

ASSEMBLY BILL NO. 259—ASSEMBLYWOMAN THOMAS

MARCH 12, 2021

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to psychiatric residential treatment facilities. (BDR 40-509)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to mental health; authorizing the State Board of Health to adopt regulations to allow an employee of a psychiatric residential treatment facility who is not a provider of health care to administer medication in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the State Board of Health to adopt standards,
2 qualifications and certain other regulations relating to medical facilities and other
3 related entities. (NRS 449.0302) **Section 1** of this bill requires the Board to adopt
4 regulations to authorize an employee of a psychiatric residential treatment facility
5 who is not a licensed provider of health care to administer medication to residents
6 of the facility under certain circumstances. **Sections 2 and 3** of this bill authorize
7 such an employee to administer controlled substances and dangerous drugs in
8 accordance with those regulations.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 449.0302 is hereby amended to read as
2 follows:

3 449.0302 1. The Board shall adopt:

4 (a) Licensing standards for each class of medical facility or
5 facility for the dependent covered by NRS 449.029 to 449.2428,
6 inclusive, and for programs of hospice care.



1 (b) Regulations governing the licensing of such facilities and
2 programs.

3 (c) Regulations governing the procedure and standards for
4 granting an extension of the time for which a natural person may
5 provide certain care in his or her home without being considered a
6 residential facility for groups pursuant to NRS 449.017. The
7 regulations must require that such grants are effective only if made
8 in writing.

9 (d) Regulations establishing a procedure for the indemnification
10 by the Division, from the amount of any surety bond or other
11 obligation filed or deposited by a facility for refractive surgery
12 pursuant to NRS 449.068 or 449.069, of a patient of the facility who
13 has sustained any damages as a result of the bankruptcy of or any
14 breach of contract by the facility.

15 (e) Regulations that prescribe the specific types of
16 discrimination prohibited by NRS 449.101.

17 (f) Any other regulations as it deems necessary or convenient to
18 carry out the provisions of NRS 449.029 to 449.2428, inclusive.

19 2. The Board shall adopt separate regulations governing the
20 licensing and operation of:

21 (a) Facilities for the care of adults during the day; and

22 (b) Residential facilities for groups,

23 ↪ which provide care to persons with Alzheimer's disease or other
24 severe dementia, as described in paragraph (a) of subsection 2 of
25 NRS 449.1845.

26 3. The Board shall adopt separate regulations for:

27 (a) The licensure of rural hospitals which take into consideration
28 the unique problems of operating such a facility in a rural area.

29 (b) The licensure of facilities for refractive surgery which take
30 into consideration the unique factors of operating such a facility.

31 (c) The licensure of mobile units which take into consideration
32 the unique factors of operating a facility that is not in a fixed
33 location.

34 4. The Board shall require that the practices and policies of
35 each medical facility or facility for the dependent provide
36 adequately for the protection of the health, safety and physical,
37 moral and mental well-being of each person accommodated in the
38 facility.

39 5. In addition to the training requirements prescribed pursuant
40 to NRS 449.093, the Board shall establish minimum qualifications
41 for administrators and employees of residential facilities for groups.
42 In establishing the qualifications, the Board shall consider the
43 related standards set by nationally recognized organizations which
44 accredit such facilities.



1 6. The Board shall adopt separate regulations regarding the
2 assistance which may be given pursuant to NRS 453.375 and
3 454.213 to an ultimate user of controlled substances or dangerous
4 drugs by employees of residential facilities for groups. The
5 regulations must require at least the following conditions before
6 such assistance may be given:

7 (a) The ultimate user's physical and mental condition is stable
8 and is following a predictable course.

9 (b) The amount of the medication prescribed is at a maintenance
10 level and does not require a daily assessment.

11 (c) A written plan of care by a physician or registered nurse has
12 been established that:

13 (1) Addresses possession and assistance in the administration
14 of the medication; and

15 (2) Includes a plan, which has been prepared under the
16 supervision of a registered nurse or licensed pharmacist, for
17 emergency intervention if an adverse condition results.

18 (d) Except as otherwise authorized by the regulations adopted
19 pursuant to NRS 449.0304, the prescribed medication is not
20 administered by injection or intravenously.

21 (e) The employee has successfully completed training and
22 examination approved by the Division regarding the authorized
23 manner of assistance.

