

Nevada Revised Statutes
that apply specifically to
Intermediary Service Organizations

NRS 426.301 Authority to provide services.

1. An intermediary service organization that is certified pursuant to [NRS 426.301](#) to [426.345](#), inclusive, may provide services for a person with a disability or other responsible person relating to personal assistance received by the person with a disability. The services that may be provided by an intermediary service organization include, without limitation:

(a) Obtaining a criminal background check of a personal assistant selected by the person with a disability or other responsible person to provide nonmedical services and any medical services authorized pursuant to [NRS 629.091](#);

(b) Providing payroll services to pay the personal assistant and determine any tax liability;

(c) Providing services relating to financial management; and

(d) Providing any other services relating to the employment of a personal assistant and any other financial assistance relating to the personal assistance for the person with a disability.

2. As used in this section:

(a) “Other responsible person” means:

(1) A parent or guardian of, or any other person legally responsible for, a person with a disability who is under the age of 18 years; or

(2) A parent, spouse, guardian or adult child of a person with a disability who suffers from a cognitive impairment.

(b) “Personal assistance” means the provision of any goods or services to help a person with a disability maintain his independence, personal hygiene and safety, including, without limitation, the provision of services by a personal assistant.

(c) “Personal assistant” means a person who, for compensation and under the direction of a person with a disability or other responsible person, performs services for a person with a disability to help him maintain his independence, personal hygiene and safety.

(Added to NRS by [2007, 1213](#))

NRS 426.303 Certificate required; penalty.

1. A person shall not operate or maintain in this State an intermediary service organization without first obtaining a certificate therefor as provided in [NRS 426.301](#) to [426.345](#), inclusive.

2. A person who violates the provisions of this section is guilty of a misdemeanor.

(Added to NRS by [2007, 1213](#))

NRS 426.305 Application for certificate: Contents. Any person wishing to obtain a certificate pursuant to the provisions of [NRS 426.301](#) to [426.345](#), inclusive, must file with the Office an application on a form prescribed, prepared and furnished by the Office, containing:

1. The name of the applicant and, if a natural person, whether the applicant has attained the age of 21 years.

2. The location of the intermediary service organization.

3. The name of the person in charge of the intermediary service organization.

4. Such other information as may be required by the Office for the proper administration and enforcement of [NRS 426.301](#) to [426.345](#), inclusive.

5. Evidence satisfactory to the Office that the applicant is of reputable and responsible character. If the applicant is a firm, association, organization, partnership, business trust,

corporation or company, similar evidence must be submitted as to the members thereof, and the person in charge of the intermediary service organization for which application is made.

6. Evidence satisfactory to the Office of the ability of the applicant to comply with the provisions of [NRS 426.301](#) to [426.345](#), inclusive, and the standards and regulations adopted by the Department.

(Added to NRS by [2007, 1213](#))

NRS 426.307 Application for certificate: Social security number required. [Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] An application for the issuance of a certificate to operate an intermediary service organization pursuant to [NRS 426.305](#) must include the social security number of the applicant.

(Added to NRS by [2007, 1214](#))

NRS 426.309 Application for certificate: Statement regarding obligation of child support; grounds for denial; duty of Office. [Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. An applicant for the issuance or renewal of a certificate as an intermediary service organization must submit to the Office the statement prescribed by the Division of Welfare and Supportive Services of the Department pursuant to [NRS 425.520](#). The statement must be completed and signed by the applicant.

2. The Office shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate; or

(b) A separate form prescribed by the Office.

3. A certificate as an intermediary service organization may not be issued or renewed by the Office if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Office shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

(Added to NRS by [2007, 1214](#))

NRS 426.311 Application for certificate: Fee. Each application for a certificate must be accompanied by such fee as may be determined by regulation of the Department. The Department may, by regulation, allow or require payment of a fee for a certificate in installments and may fix the amount of each payment and the date on which the payment is due.

(Added to NRS by [2007, 1215](#))

NRS 426.315 Certificate: Issuance; nontransferability.

1. The Office shall issue the certificate to the applicant if, after investigation, the Office finds that the:

(a) Applicant is in full compliance with the provisions of [NRS 426.301](#) to [426.345](#), inclusive; and

(b) Applicant is in substantial compliance with the standards and regulations adopted by the Department.

