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SENATE BILL NO. 498—COMMITTEE ON FINANCE  
(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 23, 2015

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Referred to Committee on Health and Human Services

SUMMARY—Provides for the regulation of community health worker pools. (BDR 40-1190)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
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.

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AN ACT relating to health; requiring the licensure of community health worker pools by the Division of Public and Behavioral Health of the Department of Health and Human Services and to pay an application fee for the license; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law requires a person who wishes to operate or maintain a facility for  
2 the dependent or a medical facility to obtain a license from the Division of Public  
3 and Behavioral Health of the Department of Health and Human Services and to pay  
4 an application fee for the license. (NRS 449.030, 449.050) **Section 6** of this bill  
5 includes a community health worker pool within the definition of medical facility,  
6 thereby requiring community health worker pools to obtain a license from the  
7 Division. **Section 4** of this bill provides that a person who holds a license as a  
8 facility for the dependent or a medical facility and employs community health  
9 workers is not required to obtain an additional license as a community health  
10 worker pool. **Section 9** of this bill imposes certain requirements on a community  
11 health worker pool for the renewal of its license. **Section 12** of this bill makes  
12 certain employees of a community health worker pool immune from civil liability  
13 for rendering emergency care or assistance in good faith in the course of his or her  
14 employment. **Sections 13 and 15** of this bill extend certain mandatory reporting  
15 requirements to community health worker pools.

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

1       **Section 1.** Chapter 449 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3       **Sec. 2.** *“Community health worker” means a natural person*  
4 *who:*

5       1. *Lives in or otherwise has a connection to the community in*  
6 *which he or she provides services.*

7       2. *Is trained by a provider of health care to provide certain*  
8 *services which do not require the community health worker to be*  
9 *licensed.*

10       3. *Provides services at the direction of a facility for the*  
11 *dependent, medical facility or provider of health care which may*  
12 *include, without limitation, outreach and the coordination of*  
13 *health care.*

14       **Sec. 3.** *“Community health worker pool” means a person or*  
15 *agency which provides, for compensation and through its*  
16 *employees or by contract with community health workers, the*  
17 *services of community health workers to any natural person,*  
18 *medical facility or facility for the dependent. The term does not*  
19 *include an independent contractor who personally provides the*  
20 *services of a community health worker or a facility for the*  
21 *dependent or any medical facility other than a community health*  
22 *worker pool which provides the services of a community health*  
23 *worker.*

24       **Sec. 4.** *A person who is licensed pursuant to this chapter as a*  
25 *facility for the dependent or medical facility and who employs*  
26 *community health workers is not required to obtain an additional*  
27 *license as a community health worker pool.*

28       **Sec. 5.** NRS 449.001 is hereby amended to read as follows:

29       449.001 As used in this chapter, unless the context otherwise  
30 requires, the words and terms defined in NRS 449.0015 to  
31 449.0195, inclusive, *and sections 2 and 3 of this act* have the  
32 meanings ascribed to them in those sections.

33       **Sec. 6.** NRS 449.0151 is hereby amended to read as follows:

34       449.0151 “Medical facility” includes:

- 35       1. A surgical center for ambulatory patients;
- 36       2. An obstetric center;
- 37       3. An independent center for emergency medical care;
- 38       4. An agency to provide nursing in the home;
- 39       5. A facility for intermediate care;
- 40       6. A facility for skilled nursing;
- 41       7. A facility for hospice care;
- 42       8. A hospital;



- 1 9. A psychiatric hospital;
- 2 10. A facility for the treatment of irreversible renal disease;
- 3 11. A rural clinic;
- 4 12. A nursing pool;
- 5 13. A facility for modified medical detoxification;
- 6 14. A facility for refractive surgery;
- 7 15. A mobile unit; ~~and~~
- 8 16. A community triage center ~~H~~; *and*
- 9 *17. A community health worker pool.*

10 **Sec. 7.** NRS 449.030 is hereby amended to read as follows:

11 449.030 1. ~~No~~ *Except as otherwise provided in section 4 of*  
12 *this act, no* person, state or local government or agency thereof may  
13 operate or maintain in this State any medical facility or facility for  
14 the dependent without first obtaining a license therefor as provided  
15 in NRS 449.030 to 449.2428, inclusive ~~H~~, *and section 4 of this*  
16 *act.*

17 2. Unless licensed as a facility for hospice care, a person, state  
18 or local government or agency thereof shall not operate a program  
19 of hospice care without first obtaining a license for the program  
20 from the Board.

