

**PERSONAL CARE SERVICES  
SURVEYOR WORKBOOK**

**Facility:** \_\_\_\_\_ **License #** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Phone #** \_\_\_\_\_

**Facility Administrator:** \_\_\_\_\_

**Surveyor:** \_\_\_\_\_ **Survey Date:** \_\_\_\_\_

TAG	REGULATION TEXT	Y	N	N/A	Comments
0020	<p><b>Section 12.</b> 1. In addition to the requirements set forth in NAC 449.011, each applicant for a license to operate an agency shall submit to the Central Repository for Nevada Records of Criminal History two complete sets of fingerprints for submission to the Federal Bureau of Investigation for its report.</p> <p>2. The Central Repository for Nevada Records of Criminal History shall determine whether the applicant has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.188 and immediately inform the administrator of the agency, if any, and the Health Division of whether the applicant has been convicted of such a crime.</p>				
0030	<p><b>Section 13.</b> 1. Except as otherwise provided in this subsection, each license issued to operate an agency is separate and distinct and is issued to a specific person to operate the agency at a specific location. A person may operate an agency at multiple work stations if the agency maintains the records for the clients, attendants, other members of the staff of the agency and operations of the agency at the specific location designated on the license.</p> <p>2. The name of the person who is designated as responsible for the conduct of the agency must appear on the face of the license.</p>				
0040	<p>3. Each agency must retain:</p> <p>(a) Proof that it is adequately covered against liabilities resulting from claims incurred in the course of operation; and (b) Proof of compliance with NRS 449.065 and 449.067.</p> <p>4. The proof of liability coverage and compliance with state statute required by subsection 3 must be verified at the time the agency submits its initial application to the Health Division for a license and upon request by the Health Division.</p>				
0050	<p><b>Section 14.</b> 1. The administrator of an agency must:</p> <p>(a) Be at least 21 years of age;</p>				

TAG	REGULATION TEXT	Y	N	N/A	Comments
	<p>(b) Have a high school diploma or its equivalent;</p> <p>(c) Be responsible and mature and have the personal qualities which will enable him to understand the problems of elderly persons and persons with disabilities;</p> <p>(d) Understand the provisions of this chapter and chapter 449 of NRS; and</p> <p>(e) Demonstrate the ability to read, write, speak and understand the English language.</p>				
0060	<p>2. The administrator of an agency shall represent the license in the daily operation of the agency and shall appoint a person to exercise his authority in his absence. The responsibilities of an administrator include, without limitation:</p> <p>(a) Employing qualified personnel and arranging for their training;</p> <p>(b) Ensuring that only trained attendants are providing services to a client of the agency and that such services are provided in accordance with the functional assessment of the client, the service plan established for the client and the policies and procedures of the agency;</p> <p>(c) Developing and implementing an accounting and reporting system that reflects the fiscal experience and current financial position of the agency;</p> <p>(d) Negotiating for services provided by contract in accordance with legal requirements and established policies of the agency;</p> <p>(e) Providing oversight and direction for attendants and other members of the staff of the agency as necessary to ensure that the clients of the agency receive needed services;</p> <p>(f) Developing and implementing policies and procedures for the agency, including, without limitation, policies and procedures concerning terminating the personal care services provided to a client;</p> <p>(g) Designating one or more employees of the agency to be in charge of the agency during those times when the administrator is absent; and</p> <p>(h) Demonstrating to the Health Division upon request that the agency has sufficient resources and the capability to satisfy the requests of each client of the agency related to the provision of the personal care services described in the service plan to the client.</p>				
0070	<p>3. Except as otherwise provided in this subsection and subsection 4 of section 16 of this regulation, an employee designated to be in charge of the agency when the administrator is absent must have access to all records kept at the agency. Confidential information may be removed from a file to which an employee designated to be in charge of the agency has access if the confidential information is maintained separately by the administrator.</p>				

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0080	<p>4. The administrator of an agency shall ensure that:</p> <p>(a) The clients of the agency are not abused, neglected or exploited by an attendant or another member of the staff of the agency, or by any person who is visiting client when an attendant or another member of the staff of the agency is present; and</p> <p>(b) Suspected cases of abuse, neglect or exploitation of a client are reported in the manner prescribed in NRS 200.5093 and 632.472.</p>				
0090	<p><b>Section 15.</b> An agency shall maintain written policies and procedures concerning the qualifications, responsibilities and conditions of employment for each attendant and other members of the staff of the agency. The written policies and procedures must be reviewed and revised as needed. The written policies and procedures must be available to the attendants and other members of the staff of the agency upon hire and whenever revisions are made to those policies and procedures. At a minimum, the policies and procedures must:</p>				
0100	<p>1. Provide description of the duties and responsibilities of attendants;</p>				
0110	<p>2. Provide description of any activities that attendants are prohibited from engaging in, including, without limitation:</p> <p>(a) Making a long distance telephone call that is personal in nature:</p> <p>(1) On a telephone owned by or provided by a client; or</p> <p>(2) While on duty providing personal care services to a client:</p> <p>(b) Loaning, borrowing or accepting gifts of money or personal items from a client;</p> <p>(c) Accepting or retaining money or gratuities from a client, other than money needed for the purchase of groceries or medication for the client; and</p> <p>(d) Becoming the legal guardian of a client or being named as an attorney-in- fact in a power of attorney executed by the client;</p>				
0120	<p>3. Set forth the rights of clients;</p>				
0130	<p>4. Set forth any requirements relating to ethics governing attendants and other members of the staff of the agency, including, without limitation, any requirements concerning the confidentiality of client information;</p>				
0140	<p>5. Provide for the prevention, control and investigation of infections and communicable diseases;</p>				
0150	<p>6. Provide a description of the personal care services that are provided by the agency to clients;</p>				
0160	<p>7. Provide a description of the manner in which the agency assigns attendants to provide personal care services to clients and any supervision of those services that</p>				