2. A certificate applies only to the person to whom it is issued and is not transferable.

(Added to NRS by [2007, 1215](#))

NRS 426.317 Certificate: Form; contents. Each certificate issued by the Office must be in the form prescribed by the Office and must contain:

1. The name of the person or persons authorized to operate the intermediary service organization;

2. The location of the intermediary service organization; and

3. The services offered by the intermediary service organization.

(Added to NRS by [2007, 1215](#))

NRS 426.319 Certificate: Expiration and renewal.

1. Each certificate issued pursuant to [NRS 426.301](#) to [426.345](#), inclusive, expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to [NRS 426.311](#) unless the Office finds, after an investigation, that the intermediary service organization has not satisfactorily complied with the provisions of [NRS 426.301](#) to [426.345](#), inclusive, or the standards and regulations adopted by the Department.

2. Each reapplication for an intermediary service organization must include, without limitation, a statement that the organization is in compliance with the provisions of [NRS 426.335](#) to [426.341](#), inclusive.

(Added to NRS by [2007, 1215](#))

NRS 426.321 Certificate: Grounds for denial, suspension or revocation. The Office may deny an application for a certificate or may suspend or revoke any certificate issued under the provisions of [NRS 426.301](#) to [426.345](#), inclusive, upon any of the following grounds:

1. Violation by the applicant or the holder of a certificate of any of the provisions of [NRS 426.301](#) to [426.345](#), inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

2. Aiding, abetting or permitting the commission of any illegal act.

3. Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the operation of an intermediary service organization.

4. Conduct or practice detrimental to the health or safety of a person under contract with or employees of the intermediary service organization.

(Added to NRS by [2007, 1216](#))

NRS 426.323 Certificate: Suspension for failure to pay child support or comply with certain subpoenas or warrants; reinstatement. [Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the Office receives a copy of a court order issued pursuant to [NRS 425.540](#) that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate to operate an intermediary service organization, the Office shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Office receives a letter issued to the holder of the certificate by the district attorney or other public agency pursuant to [NRS 425.550](#) stating that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).

2. The Office shall reinstate a certificate to operate an intermediary service organization that has been suspended by a district court pursuant to [NRS 425.540](#) if the Office receives a letter issued by the district attorney or other public agency pursuant to [NRS 425.550](#) to the person whose certificate was suspended stating that the person whose certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).

(Added to NRS by [2007, 1214](#))

NRS 426.325 Provisional certificate.

1. The Office may cancel the certificate of an intermediary service organization and issue a provisional certificate, effective for a period determined by the Office, to the intermediary service organization if the intermediary service organization:

(a) Is in operation at the time of the adoption of standards and regulations pursuant to the provisions of [NRS 426.301](#) to [426.345](#), inclusive, and the Office determines that the intermediary service organization requires a reasonable time under the particular circumstances within which to comply with the standards and regulations; or

(b) Has failed to comply with the standards or regulations and the Office determines that the intermediary service organization is in the process of making the necessary changes or has agreed to make the changes within a reasonable time.

2. The provisions of subsection 1 do not require the issuance of a certificate or prevent the Office from refusing to renew or from revoking or suspending any certificate if the Office deems such action necessary for the health and safety of a person for whom the intermediary service organization provides services.

(Added to NRS by [2007, 1215](#))

NRS 426.327 Deposit of money received from certification; expenses of Office to enforce provisions.

1. Money received from the certification of intermediary service organizations:

(a) Must be forwarded to the State Treasurer for deposit in the State Treasury;

(b) Must be accounted for separately in the State General Fund; and

(c) May only be used to carry out the provisions of [NRS 426.301](#) to [426.345](#), inclusive.

2. The Office shall enforce the provisions of [NRS 426.301](#) to [426.345](#), inclusive, and may incur any necessary expenses not in excess of money appropriated for that purpose by the State or received from the Federal Government.

(Added to NRS by [2007, 1216](#))

NRS 426.328 Powers of Office. The Office may:

1. Upon receipt of an application for a certificate, conduct an investigation into the qualifications of personnel, methods of operation and policies and purposes of any person proposing to engage in the operation of an intermediary service organization.

2. Upon receipt of a complaint against an intermediary service organization, except for a complaint concerning the cost of services, conduct an investigation into the qualifications of

personnel, methods of operation and policies, procedures and records of that intermediary service organization or any other intermediary service organization which may have information pertinent to the complaint.