21 **Sec. 8.** NRS 449.0302 is hereby amended to read as follows:

22 449.0302 1. The Board shall adopt:

23 (a) Licensing standards for each class of medical facility or  
24 facility for the dependent covered by NRS 449.030 to 449.2428,  
25 inclusive, *and section 4 of this act* and for programs of hospice  
26 care.

27 (b) Regulations governing the licensing of such facilities and  
28 programs.

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

35 (d) Regulations establishing a procedure for the indemnification  
36 by the Division, from the amount of any surety bond or other  
37 obligation filed or deposited by a facility for refractive surgery  
38 pursuant to NRS 449.068 or 449.069, of a patient of the facility who  
39 has sustained any damages as a result of the bankruptcy of or any  
40 breach of contract by the facility.

41 (e) Any other regulations as it deems necessary or convenient to  
42 carry out the provisions of NRS 449.030 to 449.2428, inclusive ~~H~~,  
43 *and section 4 of this act.*

44 2. The Board shall adopt separate regulations governing the  
45 licensing and operation of:



- 1 (a) Facilities for the care of adults during the day; and  
2 (b) Residential facilities for groups,  
3 ↪ which provide care to persons with Alzheimer's disease.
- 4 3. The Board shall adopt separate regulations for:  
5 (a) The licensure of rural hospitals which take into consideration  
6 the unique problems of operating such a facility in a rural area.  
7 (b) The licensure of facilities for refractive surgery which take  
8 into consideration the unique factors of operating such a facility.  
9 (c) The licensure of mobile units which take into consideration  
10 the unique factors of operating a facility that is not in a fixed  
11 location.
- 12 4. The Board shall require that the practices and policies of  
13 each medical facility or facility for the dependent provide  
14 adequately for the protection of the health, safety and physical,  
15 moral and mental well-being of each person accommodated in the  
16 facility.
- 17 5. In addition to the training requirements prescribed pursuant  
18 to NRS 449.093, the Board shall establish minimum qualifications  
19 for administrators and employees of residential facilities for groups.  
20 In establishing the qualifications, the Board shall consider the  
21 related standards set by nationally recognized organizations which  
22 accredit such facilities.
- 23 6. The Board shall adopt separate regulations regarding the  
24 assistance which may be given pursuant to NRS 453.375 and  
25 454.213 to an ultimate user of controlled substances or dangerous  
26 drugs by employees of residential facilities for groups. The  
27 regulations must require at least the following conditions before  
28 such assistance may be given:
- 29 (a) The ultimate user's physical and mental condition is stable  
30 and is following a predictable course.  
31 (b) The amount of the medication prescribed is at a maintenance  
32 level and does not require a daily assessment.  
33 (c) A written plan of care by a physician or registered nurse has  
34 been established that:  
35 (1) Addresses possession and assistance in the administration  
36 of the medication; and  
37 (2) Includes a plan, which has been prepared under the  
38 supervision of a registered nurse or licensed pharmacist, for  
39 emergency intervention if an adverse condition results.  
40 (d) The prescribed medication is not administered by injection  
41 or intravenously.  
42 (e) The employee has successfully completed training and  
43 examination approved by the Division regarding the authorized  
44 manner of assistance.



1 7. The Board shall adopt separate regulations governing the  
2 licensing and operation of residential facilities for groups which  
3 provide assisted living services. The Board shall not allow the  
4 licensing of a facility as a residential facility for groups which  
5 provides assisted living services and a residential facility for groups  
6 shall not claim that it provides "assisted living services" unless:

7 (a) Before authorizing a person to move into the facility, the  
8 facility makes a full written disclosure to the person regarding what  
9 services of personalized care will be available to the person and the  
10 amount that will be charged for those services throughout the  
11 resident's stay at the facility.

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

14 (1) Except as otherwise provided in subsection 8, contain  
15 toilet facilities;

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

17 (3) Are shared with another occupant only upon consent of  
18 both occupants.