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	will be provided by the agency;				
0170	8. Provide for documentation of the needs of each client and the personal care services that are provided to the client;				
0180	9. Set forth the emergency responses of the agency to both medical and nonmedical situations;				
0190	10. Set forth the roles of the agency and any coordination that the agency will provide with services provided by other community service agencies;				
0200	11. Provide for periodic evaluation of the performance of attendants and other members of the staff of the agency;				
0210	12. Provide for the maintenance of current personnel records which confirm that the policies and procedures are being followed; and				
0220	13. Set forth any other specific information that is necessary based on the needs of any special populations served by the agency.				
0230	<p><b>Section 16.</b> 1. A separate personnel file must be kept for each attendant of an agency and must include, without limitation:</p> <ul style="list-style-type: none"> <li>(a) The name, address and telephone number of the attendant;</li> <li>(b) The date on which the attendant began working for the agency;</li> <li>(c) Documentation that the attendant has had the tests or obtained the certificates required by NAC 441A.375;</li> <li>(d) Evidence that the references supplied by the attendant were checked by the agency;</li> <li>(e) Evidence of compliance with NRS 449.179 by the administrator of the agency or the person licensed to operate with respect to the attendant;</li> <li>(f) Proof that, within 6 months after the attendant began working for the agency, the attendant obtained a certificate in first aid and cardiopulmonary resuscitation issued by the American National Red Cross or an equivalent certificate approved by the Health Division;</li> <li>(g) Proof that the attendant is at least 18 years of age;</li> <li>(h) Proof of possession by the attendant of at least the minimum liability insurance coverage required by state law if the attendant will be providing transportation to a client in a motor vehicle; and</li> <li>(i) Documentation of all training attended by and performance evaluations of the attendant.</li> </ul>				
0240	<p>2. The documentation described in paragraph (i) of subsection 1 must include, without limitation, for each training course attendant by the attendant:</p> <ul style="list-style-type: none"> <li>(a) A description of the content of the training course;</li> <li>(b) The date on which the training course was attended;</li> </ul>				

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	(c) The number of hours of the training course; (d) The name and signature of the instructor of the training course; and (e) A certificate indicating that the training course was successfully completed by the attendant				
0250	3. The administrator or his designee shall evaluate the competency of an attendant in each competency area required by the agency if the attendant provides written proof of his current or previous training in that competency area. After the initial evaluation, any additional training provided to the attendant may be limited to areas in which the attendant needs to improve his competency.				
0260	4. The administrator may keep personnel files of the agency in a locked cabinet and may, be except as otherwise provided in this subsection, restrict access to this cabinet by attendants and other members of the staff of the agency. The administrator shall make the personnel files, including, without limitation, any electronic files, available for review by the Health Division upon request.				
0270	<b>Section 17.</b> 1. The administrator of an agency or his designee shall conduct supervisory home visits or telephone calls to the home of client of the agency to ensure that quality personal care services are provided to the client.				
0280	2. Each supervisory visit and each telephone call must be documented. The documentation must be dated and signed by the administrator or his designee. Each supervisory visit and each telephone call must consist of an evaluation of whether; <ul style="list-style-type: none"> <li>(a) Appropriate and safe techniques have been used in the provision of personal care services to the client;</li> <li>(b) The service plan established for the client has been followed;</li> <li>(c) The service plan established for the client is meeting the personal care needs of the client;</li> <li>(d) The attendant providing the personal care services to the client has received sufficient training relating to the personal care services that the attendant is providing to the client; and</li> <li>(e) It is necessary for the administrator or his designee to follow up with the attendant or client concerning any problem in the personal care services being provided to the client or the service plan established for the client that are identified as the result of the supervisory visit or telephone call.</li> </ul>				
0290	<b>Section 18.</b> Each attendant of an agency must: <ul style="list-style-type: none"> <li>1. Be at least 18 years of age;</li> <li>2. Be responsible and mature and have personal qualities which will enable him to understand the problems of elderly persons and persons with disabilities;</li> </ul>				

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	3. Understand the provisions of this chapter and chapter 449 of NRS; 4. Demonstrate the ability to read, write, speak and communicate effectively with the clients of the agency; 5. Demonstrate the ability to meet the needs of the clients of the agency; and 6. Receive annually not less than 8 hours of training related to providing for the needs of the clients of the agency.				
0300	<b>Section 19.</b> 1. Each attendant of an agency shall: (a) Obtain a working knowledge of the provisions of this chapter which govern the licensing of agencies before providing personal care services to the clients of the agency. The agency must provide a copy of those provisions to an attendant before the attendant may provide personal care services to the clients of the agency.				
0310	(b) Participate in and complete a training program before independently providing personal care services to the clients of the agency. The training program must include an opportunity for the attendant to receive on-the-job instruction provided by clients of the agency, as long as the administrator of the agency or his designee provides supervision during this instruction to determine whether the attendant is able to provide personal care services successfully and independently to the client.				
0320	(c) Receive training: 1. In the written documentation of: I. Personal care services provided to the clients of the agency; and II. Verification of time records. 2. In the rights of clients, including, without limitation, training in methods to protect client confidentiality pursuant to state and federal regulations. 3. Related to the special needs of elderly persons and persons with disabilities, including, without limitation, training in the sensory, physical and cognitive changes related to the aging process. 4. Related to communication skills, including, without limitation, active listening, problem solving, conflict resolution and techniques for communicating through alternative modes with persons with communication or sensory impairments				
0330	(c) Receive training: 5. In first aid and cardiopulmonary resuscitation. A certificate in first aid and cardiopulmonary resuscitation issued by the American National Red Cross or an equivalent certificate will be accepted as proof of that training.				
0340	(c) Receive training: 6. That is specifically related to the personal care services provided by the agency, including, as applicable, training in the following topics: I. Duties and responsibilities of attendants and the appropriate techniques for				