3. Employ such professional, technical and clerical assistance as it deems necessary to carry out the provisions of [NRS 426.301](#) to [426.345](#), inclusive.

(Added to NRS by [2007, 1216](#))

NRS 426.329 Administrative sanctions: Imposition by Office; consequences of failure to pay; use of money collected.

1. If an intermediary service organization violates any provision related to its certification, including, without limitation, any provision of [NRS 426.301](#) to [426.345](#), inclusive, or any condition, standard or regulation adopted by the Department, the Office, in accordance with the regulations adopted pursuant to [NRS 426.331](#), may, as it deems appropriate:

(a) Prohibit the intermediary service organization from providing services pursuant to [NRS 426.301](#) until it determines that the intermediary service organization has corrected the violation;

(b) Impose an administrative penalty of not more than \$1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(c) Appoint temporary management to oversee the operation of the intermediary service organization and to ensure the health and safety of the persons for whom the intermediary service organization performs services, until:

(1) It determines that the intermediary service organization has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the intermediary service organization fails to pay any administrative penalty imposed pursuant to paragraph (b) of subsection 1, the Office may:

(a) Suspend the certificate of the intermediary service organization until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Office may require any intermediary service organization that violates any provision of [NRS 426.301](#) to [426.345](#), inclusive, or any condition, standard or regulation adopted by the Department, to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of the persons for whom the intermediary service organization performs services in accordance with applicable federal standards.

(Added to NRS by [2007, 1216](#))

NRS 426.331 Administrative sanctions: Regulations. The Department shall adopt regulations establishing the criteria for the imposition of each sanction prescribed by [NRS 426.329](#). These regulations must:

1. Prescribe the circumstances and manner in which each sanction applies;

2. Minimize the time between identification of a violation and the imposition of a sanction;

3. Provide for the imposition of incrementally more severe sanctions for repeated or uncorrected violations; and

4. Provide for less severe sanctions for lesser violations of applicable state statutes, conditions, standards or regulations.

(Added to NRS by [2007, 1217](#))

NRS 426.333 Notice by Office of disciplinary action; exception; appeal.

1. When the Office intends to deny, suspend or revoke a certificate or impose any sanction prescribed by [NRS 426.329](#), it shall give reasonable notice to the holder of the certificate by certified mail. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. Notice is not required if the Office finds that the public health requires immediate action. In that case, it may order a summary suspension of a certificate or impose any sanction prescribed by [NRS 426.329](#), pending proceedings for revocation or other action.

2. If a person wants to contest the action of the Office, he must file an appeal pursuant to regulations adopted by the Department.

3. Upon receiving notice of an appeal, the Office shall hold a hearing pursuant to regulations adopted by the Department.

4. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

(Added to NRS by [2007, 1217](#))

NRS 426.335 Initial and periodic investigations of criminal history of employee or independent contractor.

1. Except as otherwise provided in subsection 2, within 10 days after hiring an employee or entering into a contract with an independent contractor, the holder of a certificate to operate an intermediary service organization shall:

(a) Obtain a written statement from the employee or independent contractor stating whether he has been convicted of any crime listed in subsection 1 of [NRS 426.341](#);

(b) Obtain an oral and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);

(c) Obtain from the employee or independent contractor two sets of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(d) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (c).

2. The holder of a certificate to operate an intermediary service organization is not required to obtain the information described in subsection 1 from an employee or independent contractor who provides proof that an investigation of his criminal history has been conducted by the Central Repository for Nevada Records of Criminal History within the immediately preceding 6 months and the investigation did not indicate that the employee or independent contractor had been convicted of any crime set forth in subsection 1 of [NRS 426.341](#).

3. The holder of a certificate to operate an intermediary service organization shall ensure that the criminal history of each employee or independent contractor who works at or for the intermediary service organization is investigated at least once every 5 years. The holder of the certificate shall:

(a) If the intermediary service organization does not have the fingerprints of the employee or independent contractor on file, obtain two sets of fingerprints from the employee or independent contractor;

(b) Obtain written authorization from the employee or independent contractor to forward the fingerprints on file or obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) Submit the fingerprints to the Central Repository for Nevada Records of Criminal History.