19 (c) The facility provides personalized care to the residents of the  
20 facility and the general approach to operating the facility  
21 incorporates these core principles:

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

25 (2) The facility is committed to offering high-quality  
26 supportive services that are developed by the facility in  
27 collaboration with the resident to meet the resident's individual  
28 needs;

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

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

36 (5) The operation of the facility is designed to foster a social  
37 climate that allows the resident to develop and maintain personal  
38 relationships with fellow residents and with persons in the general  
39 community;

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



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

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

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

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

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

15 (2) Result in more than two residents sharing a toilet facility;  
16 or

17 (3) Otherwise impair substantially the purpose of that  
18 requirement.

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

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

26 (b) The adoption of plans to provide for the evacuation of a  
27 residential facility for groups in an emergency, including, without  
28 limitation, plans to ensure that nonambulatory patients may be  
29 evacuated;

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

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

35 10. The regulations governing the licensing and operation of  
36 facilities for transitional living for released offenders must provide  
37 for the licensure of at least three different types of facilities,  
38 including, without limitation:

39 (a) Facilities that only provide a housing and living  
40 environment;

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



1 (c) Facilities that provide or arrange for the provision of alcohol  
2 and drug abuse programs, in addition to providing a housing and  
3 living environment and providing or arranging for the provision of  
4 other supportive services.

5 ➤ The regulations must provide that if a facility was originally  
6 constructed as a single-family dwelling, the facility must not be  
7 authorized for more than eight beds.

8 11. As used in this section, "living unit" means an individual  
9 private accommodation designated for a resident within the facility.

10 **Sec. 9.** NRS 449.089 is hereby amended to read as follows:

11 449.089 1. Each license issued pursuant to NRS 449.030 to  
12 449.2428, inclusive, *and section 4 of this act* expires on  
13 December 31 following its issuance and is renewable for 1 year  
14 upon reapplication and payment of all fees required pursuant to  
15 NRS 449.050 unless the Division finds, after an investigation, that  
16 the facility has not:

17 (a) Satisfactorily complied with the provisions of NRS 449.030  
18 to 449.2428, inclusive, *and section 4 of this act* or the standards and  
19 regulations adopted by the Board;

20 (b) Obtained the approval of the Director of the Department of  
21 Health and Human Services before undertaking a project, if such  
22 approval is required by NRS 439A.100; or

23 (c) Conformed to all applicable local zoning regulations.

24 2. Each reapplication for an agency to provide personal care  
25 services in the home, an agency to provide nursing in the home, *a*  
26 *community health worker pool*, a facility for intermediate care, a  
27 facility for skilled nursing, a hospital described in 42 U.S.C. §  
28 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, a  
29 residential facility for groups, a program of hospice care, a home for  
30 individual residential care, a facility for the care of adults during the  
31 day, a facility for hospice care, a nursing pool, the distinct part of a  
32 hospital which meets the requirements of a skilled nursing facility or  
33 nursing facility pursuant to 42 C.F.R. § 483.5(b)(2), a hospital that  
34 provides swing-bed services as described in 42 C.F.R. § 482.66 or,  
35 if residential services are provided to children, a medical facility or  
36 facility for the treatment of abuse of alcohol or drugs must include,  
37 without limitation, a statement that the facility, hospital, agency,  
38 program, *pool* or home is in compliance with the provisions of NRS  
39 449.119 to 449.125, inclusive, and 449.174.

40 3. Each reapplication for an agency to provide personal care  
41 services in the home, *a community health worker pool*, a facility  
42 for intermediate care, a facility for skilled nursing, a facility for the  
43 care of adults during the day, a residential facility for groups or a  
44 home for individual residential care must include, without  
45 limitation, a statement that the holder of the license to operate, and



1 the administrator or other person in charge and employees of, the  
2 facility, agency, *pool* or home are in compliance with the provisions  
3 of NRS 449.093.