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	providing personal care services; II. Recognizing and responding to emergencies, including, without limitation, fires and medical emergencies III. Dealing with adverse behaviors;				
0350	(c) Receive training: IV. Nutrition and hydration, including, without limitation, special diets and meal preparation and service;				
0360	(c) Receive training: V. Bowel and bladder care, including, without limitation, routine care associated with toileting, routine maintenance of an indwelling catheter drainage system such as emptying the bag and positioning, routine care of colostomies such as emptying and changing the bag, signs and symptoms of urinary tract infections, and common bowel problems, including, without limitation, constipation and diarrhea;				
0370	(c) Receive training: VI. Skin care, including, without limitation, interventions that prevent pressure sores, routine inspections of the skin and reporting skin redness, discoloration or breakdown to the client or a representative of the client and to the administrator of the agency or his designee; VII. Methods and techniques to prevent skin breakdown, contractures and falls;				
0380	(c) Receive training: VIII. Hand washing and infection control;				
0390	(c) Receive training: IX. Body mechanics, mobility and transfer techniques, including, without limitation, simple nonprescribed range of motion; and				
0400	(c) Receive training: X. Maintenance of a clean and safe environment.				
0410	2. Each attendant of an agency must be evaluated and determined to be competent by the agency in the required areas of training set forth in paragraph (c) of subsection 1. 3. Each attendant of an agency must have evidence of successful completion of a				

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	training program that includes the areas of training set forth in paragraph (c) of subsection 1 within the 12 months immediately preceding the date on which the attendant first begins providing care to a client.				
0420	<p><b>Sec. 20.</b> 1. When a person is accepted as a client by an agency, the agency shall:</p> <p>(a) Provide a written disclosure statement to the client;</p> <p>(b) Require the client or a representative of the client to sign the written disclosure statement; and</p> <p>(c) Ensure that a copy of the written disclosure statement is incorporated into the record of the client.</p>				
0430	<p>2. The written disclosure statement must include a description of and information concerning the personal care services offered by the agency, including, without limitation:</p> <p>(a) A statement which is easily understandable to the client indicating that it is not within the scope of the license of the agency to manage the medical and health conditions of clients should the conditions become unstable or unpredictable;</p> <p>(b) The qualifications and training requirements for the attendants who provide personal care services to the clients of the agency;</p> <p>(c) The charges for the personal care services provided by the agency;</p> <p>(d) A description of billing methods, payment systems, due dates for bills for personal care services and the policy for notifying clients of increases in the costs of personal care services provided by the agency;</p> <p>(e) The criteria, circumstances or conditions which may result in the termination of personal care services by the agency and the policy for notifying clients of such termination of personal care services;</p> <p>(f) Procedures for contacting the administrator of the agency or his designee during all hours in which personal care services are provided and the on-call policy of the agency; and</p> <p>(g) Information concerning the rights of clients and the grievance procedure of the agency.</p>				
0440	<p><b>Sec. 21.</b> 1. The administrator of an agency shall ensure that a client is not prohibited from speaking to any person who advocates for the rights of the clients of the agency.</p>				



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0450	<p>2. The administrator of an agency shall establish and enforce a procedure to respond to grievances, incidents and complaints concerning the agency in accordance with the written policies and procedures of the agency. The procedure established and enforced by the administrator must include a method for ensuring that the administrator or his designee is notified of each grievance, incident or complaint. The administrator or his designee shall personally investigate the matter in a timely manner. A client who files a grievance or complaint or reports an incident concerning the agency must be notified of the action taken in response to the grievance, complaint or report or must be given a reason why no action was taken.</p>				
0460	<p>3. The administrator of an agency shall ensure that the agency is in compliance with NRS 449.700 to 449.730, inclusive.</p>				
0470	<p>4. The agency shall develop a written description of the rights of clients and provide a copy to each client or a representative of the client upon initiation of the service plan established for the client. A signed and dated copy of the receipt of this information by the client or a representative of the client must be maintained in the record of the client.</p>				
0480	<p>5. The written description of the rights of clients developed pursuant to subsection 4 must include, without limitation, at statement that each client has the right:</p> <ul style="list-style-type: none"> <li>(a) To receive considerate and respectful care that recognizes the inherent worth and dignity of each client;</li> <li>(b) To participate in the development of the service plan established for the client and to receive an explanation of the personal care services provided pursuant to the service plan and a copy of the service plan;</li> <li>(c) To receive the telephone number of the Bureau which may be contacted for complaints</li> <li>(d) To receive notification of any authority of the Health Division to examine the records of the client as related to the regulation and evaluation of the agency by the Health Division;</li> </ul>				

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	<p>(e) To receive from the agency, within the limits set by the service plan established for the client and within the program criteria, responses to reasonable requests for assistance; and</p> <p>(f) To receive information, upon request, concerning the policies and procedures of the agency, including, without limitation, the policies and procedures of the agency relating to charges, reimbursements and determinations concerning service plans</p>				
0490	<p><b>Sec. 22.</b> 1. The administrator of an agency or his designee shall conduct an initial screening to evaluate each prospective client's requests for personal care services and to develop a service plan for the client or to accept a service plan established for the client.</p> <p>2. The initial screening and the development or acceptance of a service plan must be documented. The documentation must be dated and signed by the person who conducted the initial screening and developed or accepted the service plan.</p>				
0500	<p>3. The agency shall complete the following tasks before providing the personal care services outlined in the service plan established for the client and as often as necessary if the service plan is revised:</p> <p>(a) Evaluate whether the agency has sufficient resources and the capability to satisfy the requests of the client and to provide the client with the personal care services described in the service plan;</p> <p>(b) Review the service plan with the client, including, without limitation, the schedule for the provision of personal care services to the client, the procedure to follow if an attendant fails to provide personal care services in accordance with the service plan, the hiring and training policies of the agency, the responsibilities of the agency, the procedure for filing a grievance or complaint and any personal care services that an attendant is prohibited from providing pursuant to section 23 of this regulation;</p> <p>(c) Review the procedure to be followed if an attendant does not appear for a scheduled visit and the procedure to be followed if an additional visit from an attendant is required;</p> <p>(d) Ensure that the personal care services requested by the client are services which assist the client with the activities of daily living; and</p> <p>(e) Ensure that the agency is coordinating the personal care services that it will be providing to the client with the care and services available to the client from other organizations and persons</p>				
0510	<p><b>Sec. 23.</b> 1. The administrator of an agency shall ensure that each attendant working for</p>				