24 7. The Board shall adopt separate regulations governing the
25 licensing and operation of residential facilities for groups which
26 provide assisted living services. The Board shall not allow the
27 licensing of a facility as a residential facility for groups which
28 provides assisted living services and a residential facility for groups
29 shall not claim that it provides "assisted living services" unless:

30 (a) Before authorizing a person to move into the facility, the
31 facility makes a full written disclosure to the person regarding what
32 services of personalized care will be available to the person and the
33 amount that will be charged for those services throughout the
34 resident's stay at the facility.

35 (b) The residents of the facility reside in their own living units
36 which:

37 (1) Except as otherwise provided in subsection 8, contain
38 toilet facilities;

39 (2) Contain a sleeping area or bedroom; and

40 (3) Are shared with another occupant only upon consent of
41 both occupants.

42 (c) The facility provides personalized care to the residents of the
43 facility and the general approach to operating the facility
44 incorporates these core principles:



1 (1) The facility is designed to create a residential
2 environment that actively supports and promotes each resident's
3 quality of life and right to privacy;

4 (2) The facility is committed to offering high-quality
5 supportive services that are developed by the facility in
6 collaboration with the resident to meet the resident's individual
7 needs;

8 (3) The facility provides a variety of creative and innovative
9 services that emphasize the particular needs of each individual
10 resident and the resident's personal choice of lifestyle;

11 (4) The operation of the facility and its interaction with its
12 residents supports, to the maximum extent possible, each resident's
13 need for autonomy and the right to make decisions regarding his or
14 her own life;

15 (5) The operation of the facility is designed to foster a social
16 climate that allows the resident to develop and maintain personal
17 relationships with fellow residents and with persons in the general
18 community;

19 (6) The facility is designed to minimize and is operated in a
20 manner which minimizes the need for its residents to move out of
21 the facility as their respective physical and mental conditions change
22 over time; and

23 (7) The facility is operated in such a manner as to foster a
24 culture that provides a high-quality environment for the residents,
25 their families, the staff, any volunteers and the community at large.

26 8. The Division may grant an exception from the requirement
27 of subparagraph (1) of paragraph (b) of subsection 7 to a facility
28 which is licensed as a residential facility for groups on or before
29 July 1, 2005, and which is authorized to have 10 or fewer beds and
30 was originally constructed as a single-family dwelling if the
31 Division finds that:

32 (a) Strict application of that requirement would result in
33 economic hardship to the facility requesting the exception; and

34 (b) The exception, if granted, would not:

35 (1) Cause substantial detriment to the health or welfare of
36 any resident of the facility;

37 (2) Result in more than two residents sharing a toilet facility;
38 or

39 (3) Otherwise impair substantially the purpose of that
40 requirement.

41 9. The Board shall, if it determines necessary, adopt
42 regulations and requirements to ensure that each residential facility
43 for groups and its staff are prepared to respond to an emergency,
44 including, without limitation:



1 (a) The adoption of plans to respond to a natural disaster and
2 other types of emergency situations, including, without limitation,
3 an emergency involving fire;

4 (b) The adoption of plans to provide for the evacuation of a
5 residential facility for groups in an emergency, including, without
6 limitation, plans to ensure that nonambulatory patients may be
7 evacuated;

8 (c) Educating the residents of residential facilities for groups
9 concerning the plans adopted pursuant to paragraphs (a) and (b); and

10 (d) Posting the plans or a summary of the plans adopted
11 pursuant to paragraphs (a) and (b) in a conspicuous place in each
12 residential facility for groups.

13 10. The regulations governing the licensing and operation of
14 facilities for transitional living for released offenders must provide
15 for the licensure of at least three different types of facilities,
16 including, without limitation:

17 (a) Facilities that only provide a housing and living
18 environment;

19 (b) Facilities that provide or arrange for the provision of
20 supportive services for residents of the facility to assist the residents
21 with reintegration into the community, in addition to providing a
22 housing and living environment; and

23 (c) Facilities that provide or arrange for the provision of
24 programs for alcohol and other substance use disorders, in addition
25 to providing a housing and living environment and providing or
26 arranging for the provision of other supportive services.