4 **Sec. 10.** NRS 449.119 is hereby amended to read as follows:

5 449.119 As used in NRS 449.119 to 449.125, inclusive,  
6 “facility, hospital, agency, program or home” means an agency to  
7 provide personal care services in the home, an agency to provide  
8 nursing in the home, *a community health worker pool*, a facility for  
9 intermediate care, a facility for skilled nursing, a hospital described  
10 in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through  
11 Medicare, a residential facility for groups, a program of hospice  
12 care, a home for individual residential care, a facility for the care of  
13 adults during the day, a facility for hospice care, a nursing pool, the  
14 distinct part of a hospital which meets the requirements of a skilled  
15 nursing facility or nursing facility pursuant to 42 C.F.R. §  
16 483.5(b)(2), a hospital that provides swing-bed services as described  
17 in 42 C.F.R. § 482.66 or, if residential services are provided to  
18 children, a medical facility or facility for the treatment of abuse of  
19 alcohol or drugs.

20 **Sec. 11.** NRS 449.174 is hereby amended to read as follows:

21 449.174 1. In addition to the grounds listed in NRS 449.160,  
22 the Division may deny a license to operate a facility, hospital,  
23 agency, program or home to an applicant or may suspend or revoke  
24 the license of a licensee to operate such a facility, hospital, agency,  
25 program or home if:

26 (a) The applicant or licensee has been convicted of:

- 27 (1) Murder, voluntary manslaughter or mayhem;  
28 (2) Assault or battery with intent to kill or to commit sexual  
29 assault or mayhem;  
30 (3) Sexual assault, statutory sexual seduction, incest,  
31 lewdness or indecent exposure, or any other sexually related crime  
32 that is punished as a felony;  
33 (4) Prostitution, solicitation, lewdness or indecent exposure,  
34 or any other sexually related crime that is punished as a  
35 misdemeanor, within the immediately preceding 7 years;  
36 (5) A crime involving domestic violence that is punished as a  
37 felony;  
38 (6) A crime involving domestic violence that is punished as a  
39 misdemeanor, within the immediately preceding 7 years;  
40 (7) Abuse or neglect of a child or contributory delinquency;  
41 (8) A violation of any federal or state law regulating the  
42 possession, distribution or use of any controlled substance or any  
43 dangerous drug as defined in chapter 454 of NRS, within the  
44 immediately preceding 7 years;





1 (9) Abuse, neglect, exploitation or isolation of older persons  
2 or vulnerable persons, including, without limitation, a violation of  
3 any provision of NRS 200.5091 to 200.50995, inclusive, or a law of  
4 any other jurisdiction that prohibits the same or similar conduct;

5 (10) A violation of any provision of law relating to the State  
6 Plan for Medicaid or a law of any other jurisdiction that prohibits  
7 the same or similar conduct, within the immediately preceding 7  
8 years;

9 (11) A violation of any provision of NRS 422.450 to  
10 422.590, inclusive;

11 (12) A criminal offense under the laws governing Medicaid  
12 or Medicare, within the immediately preceding 7 years;

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

16 (14) Any other felony involving the use or threatened use of  
17 force or violence against the victim or the use of a firearm or other  
18 deadly weapon; or

19 (15) An attempt or conspiracy to commit any of the offenses  
20 listed in this paragraph, within the immediately preceding 7 years;

21 (b) The licensee has, in violation of NRS 449.125, continued to  
22 employ a person who has been convicted of a crime listed in  
23 paragraph (a); or

24 (c) The applicant or licensee has had a substantiated report of  
25 child abuse or neglect made against him or her and if the facility,  
26 hospital, agency, program or home provides residential services to  
27 children.

28 2. In addition to the grounds listed in NRS 449.160, the  
29 Division may suspend or revoke the license of a licensee to operate  
30 an agency to provide personal care services in the home , ~~for~~ an  
31 agency to provide nursing in the home *or a community health*  
32 *worker pool* if the licensee has, in violation of NRS 449.125,  
33 continued to employ a person who has been convicted of a crime  
34 listed in paragraph (a) of subsection 1.

35 3. As used in this section:

36 (a) "Domestic violence" means an act described in NRS 33.018.

37 (b) "Facility, hospital, agency, program or home" has the  
38 meaning ascribed to it in NRS 449.119.

39 (c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

40 (d) "Medicare" has the meaning ascribed to it in NRS 439B.130.