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	<p>the agency is working within his scope of service and conducts himself in a professional manner. An attendant is prohibited from providing any of the services listed in subsection 2 to a client.</p> <p>2. The services an attendant must not provide to a client include, without limitation:</p> <ul style="list-style-type: none"> <li>(a) Insertion or irrigation of a catheter;</li> <li>(b) Irrigation of any body cavity, including, without limitation, irrigation of the ear, insertion of an enema or a vaginal douche;</li> <li>(c) Application of a dressing involving prescription medication or aseptic techniques, including, without limitation, the treatment of moderate or severe conditions of the skin;</li> <li>(d) Administration of injections of fluids into veins, muscles or the skin;</li> <li>(e) Administration of medication, including, without limitation, the insertion of rectal suppositories, the application of a prescribed topical lotion for the skin and the administration of drops in the eyes;</li> <li>(f) Performing physical assessments;</li> <li>(g) Monitoring vital signs;</li> <li>(h) Using specialized feeding techniques</li> <li>(i) Performing a digital rectal examination;</li> <li>(j) Trimming or cutting toenails;</li> <li>(k) Massage;</li> <li>(l) Providing specialized services to increase the range of motion of a client;</li> <li>(m) Providing medical case management, including, without limitation, accompanying a client to the office of a physician to provide medical information to the physician concerning the client or to receive medical information from the physician concerning the client; and</li> <li>(n) Any task identified in chapter 632 of NRS and the regulations adopted by the State Board of Nursing as requiring skilled nursing care, including, without limitation, any services that are within the scope and practice of a certified nursing assistant.</li> </ul>				

COMMENTS:

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TAG	REGULATION TEXT	Y	N	N/A	Comments
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**INTERMEDIARY SERVICE ORGANIZATIONS  
SURVEYOR WORKBOOK**

**Facility:** \_\_\_\_\_ **License #** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Phone #** \_\_\_\_\_

**Facility Administrator:** \_\_\_\_\_

**Surveyor:** \_\_\_\_\_ **Survey Date:** \_\_\_\_\_

<b>TAG</b>	<b>REGULATION TEXT</b>	<b>Y</b>	<b>N</b>	<b>N/A</b>	<b>Comments</b>
P 0500	<p><b>NAC 449.39515 Operation of intermediary service organization and agency to provide personal care services in the home.</b> (<a href="#">NRS 449.4308, 449.4327</a>)</p> <p>1. A person may operate an intermediary service organization and an agency to provide personal care services in the home if the person:</p> <p>(a) Maintains separate records and clients for the intermediary service organization and the agency to provide personal care services in the home;</p>				
P 0505	<p>(b) Distinguishes between the services to be provided by the intermediary service organization and the personal care services provided by the agency to provide personal care services in the home.</p>				
P 0510	<p><b>NAC 449.39516 Duties and responsibilities.</b> (<a href="#">NRS 449.4308, 449.4327</a>)</p> <p>1. An intermediary service organization shall ensure that each client of the intermediary service organization and personal assistant employed by the intermediary service organization is aware of and understands:</p> <p>(a) The rights and responsibilities of the client;</p> <p>(b) The ethical responsibilities of the personal assistant, including, without limitation, any responsibilities concerning the confidentiality of client information;</p>				
P 0515	<p>(d) The policies and procedures to be used by the personal assistant for the control of infections, including, without limitation, the policies and procedures of the intermediary service organization and the universal precautions as defined in <a href="#">NAC 441A.195</a>;</p>				
P 0516	<p>(e) The respective responsibilities of the personal assistant and the client to properly document the needs of the person with a disability and to properly document the provision of personal assistance to that person;</p>				

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P 0517	(f) The procedures that the personal assistant will follow when responding to medical and nonmedical emergencies of the person with a disability;				
P 0518	(g) The provisions of <a href="#">NRS 629.091</a> and the appropriate procedures that must be followed when providing assistance to a person with a disability pursuant to that section; and				
P 0519	(h)The procedures for a client to appeal the termination, reduction or suspension of services by the intermediary service organization.				
P 0525	2. An intermediary service organization shall: (a) Remain open for operation during regular business hours;				
P 0526	(b) Maintain a telephone line at the location of the intermediary service organization that is listed on its certificate, which must be published in a public telephone directory;				
P 0527	(c) Have a federal taxpayer identification number;				
P 0528	(d) Maintain all business licenses required by state and local law;				
P 0529	(e) Maintain a written policy concerning the manner in which complaints from clients will be documented and resolved and a log which lists all complaints filed by clients; and				
P 0530	(f) Maintain a written policy concerning the procedures for a client to appeal the termination, reduction or suspension of services by the intermediary service organization.				
P 0535	3. If an intermediary service organization withholds any money from a personal assistant which must be forwarded to another person, including, without limitation, insurance premiums, fees required to be paid by the intermediary service organization pursuant to state or federal law on behalf of the personal assistant or money withheld at the request of the personal assistant, the intermediary service organization must transfer such money to the person designated for receipt of the money by the date required for such transfer.				
P 0540	4. An intermediary service organization may: (a) Employ personal assistants to provide specific medical, nursing or home health care services for a person with a disability pursuant to <a href="#">NRS 629.091</a> ; and (b) At the request of a client, assist in the development of a plan of care for a person with a disability.				