27 ↪ The regulations must provide that if a facility was originally
28 constructed as a single-family dwelling, the facility must not be
29 authorized for more than eight beds.

30 11. The Board shall adopt regulations applicable to providers
31 of community-based living arrangement services which:

32 (a) Except as otherwise provided in paragraph (b), require a
33 natural person responsible for the operation of a provider of
34 community-based living arrangement services and each employee of
35 a provider of community-based living arrangement services who
36 supervises or provides support to recipients of community-based
37 living arrangement services to complete training concerning the
38 provision of community-based living arrangement services to
39 persons with mental illness and continuing education concerning the
40 particular population served by the provider;

41 (b) Exempt a person licensed or certified pursuant to title 54 of
42 NRS from the requirements prescribed pursuant to paragraph (a) if
43 the Board determines that the person is required to receive training
44 and continuing education substantially equivalent to that prescribed
45 pursuant to that paragraph;



1 (c) Require a natural person responsible for the operation of a
2 provider of community-based living arrangement services to receive
3 training concerning the provisions of title 53 of NRS applicable to
4 the provision of community-based living arrangement services; and

5 (d) Require an applicant for a license to provide community-
6 based living arrangement services to post a surety bond in an
7 amount equal to the operating expenses of the applicant for 2
8 months, place that amount in escrow or take another action
9 prescribed by the Division to ensure that, if the applicant becomes
10 insolvent, recipients of community-based living arrangement
11 services from the applicant may continue to receive community-
12 based living arrangement services for 2 months at the expense of the
13 applicant.

14 12. *The Board shall adopt regulations to authorize an*
15 *employee of a psychiatric residential treatment facility who is not a*
16 *licensed provider of health care to administer medication to*
17 *residents of the facility if:*

18 (a) *The employee has completed training prescribed by the*
19 *Board; and*

20 (b) *A physician, physician assistant licensed pursuant to*
21 *chapter 630 or 633 of NRS, registered nurse or licensed practical*
22 *nurse is present on the premises of the facility.*

23 13. As used in this section [~~“living”~~]:

24 (a) *“Living unit”* means an individual private accommodation
25 designated for a resident within the facility.

26 (b) *“Psychiatric residential treatment facility”* has the
27 *meaning ascribed to it in NRS 449.1195.*

28 **Sec. 2.** NRS 453.375 is hereby amended to read as follows:

29 453.375 1. A controlled substance may be possessed and
30 administered by the following persons:

31 (a) A practitioner.

32 (b) A registered nurse licensed to practice professional nursing
33 or licensed practical nurse, at the direction of a physician, physician
34 assistant, dentist, podiatric physician or advanced practice registered
35 nurse, or pursuant to a chart order, for administration to a patient at
36 another location.

37 (c) A paramedic:

38 (1) As authorized by regulation of:

39 (I) The State Board of Health in a county whose
40 population is less than 100,000; or

41 (II) A county or district board of health in a county whose
42 population is 100,000 or more; and

43 (2) In accordance with any applicable regulations of:

44 (I) The State Board of Health in a county whose
45 population is less than 100,000;



1 (II) A county board of health in a county whose
2 population is 100,000 or more; or

3 (III) A district board of health created pursuant to NRS
4 439.362 or 439.370 in any county.

5 (d) A respiratory therapist, at the direction of a physician or
6 physician assistant.

7 (e) A medical student, student in training to become a physician
8 assistant or student nurse in the course of his or her studies at an
9 accredited college of medicine or approved school of professional or
10 practical nursing, at the direction of a physician or physician
11 assistant and:

12 (1) In the presence of a physician, physician assistant or a
13 registered nurse; or

14 (2) Under the supervision of a physician, physician assistant
15 or a registered nurse if the student is authorized by the college or
16 school to administer the substance outside the presence of a
17 physician, physician assistant or nurse.

18 ↪ A medical student or student nurse may administer a controlled
19 substance in the presence or under the supervision of a registered
20 nurse alone only if the circumstances are such that the registered
21 nurse would be authorized to administer it personally.

22 (f) An ultimate user or any person whom the ultimate user
23 designates pursuant to a written agreement.

24 (g) Any person designated by the head of a correctional
25 institution.

26 (h) A veterinary technician at the direction of his or her
27 supervising veterinarian.