41 **Sec. 12.** NRS 449.194 is hereby amended to read as follows:

42 449.194 Any person who is employed by an agency to provide  
43 personal care services in the home *or a community health worker*  
44 *pool* who:



1 1. Has successfully completed a course in cardiopulmonary  
2 resuscitation according to the guidelines of the American National  
3 Red Cross or American Heart Association;

4 2. Has successfully completed the training requirements of a  
5 course in basic emergency care of a person in cardiac arrest  
6 conducted in accordance with the standards of the American Heart  
7 Association; or

8 3. Has successfully completed the training requirements of a  
9 course in the use and administration of first aid, including  
10 cardiopulmonary resuscitation,

11 and who in good faith renders emergency care or assistance in  
12 accordance with the person's training, in the course of his or her  
13 regular employment or profession, to an elderly person or a person  
14 with a disability, is not liable for any civil damages as a result of any  
15 act or omission, not amounting to gross negligence, by that person  
16 in rendering that care.

17 **Sec. 13.** NRS 200.5093 is hereby amended to read as follows:

18 200.5093 1. Any person who is described in subsection 4 and  
19 who, in a professional or occupational capacity, knows or has  
20 reasonable cause to believe that an older person has been abused,  
21 neglected, exploited or isolated shall:

22 (a) Except as otherwise provided in subsection 2, report the  
23 abuse, neglect, exploitation or isolation of the older person to:

24 (1) The local office of the Aging and Disability Services  
25 Division of the Department of Health and Human Services;

26 (2) A police department or sheriff's office;

27 (3) The county's office for protective services, if one exists  
28 in the county where the suspected action occurred; or

29 (4) A toll-free telephone service designated by the Aging and  
30 Disability Services Division of the Department of Health and  
31 Human Services; and

32 (b) Make such a report as soon as reasonably practicable but not  
33 later than 24 hours after the person knows or has reasonable cause to  
34 believe that the older person has been abused, neglected, exploited or  
35 isolated.

36 2. If a person who is required to make a report pursuant to  
37 subsection 1 knows or has reasonable cause to believe that the  
38 abuse, neglect, exploitation or isolation of the older person involves  
39 an act or omission of the Aging and Disability Services Division,  
40 another division of the Department of Health and Human Services  
41 or a law enforcement agency, the person shall make the report to an  
42 agency other than the one alleged to have committed the act or  
43 omission.

44 3. Each agency, after reducing a report to writing, shall forward  
45 a copy of the report to the Aging and Disability Services Division of



1 the Department of Health and Human Services and the Unit for the  
2 Investigation and Prosecution of Crimes.

3 4. A report must be made pursuant to subsection 1 by the  
4 following persons:

5 (a) Every physician, dentist, dental hygienist, chiropractor,  
6 optometrist, podiatric physician, medical examiner, resident, intern,  
7 professional or practical nurse, physician assistant licensed pursuant  
8 to chapter 630 or 633 of NRS, perfusionist, psychiatrist,  
9 psychologist, marriage and family therapist, clinical professional  
10 counselor, clinical alcohol and drug abuse counselor, alcohol and  
11 drug abuse counselor, music therapist, athletic trainer, driver of an  
12 ambulance, paramedic, licensed dietitian or other person providing  
13 medical services licensed or certified to practice in this State, who  
14 examines, attends or treats an older person who appears to have  
15 been abused, neglected, exploited or isolated.

16 (b) Any personnel of a hospital or similar institution engaged in  
17 the admission, examination, care or treatment of persons or an  
18 administrator, manager or other person in charge of a hospital or  
19 similar institution upon notification of the suspected abuse, neglect,  
20 exploitation or isolation of an older person by a member of the staff  
21 of the hospital.

22 (c) A coroner.

23 (d) Every person who maintains or is employed by an agency to  
24 provide personal care services in the home.

25 (e) Every person who maintains or is employed by an agency to  
26 provide nursing in the home.

27 (f) Every person who operates, who is employed by or who  
28 contracts to provide services for an intermediary service  
29 organization as defined in NRS 449.4304.

30 (g) Any employee of the Department of Health and Human  
31 Services.

32 (h) Any employee of a law enforcement agency or a county's  
33 office for protective services or an adult or juvenile probation  
34 officer.

35 (i) Any person who maintains or is employed by a facility or  
36 establishment that provides care for older persons.

37 (j) Any person who maintains, is employed by or serves as a  
38 volunteer for an agency or service which advises persons regarding  
39 the abuse, neglect, exploitation or isolation of an older person and  
40 refers them to persons and agencies where their requests and needs  
41 can be met.