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P 0545	5. An intermediary service organization shall not serve as the managing employer of a personal assistant				
P 0550	NAC 449.39517 Personal assistants: Qualifications; maintenance and availability of personnel files. ( <a href="#">NRS 449.4308</a> , <a href="#">449.4327</a> , <a href="#">449.4329</a> , <a href="#">449.433</a> ) 1. Each personal assistant employed by an intermediary service organization must: (a) Be at least 18 years of age;				
P 0551	(b) Demonstrate the ability to meet the needs of the person with a disability as outlined by the client;				
P 0552	(c) Demonstrate the ability to communicate effectively with the client;				
P 0553	(d) Obtain certification to perform first aid and cardiopulmonary resuscitation within 120 days after the date on which the personal assistant begins employment with the intermediary service organization;				
P 0554	(e) Be in good health as certified by a physician and must not be infected with any communicable disease that may be contagious; and				
P 0560	3. An intermediary service organization shall, upon the request of the Division, make available to the Division all personnel files, including, without limitation, any personnel files that are maintained electronically.				
P 0565	<b>NAC 449.39518 Personal assistants: Results of reports on criminal history.</b> ( <a href="#">NRS 449.4308</a> , <a href="#">449.4327</a> , <a href="#">449.4329</a> ) Upon receiving a report concerning any records of criminal history of a personal assistant from the Central Repository for Nevada Records of Criminal History pursuant to subsection 4 of <a href="#">NRS 449.4329</a> , an intermediary service organization shall provide to the client who selected the personal assistant the results of the report on the criminal history of the personal assistant.				
P 0570	<b>NAC 449.39519 Client to serve as managing employer and provide training to personal assistant; reporting of training to organization.</b> ( <a href="#">NRS 449.4308</a> , <a href="#">449.4327</a> ) 1. The client of an intermediary service organization must serve as the managing employer of the personal assistant and must be responsible for the selection and termination of the personal assistant.				

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P 0575	2. Each client shall ensure that: (a) The personal assistant selected to provide services to the person with a disability under the direction of the client completes the training required pursuant to this section; and (b) The personal assistant is able to safely perform the services required to meet the needs of the person with a disability.				
P 0580	3. Each client shall ensure that the personal assistant: (a) Receives instruction from the client or a person designated by the client at the location where the personal assistant will provide services to the person with a disability;				
P 0581	(b) Within 120 days after being employed by the intermediary service organization, receives not less than 16 hours of training which must include, without limitation:				
P 0582	(1) The rights of a client, including, without limitation, confidentiality of client information and state and federal laws relating to confidentiality;				
P 0583	(2) First aid and cardiopulmonary resuscitation;				
P 0584	(3) Universal precautions, as defined in <a href="#">NAC 441A.195</a> , and the control of infection, including, without limitation, information on blood borne pathogens and infection control procedures;				
P 0585	(4) Body mechanics, transferring and mobility, including, without limitation, typical body movements, range of motion, prevention of back injury and potential fall hazards;				
P 0586	(5) Household safety and accident prevention, including, without limitation, the preparation of a home for safety and accident prevention;				
P 0587	(6) Basic communication skills, including, without limitation, techniques for sharing information with persons who require alternative modes of communication;				
P 0588	(7) Information concerning advance directives as defined in <a href="#">NRS 449.905</a> ;				
P 0589	(8) General awareness of issues relating to aging and disabilities, sensory, physical and cognitive disabilities, behavioral interventions targeted to specific populations, and the philosophy and principles of independent living; and				



TAG	REGULATION TEXT	Y	N	N/A	Comments
P 0590	(9) The prevention of abuse, neglect and exploitation of a person with a disability, including, without limitation, identifying and reporting the full range of serious occurrences, and reporting of suspected cases of abuse, neglect or exploitation in the manner prescribed in <a href="#">NRS 200.5093</a> , <a href="#">200.50935</a> and <a href="#">632.472</a> ;				
P 0591	(c) Receives not less than 8 hours of training during each year of employment thereafter concerning such topics as determined by the client				
P 0592	4. The client shall submit to the intermediary service organization documentation which includes, without limitation: (a) The content of the training provided to the personal assistant pursuant to this section;				
P 0593	(b) The date on which the training was completed;				
P 0594	(c) The number of hours of training provided to the personal assistant; and				
P 0595	(d) A certificate indicating successful completion of the training.				
P 0600	<b>NAC 449.3952 Additional training to be provided by intermediary service organization.</b> ( <a href="#">NRS 449.4308</a> , <a href="#">449.4327</a> ) An intermediary service organization shall make available to a personal assistant employed by the intermediary service organization all training required pursuant to <a href="#">NAC 449.39519</a> and, at the request of a client, such additional training for a personal assistant as necessary to support the plan of care for the person with a disability, including, without limitation: 1. General training for the personal assistant;				
P 0601	2. Protocols for a personal assistant, including, without limitation, the rights and responsibilities of a client and of a personal assistant;				
P 0602	3. The manner in which to groom and dress the person with a disability;				
P 0603	4. Procedures for bathing and maintaining proper hygiene for a person with a disability, including, without limitation, bed-bath and tub-bath techniques;				
P 0604	5. Caring for the bowel, bladder and skin of a person with a disability, including, without limitation, information concerning caring for a catheter, the identification and control of infection, common bowel problems, the early recognition of skin problems, the prevention of pressure sores and the routine inspection of skin;				
P 0605	6. Assistive technology, including, without limitation, examples of assistive technology, how assistive technology can be used by the personal assistant and resources from which assistive technology may be obtained;				