28 (i) In accordance with applicable regulations of the State Board
29 of Health, an employee of a residential facility for groups, as
30 defined in NRS 449.017, pursuant to a written agreement entered
31 into by the ultimate user.

32 (j) In accordance with applicable regulations of the State Board
33 of Pharmacy, an animal control officer, a wildlife biologist or an
34 employee designated by a federal, state or local governmental
35 agency whose duties include the control of domestic, wild and
36 predatory animals.

37 (k) A person who is enrolled in a training program to become a
38 paramedic, respiratory therapist or veterinary technician if the
39 person possesses and administers the controlled substance in the
40 same manner and under the same conditions that apply, respectively,
41 to a paramedic, respiratory therapist or veterinary technician who
42 may possess and administer the controlled substance, and under the
43 direct supervision of a person licensed or registered to perform the
44 respective medical art or a supervisor of such a person.



1 *(l) An employee of a psychiatric residential treatment facility*
2 *in accordance with the regulations adopted pursuant to*
3 *NRS 449.0302.*

4 2. As used in this section ~~["accredited"]~~ :

5 (a) "Accredited college of medicine" means:

6 ~~[(a)]~~ (1) A medical school that is accredited by the Liaison
7 Committee on Medical Education of the American Medical
8 Association and the Association of American Medical Colleges or
9 their successor organizations; or

10 ~~[(b)]~~ (2) A school of osteopathic medicine, as defined in
11 NRS 633.121.

12 *(b) "Psychiatric residential treatment facility" has the*
13 *meaning ascribed to it in NRS 449.1195.*

14 **Sec. 3.** NRS 454.213 is hereby amended to read as follows:

15 454.213 1. Except as otherwise provided in NRS 454.217, a
16 drug or medicine referred to in NRS 454.181 to 454.371, inclusive,
17 may be possessed and administered by:

18 (a) A practitioner.

19 (b) A physician assistant licensed pursuant to chapter 630 or 633
20 of NRS, at the direction of his or her supervising physician or a
21 licensed dental hygienist acting in the office of and under the
22 supervision of a dentist.

23 (c) Except as otherwise provided in paragraph (d), a registered
24 nurse licensed to practice professional nursing or licensed practical
25 nurse, at the direction of a prescribing physician, physician assistant
26 licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric
27 physician or advanced practice registered nurse, or pursuant to a
28 chart order, for administration to a patient at another location.

29 (d) In accordance with applicable regulations of the Board, a
30 registered nurse licensed to practice professional nursing or licensed
31 practical nurse who is:

32 (1) Employed by a health care agency or health care facility
33 that is authorized to provide emergency care, or to respond to the
34 immediate needs of a patient, in the residence of the patient; and

35 (2) Acting under the direction of the medical director of that
36 agency or facility who works in this State.

37 (e) A medication aide - certified at a designated facility under
38 the supervision of an advanced practice registered nurse or
39 registered nurse and in accordance with standard protocols
40 developed by the State Board of Nursing. As used in this paragraph,
41 "designated facility" has the meaning ascribed to it in
42 NRS 632.0145.

43 (f) Except as otherwise provided in paragraph (g), an advanced
44 emergency medical technician or a paramedic, as authorized by



1 regulation of the State Board of Pharmacy and in accordance with
2 any applicable regulations of:

3 (1) The State Board of Health in a county whose population
4 is less than 100,000;

5 (2) A county board of health in a county whose population is
6 100,000 or more; or

7 (3) A district board of health created pursuant to NRS
8 439.362 or 439.370 in any county.

9 (g) An advanced emergency medical technician or a paramedic
10 who holds an endorsement issued pursuant to NRS 450B.1975,
11 under the direct supervision of a local health officer or a designee of
12 the local health officer pursuant to that section.

13 (h) A respiratory therapist employed in a health care facility.
14 The therapist may possess and administer respiratory products only
15 at the direction of a physician.

16 (i) A dialysis technician, under the direction or supervision of a
17 physician or registered nurse only if the drug or medicine is used for
18 the process of renal dialysis.

19 (j) A medical student or student nurse in the course of his or her
20 studies at an accredited college of medicine or approved school of
21 professional or practical nursing, at the direction of a physician and:

22 (1) In the presence of a physician or a registered nurse; or

23 (2) Under the supervision of a physician or a registered nurse
24 if the student is authorized by the college or school to administer the
25 drug or medicine outside the presence of a physician or nurse.