42 (k) Every social worker.

43 (l) Any person who owns or is employed by a funeral home or  
44 mortuary.



1        *(m) Every person who operates or is employed by a community*  
2 *health worker pool, as defined in section 3 of this act, or with*  
3 *whom a community health worker pool contracts to provide the*  
4 *services of a community health worker, as defined in section 2 of*  
5 *this act.*

6        5. A report may be made by any other person.

7        6. If a person who is required to make a report pursuant to  
8 subsection 1 knows or has reasonable cause to believe that an older  
9 person has died as a result of abuse, neglect or isolation, the person  
10 shall, as soon as reasonably practicable, report this belief to the  
11 appropriate medical examiner or coroner, who shall investigate the  
12 cause of death of the older person and submit to the appropriate  
13 local law enforcement agencies, the appropriate prosecuting  
14 attorney, the Aging and Disability Services Division of the  
15 Department of Health and Human Services and the Unit for the  
16 Investigation and Prosecution of Crimes his or her written findings.  
17 The written findings must include the information required pursuant  
18 to the provisions of NRS 200.5094, when possible.

19        7. A division, office or department which receives a report  
20 pursuant to this section shall cause the investigation of the report to  
21 commence within 3 working days. A copy of the final report of the  
22 investigation conducted by a division, office or department, other  
23 than the Aging and Disability Services Division of the Department  
24 of Health and Human Services, must be forwarded within 30 days  
25 after the completion of the report to the:

26        (a) Aging and Disability Services Division;

27        (b) Repository for Information Concerning Crimes Against  
28 Older Persons created by NRS 179A.450; and

29        (c) Unit for the Investigation and Prosecution of Crimes.

30        8. If the investigation of a report results in the belief that an  
31 older person is abused, neglected, exploited or isolated, the Aging  
32 and Disability Services Division of the Department of Health and  
33 Human Services or the county's office for protective services may  
34 provide protective services to the older person if the older person is  
35 able and willing to accept them.

36        9. A person who knowingly and willfully violates any of the  
37 provisions of this section is guilty of a misdemeanor.

38        10. As used in this section, "Unit for the Investigation and  
39 Prosecution of Crimes" means the Unit for the Investigation and  
40 Prosecution of Crimes Against Older Persons in the Office of the  
41 Attorney General created pursuant to NRS 228.265.

42        **Sec. 14.** NRS 427A.175 is hereby amended to read as follows:

43        427A.175 1. Within 1 year after an older patient sustains  
44 damage to his or her property as a result of any act or failure to act  
45 by a facility for intermediate care, a facility for skilled nursing, a



1 residential facility for groups, a home for individual residential care,  
2 an agency to provide personal care services in the home, an  
3 intermediary service organization , *a community health worker*  
4 *pool* or an agency to provide nursing in the home in protecting the  
5 property, the older patient may file a verified complaint with the  
6 Division setting forth the details of the damage.

7 2. Upon receiving a verified complaint pursuant to subsection  
8 1, the Administrator shall investigate the complaint and attempt to  
9 settle the matter through arbitration, mediation or negotiation.

10 3. If a settlement is not reached pursuant to subsection 2, the  
11 facility, home, agency, organization or older patient may request a  
12 hearing before the Specialist for the Rights of Elderly Persons. If  
13 requested, the Specialist for the Rights of Elderly Persons shall  
14 conduct a hearing to determine whether the facility, home, agency ,  
15 *pool* or organization is liable for damages to the patient. If the  
16 Specialist for the Rights of Elderly Persons determines that the  
17 facility, home, agency , *pool* or organization is liable for damages to  
18 the patient, the Specialist for the Rights of Elderly Persons shall  
19 order the amount of the surety bond pursuant to NRS 449.065 or the  
20 substitute for the surety bond necessary to pay for the damages  
21 pursuant to NRS 449.067 to be released to the Division. The  
22 Division shall pay any such amount to the older patient or the estate  
23 of the older patient.

24 4. The Division shall create a separate account for money to be  
25 collected and distributed pursuant to this section.