TAG	REGULATION TEXT	Y	N	N/A	Comments
P 0606	7. Nutrition and food preparation, including, without limitation, information about preparing balanced meals, addressing special dietary needs or restrictions, guidelines for hydration and the proper handling and storage of food; and				
P 0607	8. The manner in which to maintain health records, including, without limitation, illustrations of how information should be conveyed in a written or dictated form to assure confidentiality and a means to ensure that the person with a disability receives services as outlined in the plan of care.				
P 0610	<p><b>NAC 449.39521 Visits and telephone interviews with clients.</b> (<a href="#">NRS 449.4308</a>, <a href="#">449.4327</a>)</p> <p>1. Except as otherwise provided in subsection 3, an intermediary service organization shall, not less than once every 6 months, conduct a visit of the residence of the person with a disability or perform a telephone interview with the client to monitor the quality of care received by the person with a disability.</p>				
P 0611	<p>2. The intermediary service organization shall document each visit or telephone interview conducted pursuant to subsection 1. Such documentation must include, without limitation:</p> <p>(a) The date of the visit or telephone interview;</p>				
P 0612	(b) Whether the plan of care is meeting the needs of the person with a disability;				
P 0613	(c) The amount that will be charged for the services provided by the intermediary service organization;				
P 0614	(d) A description of billing methods, acceptable payment methods and due dates for payments, and the policy for notifying the client of any increase in the amount that will be charged for the services provided by the intermediary service organization;				
P 0615	(e) Criteria, circumstances or conditions which may result in the termination of services by the intermediary service organization, the procedures for notifying the client of such termination and the procedures for appealing such termination;				
P 0616	(f) The manner in which the intermediary service organization may be contacted during all hours when services are being provided to a person with a disability; and				

TAG	REGULATION TEXT	Y	N	N/A	Comments
P 0620	2. A copy of the signed statement must be maintained by the intermediary service organization in the records of the client maintained by the intermediary service organization. (g) Information about the rights of a client of the intermediary service organization and the procedures for filing a grievance.				
P 0621	<p><b>NAC 449.39522 Written statement of services provided to clients. (<a href="#">NRS 449.4308</a>, <a href="#">449.4327</a>)</b></p> <p>1. An intermediary service organization shall provide to each client for his or her signature a written statement which contains a description of the services provided by the intermediary service organization. The statement must include, without limitation:</p> <p>(a) An easily understandable statement that it is not within the scope of services provided by the intermediary service organization to manage the medical and health conditions of a person with a disability;</p> <p>(b) The qualifications and required training for personal assistants;</p>				
P 0622	<p>(c) The amount that will be charged for the services provided by the intermediary service organization;</p> <p>(d) A description of billing methods, acceptable payment methods and due dates for payments, and the policy for notifying the client of any increase in the amount that will be charged for the services provided by the intermediary service organization;</p>				
P 0623	<p>(e) Criteria, circumstances or conditions which may result in the termination of services by the intermediary service organization, the procedures for notifying the client of such termination and the procedures for appealing such termination;</p> <p>(f) The manner in which the intermediary service organization may be contacted during all hours when services are being provided to a person with a disability; and</p> <p>(g) Information about the rights of a client of the intermediary service organization and the procedures for filing a grievance.</p>				

<b>TAG</b>	<b>REGULATION TEXT</b>	<b>Y</b>	<b>N</b>	<b>N/A</b>	<b>Comments</b>
P 0624	2. A copy of the signed statement must be maintained by the intermediary service organization in the records of the client maintained by the intermediary service organization.				
P 0625	<b>NAC 449.39523 Discussion of services provided to clients.</b> ( <a href="#">NRS 449.4308</a> , <a href="#">449.4327</a> ) 1. An intermediary service organization shall discuss with each potential client before providing services: (a) The planned training to be provided by the intermediary service organization to the personal assistant;				
P 0626	(b) The responsibilities of the intermediary service organization; and				
P 0627	(c) A contingency plan in the event that a personal assistant fails to report for a scheduled visit with the person with a disability.				
P 0630	2. The information discussed pursuant to subsection 1 and the result of that discussion must be documented and maintained in the records of the client maintained by the intermediary service organization.				
P 0635	<b>NAC 449.39524 Rights of person with a disability receiving services.</b> ( <a href="#">NRS 449.4308</a> , <a href="#">449.4327</a> ) 1. An intermediary service organization shall ensure that a person with a disability who receives services from the intermediary service organization or, as applicable, other responsible person acting on his or her behalf:				
P 0636	(a) Has the right to select the personal assistant of his or her choice;				
P 0637	(b) Has the right to choose community-based care or institutional care;				
P 0638	(c) Receives services from the intermediary service organization without regard to race, color, creed, national origin, sex or disability;				
P 0639	(d) Is treated with respect, receives recognition of his or her individuality and is free from physical, verbal or psychological abuse;				
P 0640	(e) Is allowed to make informed decisions regarding the care of the person with a disability and to participate in the development of a plan of care;				
P 0640	(f) Receives a description of advance directives, as defined in <a href="#">NRS 449.905</a> , and information on how to obtain an advance directive;				

TAG	REGULATION TEXT	Y	N	N/A	Comments
P 0641	(g) Has the right to appeal any termination, reduction or suspension of services by the intermediary service organization and to receive a written explanation of decisions of the intermediary service organization relating to the provision of services;				
P 0642	(h) Receives confidential treatment of personal, medical and financial information;				
P 0643	(i) Has access to any records maintained by the intermediary service organization relating to the care of the person with a disability;				
P 0644	(j) Is informed of the primary contact person for the intermediary service organization, the person with whom a grievance may be filed with the intermediary service organization				
P 0645	(k) Receives timely responses to a concern expressed to the intermediary service organization regarding the provision of services by the intermediary service organization.				
P 0650	2. Each person with a disability who receives services from the intermediary service organization or, as applicable, other responsible person acting on his or her behalf must be provided with a written list of the rights set forth in subsection 1.				

Comments:

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STATE OF NEVADA

BRIAN SANDOVAL  
Governor

RICHARD WHITLEY, MS  
Director



CODY PHINNEY  
Administrator

TRACEY D. GREEN, MD  
Chief Medical Officer

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE  
4220 S. Maryland Parkway, Suite 810, Bldg. D, Las Vegas, NV 89119  
Telephone: 702-486-6515, Fax: 702-486-6520  
www.health.nv.gov

<Client Name>  
<Address>  
<City, State, zip>

**Unlicensed Personal Care Agency Notification**

Dear Mr./Mrs. <>:

This letter serves to inform you that <name of agency> has been found to be operating without a license. The Division of Public and Behavioral Health received information concerning the operation of an unlicensed Personal Care Agency (PCA) at < address >. Specifically, it was determined on < date> that personal care attendants were placed in the homes of clients, fees collected from clients and caregivers paid by the agency. The agency received a Cease Operations Letter on < date > and is required to provide information as to where the care of clients have been transferred to. Your contact information was provided by the agency.

