worked through seven drafts of the regulation language to reach compromise language agreeable to all involved. On June 12, 2024, the Board held a workshop on the consensus language of the regulation., and because the language was agreed upon by all involved, there was no testimony provided at the workshop.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted on August 7, 2024 with no changes because the final language of LCB File No. R105-24 already included the changes, additions, and amendments negotiated by the Board's counsel and representatives for the affected Senior Living Community Referral Agencies.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects on regulated businesses.

(1) Adverse: This regulation will have minimal adverse effects on Nevada small businesses, which effect will be the gathering and storing of some paperwork to facilitate the referrals that will be made incident to the regulation.

(2) Beneficial: This regulation will be beneficial to small businesses that make referrals to Nevada's long term care facilities by authorizing payment for such referrals enabled by SB 260 (2023 Session) where the previous regulations prohibited such paid referrals.

(b) Both immediate and long-term effects on regulated businesses.

(1) Direct: These regulations will be a direct effect on referral businesses and long-term care facilities when the proposed regulations are removed and/or revised.

(2) Indirect: The indirect effect is unknowable at this time.

(c) Both adverse and beneficial effects on the Nevada public.

(1) Adverse: This regulation will have no adverse effects on the Nevada public.

(2) Beneficial: This regulation will be beneficial to the Nevada public who will now be able to access Senior Living Community Referral Agencies for referrals to Nevada's long-term care where such access may have previously not been available because the Senior Living Community Referral Agencies could not

charge referral fees under the Board's prior regulations.

(d) Both immediate and long-term effects on the Nevada public.

(1) Direct: These regulations will have a direct effect on patients and clients who might seek referrals through Senior Living Community Referral Agencies.

(2) Indirect: The indirect effect is unknowable at this time.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The Board is not aware of any similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.


This proposed regulation is not required by federal law.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulations do not recommend new or increased fees.

This Informational Statement was prepared by Mary Wilkinson, Executive Director, and is accurate and complete.

Signed this 20th day of August, 2024.


Mary Wilkinson
Executive Director
Nevada State Board of Examiners for Long
Term Care Administrators

Comments were received via appearances at the various public meetings from some licensees and from representatives of several of the Senior Living Community Referral Agencies. Between the January 24, 2024 meeting and the May 15, 2024 meeting, Board staff and legal counsel met with and extensively negotiated with affected small businesses and their legal counsel. Board staff and legal counsel and affected small businesses and their legal counsel produced and worked through seven drafts of the regulation language to reach compromise language agreeable to all involved. On June 12, 2024, the Board held a workshop on the consensus language of the regulation., and because the language was agreed upon by all involved, there was no testimony provided at the workshop.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted on August 7, 2024 with no changes because the final language of LCB File No. R105-24 already included the changes, additions, and amendments negotiated by the Board's counsel and representatives for the affected Senior Living Community Referral Agencies.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects on regulated businesses.

(1) Adverse: This regulation will have minimal adverse effects on Nevada small businesses, which effect will be the gathering and storing of some paperwork to facilitate the referrals that will be made incident to the regulation.

(2) Beneficial: This regulation will be beneficial to small businesses that make referrals to Nevada's long term care facilities by authorizing payment for such referrals enabled by SB 260 (2023 Session) where the previous regulations prohibited such paid referrals.

(b) Both immediate and long-term effects on regulated businesses.

(1) Direct: These regulations will be a direct effect on referral businesses and long-term care facilities when the proposed regulations are removed and/or revised.

(2) Indirect: The indirect effect is unknowable at this time.

(c) Both adverse and beneficial effects on the Nevada public.

(1) Adverse: This regulation will have no adverse effects on the Nevada public.

(2) Beneficial: This regulation will be beneficial to the Nevada public who will now be able to access Senior Living Community Referral Agencies for referrals to Nevada's long-term care where such access may have previously not been available because the Senior Living Community Referral Agencies could not