26 ↪ A medical student or student nurse may administer a dangerous
27 drug in the presence or under the supervision of a registered nurse
28 alone only if the circumstances are such that the registered nurse
29 would be authorized to administer it personally.

30 (k) Any person designated by the head of a correctional
31 institution.

32 (l) An ultimate user or any person designated by the ultimate
33 user pursuant to a written agreement.

34 (m) A holder of a license to engage in radiation therapy and
35 radiologic imaging issued pursuant to chapter 653 of NRS, at the
36 direction of a physician and in accordance with any conditions
37 established by regulation of the Board.

38 (n) A chiropractic physician, but only if the drug or medicine is
39 a topical drug used for cooling and stretching external tissue during
40 therapeutic treatments.

41 (o) A physical therapist, but only if the drug or medicine is a
42 topical drug which is:

43 (1) Used for cooling and stretching external tissue during
44 therapeutic treatments; and

45 (2) Prescribed by a licensed physician for:



1 (I) Iontophoresis; or
2 (II) The transmission of drugs through the skin using
3 ultrasound.

4 (p) In accordance with applicable regulations of the State Board
5 of Health, an employee of a residential facility for groups, as
6 defined in NRS 449.017, pursuant to a written agreement entered
7 into by the ultimate user.

8 (q) A veterinary technician or a veterinary assistant at the
9 direction of his or her supervising veterinarian.

10 (r) In accordance with applicable regulations of the Board, a
11 registered pharmacist who:

12 (1) Is trained in and certified to carry out standards and
13 practices for immunization programs;

14 (2) Is authorized to administer immunizations pursuant to
15 written protocols from a physician; and

16 (3) Administers immunizations in compliance with the
17 "Standards for Immunization Practices" recommended and
18 approved by the Advisory Committee on Immunization Practices of
19 the Centers for Disease Control and Prevention.

20 (s) A registered pharmacist pursuant to written guidelines and
21 protocols developed and approved pursuant to NRS 639.2629 or a
22 collaborative practice agreement, as defined in NRS 639.0052.

23 (t) A person who is enrolled in a training program to become a
24 physician assistant licensed pursuant to chapter 630 or 633 of NRS,
25 dental hygienist, advanced emergency medical technician,
26 paramedic, respiratory therapist, dialysis technician, physical
27 therapist or veterinary technician or to obtain a license to engage in
28 radiation therapy and radiologic imaging pursuant to chapter 653 of
29 NRS if the person possesses and administers the drug or medicine in
30 the same manner and under the same conditions that apply,
31 respectively, to a physician assistant licensed pursuant to chapter
32 630 or 633 of NRS, dental hygienist, advanced emergency medical
33 technician, paramedic, respiratory therapist, dialysis technician,
34 physical therapist, veterinary technician or person licensed to
35 engage in radiation therapy and radiologic imaging who may
36 possess and administer the drug or medicine, and under the direct
37 supervision of a person licensed or registered to perform the
38 respective medical art or a supervisor of such a person.

39 (u) A medical assistant, in accordance with applicable
40 regulations of the:

41 (1) Board of Medical Examiners, at the direction of the
42 prescribing physician and under the supervision of a physician or
43 physician assistant.



1 (2) State Board of Osteopathic Medicine, at the direction of
2 the prescribing physician and under the supervision of a physician
3 or physician assistant.

4 (v) *An employee of a psychiatric residential treatment facility*
5 *in accordance with the regulations adopted pursuant to*
6 *NRS 449.0302.*

7 2. As used in this section ~~["accredited"]~~ :

8 (a) *"Accredited* college of medicine" has the meaning ascribed
9 to it in NRS 453.375.

10 (b) *"Psychiatric residential treatment facility" has the*
11 *meaning ascribed to it in NRS 449.1195.*

12 **Sec. 4.** 1. This section becomes effective upon passage and
13 approval.

14 2. Sections 1, 2 and 3 of this act become effective:

15 (a) Upon passage and approval for the purpose of adopting any
16 regulations and performing any other preparatory administrative
17 tasks that are necessary to carry out the provisions of this act; and

18 (b) On January 1, 2022, for all other purposes.