Nevada Revised Statutes (NRS) 449.0021 defines an "agency to provide personal care services in the home" as follows:

1. "Agency to provide personal care services in the home" means any person, other than a natural person, which provides in the home, through its employees or by contractual arrangement with other persons, nonmedical services related to personal care to elderly persons or persons with disabilities to assist those persons with activities of daily living, including, without limitation:

- (a) The elimination of wastes from the body;
- (b) Dressing and undressing;
- (c) Bathing;
- (d) Grooming;
- (e) The preparation and eating of meals;
- (f) Laundry;
- (g) Shopping;
- (h) Cleaning;
- (i) Transportation; and
- (j) Any other minor needs related to the maintenance of personal hygiene.

2. The term does not include:

(a) An independent contractor who provides nonmedical services specified by subsection 1 without the assistance of employees;

(b) An organized group of persons composed of the family or friends of a person needing personal care services that employs or contracts with persons to provide services specified by subsection 1 for the person if:

(1) The organization of the group of persons is set forth in a written document that is made available for review by the Health Division upon request; and

(2) The personal care services are provided to only one person or one family who resides in the same residence; or

(c) An intermediary service organization.

3. As used in this section, “intermediary service organization” has the meaning ascribed to it in [NRS 427A.0291](#).

NRS 449.220 authorizes the Division of Public and Behavioral Health to bring action in the name of the State to enjoin any person or agency from operating a PCA without first obtaining a license from the Bureau of Health Care Quality and Compliance.

If you choose to continue to receive services from this provider, please be advised you do not have protections under the law provided to those receiving services from a licensed agency. To view a list of licensed agencies, please visit our website at [www.health.nv.gov](http://www.health.nv.gov).

Should you have any questions regarding this matter, you may contact our office at (702) 486-6515.

Sincerely,

Surveyor, Title

For Kyle Devine, Bureau Chief

STATE OF NEVADA

BRIAN SANDOVAL  
*Governor*

RICHARD WHITLEY, MS  
*Director*



CODY PHINNEY  
*Administrator*

TRACEY D. GREEN, MD  
*Chief Medical Officer*

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE  
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Telephone: 702-486-6515, Fax: 702-486-6520  
[www.health.nv.gov](http://www.health.nv.gov)

Certified Mail #:

{DATE}

{NAME OF OPERATOR}  
{FACILITY ADDRESS}

**OFFICIAL ORDER TO CEASE OPERATION WITHOUT A LICENSE**

The Division of Public and Behavioral Health received information concerning the operation of an unlicensed Personal Care Agency (PCA) at <AGENCY ADDRESS>. Specifically, it was determined on <DATE> that personal care attendants were placed in the homes of clients to provide care in activities of daily living and fees were collected from clients and caregivers paid by the agency.

Nevada Revised Statutes (NRS) 449.0021 defines an "agency to provide personal care services in the home" as follows:

1. "Agency to provide personal care services in the home" means any person, other than a natural person, which provides in the home, through its employees or by contractual arrangement with other persons, nonmedical services related to personal care to elderly persons or persons with disabilities to assist those persons with activities of daily living, including, without limitation:

- (a) The elimination of wastes from the body;
- (b) Dressing and undressing;
- (c) Bathing;
- (d) Grooming;
- (e) The preparation and eating of meals;
- (f) Laundry;
- (g) Shopping;
- (h) Cleaning;
- (i) Transportation; and
- (j) Any other minor needs related to the maintenance of personal hygiene.

2. The term does not include:

(a) An independent contractor who provides nonmedical services specified by subsection 1 without the assistance of employees;

(b) An organized group of persons composed of the family or friends of a person needing personal care services that employs or contracts with persons to provide services specified by subsection 1 for the person if:



(1) The organization of the group of persons is set forth in a written document that is made available for review by the Health Division upon request; and

(2) The personal care services are provided to only one person or one family who resides in the same residence; or

(c) An intermediary service organization.

3. As used in this section, "intermediary service organization" has the meaning ascribed to it in NRS 427A.0291.

Nevada Revised Statutes (NRS) 449.030 prohibits the operation of a personal care agency without first obtaining a license from the Division of Public and Behavioral Health. Pursuant Assembly Bill (AB) 222, if you operate an unlicensed personal care agency, you are liable for a civil penalty of \$10,000 for a first offense, \$25,000 for a second offense and \$50,000 for a third offense. You will receive the civil penalty in a separate notice.

In addition, you will be prohibited from applying for licensure for six months if this is your first offense, one year for a second offense and if this is your third offense, you are prohibited from applying for licensure. Furthermore, you are ordered to cease providing care immediately and transfer client(s) to a licensed agencies or appropriate party to provide the care at your own expense within 10 days of this notice. You must also notify the Division of the following information:

- a) the name of the client,
- b) the name, address and phone number of the legal guardian or family member,
- c) the name, address and phone number of the agency or appropriate party to which the client is being transferred,
- d) documentation of personal belongings and finances to be transferred with the client, and
- e) copies of notification to the client's family or representative.

If you fail to comply with this notice and discharge your residents within 10 days, the Division of Public and Behavioral Health will refer this complaint to the local district attorney or attorney general of the state of Nevada for further legal action.

Should you have any questions regarding this matter, you may contact {SURVEYOR NAME} at 702-486-6515.

