

ASSEMBLY BILL NO. 406—ASSEMBLYWOMAN GORELOW

MARCH 27, 2023

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing hospitals. (BDR 40-1046)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. 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 health care; requiring the State Board of Health to adopt regulations relating to the discharge of persons who are homeless or who are at a high risk of becoming homeless from a hospital; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the State Board of Health to adopt licensing standards and
2 regulations governing medical facilities. (NRS 449.0302) This bill requires the
3 Board to adopt regulations requiring a hospital that discharges a person who is
4 homeless or who is at a high risk of becoming homeless to contact and coordinate
5 with a family member of the person or, if no family member is available, an
6 organization that provides shelter or other support services to such persons.

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.
7 (b) Regulations governing the licensing of such facilities and
8 programs.
9 (c) Regulations governing the procedure and standards for
10 granting an extension of the time for which a natural person may



1 provide certain care in his or her home without being considered a
2 residential facility for groups pursuant to NRS 449.017. The
3 regulations must require that such grants are effective only if made
4 in writing.

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

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

13 (f) Regulations requiring a hospital or independent center for
14 emergency medical care to provide training to each employee who
15 provides care to victims of sexual assault or attempted sexual assault
16 concerning appropriate care for such persons, including, without
17 limitation, training concerning the requirements of NRS 449.1885.

18 (g) *Regulations:*

19 *(1) Requiring a hospital, before discharging a person who*
20 *is homeless or who is at a high risk of becoming homeless, to*
21 *contact and coordinate the discharge of the person with:*

22 *(I) A family member of the person; or*

23 *(II) If no family member is available, the Nevada*
24 *Housing Crisis Response System established pursuant to NRS*
25 *422A.680 or another organization that provides shelter or other*
26 *support services to persons who are homeless or who are at a high*
27 *risk of becoming homeless; and*

28 *(2) Prescribing the manner in which a hospital must*
29 *perform the duties described in subparagraph 1.*

30 (h) Any other regulations as it deems necessary or convenient to
31 carry out the provisions of NRS 449.029 to 449.2428, inclusive.

32 2. The Board shall adopt separate regulations governing the
33 licensing and operation of:

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

35 (b) Residential facilities for groups,

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

39 3. The Board shall adopt separate regulations for:

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

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



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

4 4. The Board shall require that the practices and policies of
5 each medical facility or facility for the dependent provide
6 adequately for the protection of the health, safety and physical,
7 moral and mental well-being of each person accommodated in the
8 facility.

9 5. In addition to the training requirements prescribed pursuant
10 to NRS 449.093, the Board shall establish minimum qualifications
11 for administrators and employees of residential facilities for groups.
12 In establishing the qualifications, the Board shall consider the
13 related standards set by nationally recognized organizations which
14 accredit such facilities.

15 6. The Board shall adopt separate regulations regarding the
16 assistance which may be given pursuant to NRS 453.375 and
17 454.213 to an ultimate user of controlled substances or dangerous
18 drugs by employees of residential facilities for groups. The
19 regulations must require at least the following conditions before
20 such assistance may be given:

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

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

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

27 (1) Addresses possession and assistance in the administration
28 of the medication; and

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

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

35 (e) The employee has successfully completed training and
36 examination approved by the Division regarding the authorized
37 manner of assistance.

38 7. The Board shall adopt separate regulations governing the
39 licensing and operation of residential facilities for groups which
40 provide assisted living services. The Board shall not allow the
41 licensing of a facility as a residential facility for groups which
42 provides assisted living services and a residential facility for groups
43 shall not claim that it provides "assisted living services" unless:

44 (a) Before authorizing a person to move into the facility, the
45 facility makes a full written disclosure to the person regarding what



1 services of personalized care will be available to the person and the
2 amount that will be charged for those services throughout the
3 resident's stay at the facility.

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

6 (1) Except as otherwise provided in subsection 8, contain
7 toilet facilities;

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

9 (3) Are shared with another occupant only upon consent of
10 both occupants.

11 (c) The facility provides personalized care to the residents of the
12 facility and the general approach to operating the facility
13 incorporates these core principles:

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

17 (2) The facility is committed to offering high-quality
18 supportive services that are developed by the facility in
19 collaboration with the resident to meet the resident's individual
20 needs;

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

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

28 (5) The operation of the facility is designed to foster a social
29 climate that allows the resident to develop and maintain personal
30 relationships with fellow residents and with persons in the general
31 community;

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

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

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



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

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

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

6 (2) Result in more than two residents sharing a toilet facility;
7 or

8 (3) Otherwise impair substantially the purpose of that
9 requirement.

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

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

17 (b) The adoption of plans to provide for the evacuation of a
18 residential facility for groups in an emergency, including, without
19 limitation, plans to ensure that nonambulatory patients may be
20 evacuated;

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

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

26 10. The regulations governing the licensing and operation of
27 facilities for transitional living for released offenders must provide
28 for the licensure of at least three different types of facilities,
29 including, without limitation:

30 (a) Facilities that only provide a housing and living
31 environment;

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

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

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

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



1 (a) Except as otherwise provided in paragraph (b), require a
2 natural person responsible for the operation of a provider of
3 community-based living arrangement services and each employee of
4 a provider of community-based living arrangement services who
5 supervises or provides support to recipients of community-based
6 living arrangement services to complete training concerning the
7 provision of community-based living arrangement services to
8 persons with mental illness and continuing education concerning the
9 particular population served by the provider;

10 (b) Exempt a person licensed or certified pursuant to title 54 of
11 NRS from the requirements prescribed pursuant to paragraph (a) if
12 the Board determines that the person is required to receive training
13 and continuing education substantially equivalent to that prescribed
14 pursuant to that paragraph;

15 (c) Require a natural person responsible for the operation of a
16 provider of community-based living arrangement services to receive
17 training concerning the provisions of title 53 of NRS applicable to
18 the provision of community-based living arrangement services; and

19 (d) Require an applicant for a license to provide community-
20 based living arrangement services to post a surety bond in an
21 amount equal to the operating expenses of the applicant for 2
22 months, place that amount in escrow or take another action
23 prescribed by the Division to ensure that, if the applicant becomes
24 insolvent, recipients of community-based living arrangement
25 services from the applicant may continue to receive community-
26 based living arrangement services for 2 months at the expense of the
27 applicant.

28 12. The Board shall adopt separate regulations governing the
29 licensing and operation of freestanding birthing centers. Such
30 regulations must:

31 (a) Align with the standards established by the American
32 Association of Birth Centers, or its successor organization, the
33 accrediting body of the Commission for the Accreditation of Birth
34 Centers, or its successor organization, or another nationally
35 recognized organization for accrediting freestanding birthing
36 centers; and

37 (b) Allow the provision of supervised training to providers of
38 health care, as appropriate, at a freestanding birthing center.

39 13. As used in this section, "living unit" means an individual
40 private accommodation designated for a resident within the facility.

41 **Sec. 2.** 1. This section becomes effective upon passage and
42 approval.

43 2. Section 1 of this act becomes effective:



- 1 (a) Upon passage and approval for the purpose of adopting any
2 regulations and performing any other preparatory administrative
3 tasks that are necessary to carry out the provisions of this act; and
4 (b) On January 1, 2024, for all other purposes.