26 5. As used in this section:

27 (a) "Agency to provide nursing in the home" has the meaning  
28 ascribed to it in NRS 449.0015;

29 (b) "Agency to provide personal care services in the home" has  
30 the meaning ascribed to it in NRS 449.0021;

31 (c) *"Community health worker pool" has the meaning*  
32 *ascribed to it in section 3 of this act;*

33 (d) "Facility for intermediate care" has the meaning ascribed to  
34 it in NRS 449.0038;

35 ~~(d)~~ (e) "Facility for skilled nursing" has the meaning ascribed  
36 to it in NRS 449.0039;

37 ~~(e)~~ (f) "Home for individual residential care" has the meaning  
38 ascribed to it in NRS 449.0105;

39 ~~(f)~~ (g) "Intermediary service organization" has the meaning  
40 ascribed to it in NRS 449.4304;

41 ~~(g)~~ (h) "Older patient" has the meaning ascribed to it in NRS  
42 449.065; and

43 ~~(h)~~ (i) "Residential facility for groups" has the meaning  
44 ascribed to it in NRS 449.017.



1       **Sec. 15.** NRS 632.472 is hereby amended to read as follows:

2       632.472 1. The following persons shall report in writing to  
3 the Executive Director of the Board any conduct of a licensee or  
4 holder of a certificate which constitutes a violation of the provisions  
5 of this chapter:

6       (a) Any physician, dentist, dental hygienist, chiropractor,  
7 optometrist, podiatric physician, medical examiner, resident, intern,  
8 professional or practical nurse, nursing assistant, medication aide -  
9 certified, perfusionist, physician assistant licensed pursuant to  
10 chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and  
11 family therapist, clinical professional counselor, alcohol or drug  
12 abuse counselor, music therapist, driver of an ambulance, paramedic  
13 or other person providing medical services licensed or certified to  
14 practice in this State.

15       (b) Any personnel of a medical facility or facility for the  
16 dependent engaged in the admission, examination, care or treatment  
17 of persons or an administrator, manager or other person in charge of  
18 a medical facility or facility for the dependent upon notification by a  
19 member of the staff of the facility.

20       (c) A coroner.

21       (d) Any person who maintains or is employed by an agency to  
22 provide personal care services in the home.

23       (e) Any person who operates, who is employed by or who  
24 contracts to provide services for an intermediary service  
25 organization as defined in NRS 449.4304.

26       (f) Any person who maintains or is employed by an agency to  
27 provide nursing in the home.

28       (g) Any employee of the Department of Health and Human  
29 Services.

30       (h) Any employee of a law enforcement agency or a county's  
31 office for protective services or an adult or juvenile probation  
32 officer.

33       (i) Any person who maintains or is employed by a facility or  
34 establishment that provides care for older persons.

35       (j) Any person who maintains, is employed by or serves as a  
36 volunteer for an agency or service which advises persons regarding  
37 the abuse, neglect or exploitation of an older person and refers them  
38 to persons and agencies where their requests and needs can be met.

39       (k) Any social worker.

40       (l) *Any person who operates or is employed by a community*  
41 *health worker pool or with whom a community health worker pool*  
42 *contracts to provide the services of a community health worker, as*  
43 *defined in section 2 of this act.*

44       2. Every physician who, as a member of the staff of a medical  
45 facility or facility for the dependent, has reason to believe that a



1 nursing assistant or medication aide - certified has engaged in  
2 conduct which constitutes grounds for the denial, suspension or  
3 revocation of a certificate shall notify the superintendent, manager  
4 or other person in charge of the facility. The superintendent,  
5 manager or other person in charge shall make a report as required in  
6 subsection 1.

7 3. A report may be filed by any other person.

8 4. Any person who in good faith reports any violation of the  
9 provisions of this chapter to the Executive Director of the Board  
10 pursuant to this section is immune from civil liability for reporting  
11 the violation.

12 5. As used in this section ~~the~~ **“agency”**:

13 (a) **“Agency** to provide personal care services in the home” has  
14 the meaning ascribed to it in NRS 449.0021.

15 (b) **“Community health worker pool” has the meaning**  
16 **ascribed to it in section 3 of this act.**

17 **Sec. 16.** This act becomes effective upon passage and approval  
18 for the purposes of adopting regulations and performing any other  
19 preparatory administrative tasks that are necessary to carry out the  
20 provisions of this act, and on October 1, 2015, for all other  
21 purposes.