Sincerely,

{SURVEYOR NAME, TITLE}  
For: Kyle Devine, Bureau Chief

Cc: Linda Anderson, Deputy Attorney General

STATE OF NEVADA

BRIAN SANDOVAL  
Governor

RICHARD WHITLEY, MS  
Director



CODY PHINNEY  
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Telephone: 702-486-6515, Fax: 702-486-6520  
www.health.nv.gov

Certified Mail # or HAND DELIVERY

<DATE>

<Owner/Operator>  
<FACILITY>  
<ADDRESS>  
<ADDRESS>

**NOTICE OF INTENT TO IMPOSE A CIVIL PENALTY**

Dear <Operator>:

YOU ARE HEREBY NOTIFIED that the DIVISION OF PUBLIC AND BEHAVIORAL HEALTH intends to impose a civil penalty effective eleven working days after your receipt of this notice.

**Statutory Authority**

The Division of Public and Behavioral Health is imposing a civil penalty in accordance with Nevada Revised Statutes (NRS) 449.0308. NRS 449.0308 authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to charge and collect from medical facilities and facilities for the dependent and persons who operate such facilities without a license the actual costs incurred by the Division to enforce the provisions governing licensure and operation of such facilities, including to conduct investigations and inspections of the facilities.

The Division of Public and Behavioral Health is imposing a civil penalty in accordance with Assembly Bill (AB) 222. AB222 authorizes the Division to impose a civil penalty on the operator of an unlicensed personal care agency \$10,000 for the first offense, \$25,000 for the second offense and \$50,000 for the third offense.

**Facts Supporting the Penalty**

The Division of Public and Behavioral Health received information concerning the operation of an unlicensed Personal Care Agency (PCA) at <AGENCY ADDRESS>. Specifically, it was determined on <DATE> that personal care attendants were placed in the homes of clients to provide care in activities of daily living and fees were collected from clients and caregivers paid by the agency.

(Description of services for each client).

For a <first – second – third> offense of operating an unlicensed residential facility for groups, NRS 449.210 authorizes the Division of Public and Behavioral Health to impose a civil penalty of <\$10,000 - \$25,000 - \$50,000).

**Notice of Right to Appeal**

Nevada Revised Statutes 449.210 affords the facility the right to contest the action of the Division of Public and Behavioral Health. If you wish to oppose this action, you must send a written appeal to Cody Phinney, Division of Public and Behavioral Health Administrator, 4150 Technology Way, Suite 300, Carson City, Nevada 89706. You can fax your written appeal to (775) 684-4211.

In order for you to receive a hearing, the Administrator must receive this written appeal by 5:00 PM on the 10<sup>th</sup> working day after you have received this notice. The local Division office cannot accept your appeal. Your written appeal must include the following information: a) the action to be contested, b) the name of the division officer or employee who signed this notice, c) the reasons that the appellant believes the action is incorrect, and d) whether or not the appellant is seeking an informal internal resolution prior to the formal appeal process.

You are entitled to be represented by counsel at your own expense in these proceedings. If you retain an attorney, your counsel must notify the Administrator of his or her representation of you.

**Effective Date of Penalty**

If you submit a timely request for appeal, the effective date of the action will be stayed, pending the hearing on appeal. If you do not request a hearing within the next ten working days, you will waive your rights to a hearing and the action will be imposed as of the 11<sup>th</sup> working day after you receive this notice. NAC 439.348 indicates that except as otherwise provided in NAC 449.99908 the effective date of the disciplinary action is stayed upon receipt of an appeal until the hearing officer renders a decision regarding the appeal.

**Payments**

Payments for monetary penalties must be made to the Division of Public and Behavioral Health at 727 Fairview Dr, Suite E Carson City, Nevada 89701.

Should you have any questions regarding this matter, you may contact the supervisor listed below at 702-486-6515.

Sincerely,

{Supervisor Name, Title}  
For Kyle Divine, Bureau Chief

Cc: Linda Anderson, Deputy Attorney General

## Year-To-Date Unlicensed Complaint Report 1/1/15 Through 9/14/15

Facility Type	Intakes	Substantiated	Open Investigations
ADA	2	0	-
ADC	1	1	-
AGC	6	1	-
BPR	2	0	2
HHA	1	0	-
HIRC	14	2	-
HWH	6	1	1
ISO	1	0	-
NSP	2	0	-
OPF	1	0	-
PCA	3	1	1
TLF	1	0	-
Dietician	1	0	-
<b>Total</b>	<b>41</b>	<b>6</b>	<b>4</b>

### Facility Type Acronyms

ADA- Facility for the treatment of abuse of alcohol or drugs

ADC- Facility for the care of adults during the day

AGC- Residential facility for groups

BPR- Businesses that provide referrals to residential facilities for groups

HHA- Home health agency

HIRC- Home for individual residential care

HWH- Halfway house for recovering alcohol and drug abusers

ISO- Intermediary service organization

NSP- Nursing pool

OPF- Outpatient facility

TLF- Facility for transitional living for released offenders

## ASPEN: Tag Summary Report (TAG1)

from 03/18/2015 thru 09/14/2015

## ST - 71SW - P - PCS (PCS only) (2.00)

Tag	Cite Frequency	Average Severity	Average Scope
0130 - Attendants: Maintenance of personnel file	13	1.92	2.25
0225 - Supervisory home visits or telephone calls	9	1.43	2.43
0152 - Attendants: Required Knowledge and Training	5	2.00	2.40
0125 - Attendants: Qualifications; annual training	4	2.00	1.75
0140 - Attendants: Maintenance of personnel file	4	2.00	1.75
0165 - Prohibition of certain types of services	4	2.00	1.75
0175 - Provision of written disclosure statement	3	1.50	1.50
0210 - Initial screening of client	3	1.50	1.00
0085 - Employment for staff members	2	1.00	3.00
0135 - Attendants: Maintenance of personnel file	2	1.50	2.00
0180 - Provision of written disclosure statement	2	1.00	3.00
0190 - Rights of clients: Duties of administrator	2	1.50	2.00
0195 - Rights of clients: Duties of Administrator	2	1.00	3.00
0015 - Qualifications and Duties of Administrator	1	2.00	3.00
0150 - Attendants: Required Knowledge and Training	1	0.00	0.00
0160 - Attendants: Required Knowledge and Training	1	2.00	2.00
0220 - Initial screening of client	1	3.00	1.00