



DEPARTMENT OF
HEALTH AND HUMAN SERVICES

DIRECTOR'S OFFICE

Helping people. It's who we are and what we do.



Re: Updates to Nevada Administrative Code (NAC) 449.3973

Dear Director Whitley:

On behalf of the Home Care Employment Standards Board (HCESB) created by Senate Bill (SB) 340, it has been recommended that NAC 449.3973, detailing the duties and responsibilities of administrator, be updated so that required trainings must be paid for by employers.

The motion calling for this recommendation passed unanimously by the board during the March 8, 2022, HCESB meeting and fulfills Section 16.2(d) of SB 340:

The adequacy and enforcement of training requirements for home care employees;

Current language of NAC 449.3973 regarding personnel training consists of the following:

2. The administrator of an agency shall represent the licensee in the daily operation of the agency and shall appoint a person to exercise his or her authority in the administrator's absence. The responsibilities of an administrator include, without limitation:

(a) Employing qualified personnel and arranging for their training;

(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;

By updating the language to require employers to pay for necessary trainings, home care professionals would no longer personally shoulder the costs of essential courses, such as:

1) Cardiopulmonary Resuscitation (CPR) and First Aid, which in accordance with NAC 449.3976, must be completed within 6 months after the attendant began working for the agency;

2) Not less than eight (8) hours of training annually related to providing for the needs of the clients of the agency pursuant to NAC 449.3975; and

3) If performing a task described in NRS 449.0304, such as taking vital signs or using an auto-injection insulin device, the training pursuant to NAC 449.39775.

Currently, Personal Care Agencies (PCAs) are only responsible for costs related to the trainings to recognize and prevent abuse of older persons per Nevada Revised Statute (NRS) 449.093. The update to NAC 449.3973 would extend this responsibility to other necessary trainings in the profession.

Thank you for your time and consideration.

Sincerely,

Cody Phinney
Chair of the Home Care Employment Standards Board
Deputy Administrator
Nevada Department of Health and Human Services, Division of Public and Behavioral Health