

ASSEMBLY BILL NO. 272—ASSEMBLYMAN HICKEY

MARCH 12, 2015

Referred to Committee on Health and Human Services

SUMMARY—Exempting certain businesses from certain requirements relating to residential facilities for groups. (BDR 40-759)

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 residential facilities for groups; exempting certain businesses that provide referrals to residential facilities for groups from certain licensing requirements; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law requires any person who operates a business that provides referrals  
2 to residential facilities for groups to obtain a license from the State Board of Health.  
3 (NRS 449.0305) This bill provides that such a person is not required to obtain a  
4 license from the Board if the business: (1) does not provide referrals intended to  
5 result in the placement of recipients of Medicaid in residential facilities for groups;  
6 and (2) only receives compensation for referrals from a residential facility for  
7 groups.

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

1 **Section 1.** NRS 449.0305 is hereby amended to read as  
2 follows:

3 449.0305 1. Except as otherwise provided in subsection 5, a  
4 person must obtain a license from the Board to operate a business  
5 that provides referrals to residential facilities for groups.

6 2. The Board shall adopt:

7 (a) Standards for the licensing of businesses that provide  
8 referrals to residential facilities for groups;

9 (b) Standards relating to the fees charged by such businesses;



- 1 (c) Regulations governing the licensing of such businesses; and  
2 (d) Regulations establishing requirements for training the  
3 employees of such businesses.

4 3. A licensed nurse, social worker, physician or hospital, or a  
5 provider of geriatric care who is licensed as a nurse or social  
6 worker, may provide referrals to residential facilities for groups  
7 through a business that is licensed pursuant to this section. The  
8 Board may, by regulation, authorize a public guardian or any other  
9 person it determines appropriate to provide referrals to residential  
10 facilities for groups through a business that is licensed pursuant to  
11 this section.

12 4. A business that is licensed pursuant to this section or an  
13 employee of such a business shall not:

14 (a) Refer a person to a residential facility for groups that is not  
15 licensed.

16 (b) Refer a person to a residential facility for groups if the  
17 business or its employee knows or reasonably should know that the  
18 facility, or the services provided by the facility, are not appropriate  
19 for the condition of the person being referred.

20 (c) Refer a person to a residential facility for groups that is  
21 owned by the same person who owns the business.

22 ➤ A person who violates the provisions of this subsection is liable  
23 for a civil penalty to be recovered by the Attorney General in the  
24 name of the Board for the first offense of not more than \$10,000 and  
25 for a second or subsequent offense of not less than \$10,000 nor  
26 more than \$20,000. Unless otherwise required by federal law, the  
27 Board shall deposit all civil penalties collected pursuant to this  
28 section into a separate account in the State General Fund to be used  
29 to administer and carry out the provisions of NRS 449.001 to  
30 449.430, inclusive, and 449.435 to 449.965, inclusive, and to protect  
31 the health, safety, well-being and property of the patients and  
32 residents of facilities in accordance with applicable state and federal  
33 standards.

34 5. This section does not apply to ~~fat~~ :

35 (a) A medical facility that is licensed pursuant to NRS 449.030  
36 to 449.2428, inclusive, on October 1, 1999.

37 (b) A business that:

38 (1) Does not provide referrals intended to result in the  
39 placement of recipients of Medicaid in residential facilities for  
40 groups; and

41 (2) Only receives compensation for such referrals from  
42 residential facilities for groups.