4. Upon receiving fingerprints submitted pursuant to this section, the Central Repository for Nevada Records of Criminal History shall determine whether the employee or independent contractor has been convicted of a crime listed in subsection 1 of [NRS 426.341](#) and immediately inform the Office and the holder of a certificate to operate the intermediary service organization for which the person works whether the employee or independent contractor has been convicted of such a crime.

5. The Central Repository for Nevada Records of Criminal History may impose a fee upon an intermediary service organization that submits fingerprints pursuant to this section for the reasonable cost of the investigation. The intermediary service organization may recover from the employee or independent contractor not more than one-half of the fee imposed by the Central Repository. If the intermediary service organization requires the employee or independent contractor to pay for any part of the fee imposed by the Central Repository, it shall allow the employee or independent contractor to pay the amount through periodic payments.

(Added to NRS by [2007, 1218](#))

NRS 426.337 Maintenance and availability of certain records regarding employees and independent contractors. Each intermediary service organization shall maintain accurate records of the information concerning its employees and independent contractors collected pursuant to [NRS 426.335](#) and shall maintain a copy of the fingerprints submitted to the Central Repository for Nevada Records of Criminal History and proof that it submitted two sets of fingerprints to the Central Repository for its report. These records must be made available for inspection by the Office at any reasonable time, and copies thereof must be furnished to the Office upon request.

(Added to NRS by [2007, 1219](#))

NRS 426.339 Termination of employee or independent contractor required for conviction of certain crimes; reasonable time to correct information; liability of organization.

1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to [NRS 426.335](#), or evidence from any other source, that an employee or independent contractor of an intermediary service organization has been convicted of a crime listed in subsection 1 of [NRS 426.341](#), the holder of a certificate to operate the intermediary service organization shall terminate the employment or contract of that person after allowing him time to correct the information pursuant to subsection 2.

2. If an employee or independent contractor believes that the information provided by the Central Repository is incorrect, he may immediately inform the intermediary service organization. An intermediary service organization that is so informed shall give the employee or independent contractor a reasonable amount of time of not less than 30 days to correct the information received from the Central Repository before terminating the employment or contract of the person pursuant to subsection 1.

3. An intermediary service organization that has complied with [NRS 426.335](#) may not be held civilly or criminally liable based solely upon the ground that the intermediary service organization allowed an employee or independent contractor to work:

(a) Before it received the information concerning the employee or independent contractor from the Central Repository;

(b) During any period required pursuant to subsection 2 to allow the employee or independent contractor to correct that information;

(c) Based on the information received from the Central Repository, if the information received from the Central Repository was inaccurate; or

(d) Any combination thereof.

↳ An intermediary service organization may be held liable for any other conduct determined to be negligent or unlawful.

(Added to NRS by [2007, 1219](#))

NRS 426.341 Additional grounds for denial, suspension or revocation of certificate. In addition to the grounds listed in [NRS 426.321](#), the Office may deny a certificate to operate an intermediary service organization to an applicant or may suspend or revoke the certificate of a holder of a certificate to operate an intermediary service organization if:

1. The applicant or holder of a certificate has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Assault with intent to kill or to commit sexual assault or mayhem;

(c) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(d) Abuse or neglect of a child or contributory delinquency;

(e) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in [chapter 454](#) of NRS, within the past 7 years;

(f) A violation of any provision of [NRS 200.50955](#) or [200.5099](#);

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

(h) Any other felony involving the use of a firearm or other deadly weapon, within the immediately preceding 7 years; or

2. The holder of a certificate has continued to employ a person who has been convicted of a crime listed in subsection 1.

(Added to NRS by [2007, 1219](#))

NRS 426.343 Action to enjoin violations.

1. The Office may bring an action in the name of the State to enjoin any person from operating or maintaining an intermediary service organization within the meaning of [NRS 426.301](#) to [426.345](#), inclusive:

(a) Without first obtaining a certificate therefor; or

(b) After his certificate has been revoked or suspended by the Office.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain the intermediary service organization without a certificate.

(Added to NRS by [2007, 1220](#))

NRS 426.345 Prosecution by district attorney. The district attorney of the county in which an intermediary service organization operates shall, upon application by the Office, institute and conduct the prosecution of any action for violation of any provisions of [NRS 426.301](#) to [426.345](#), inclusive.

(Added to NRS by [2007, 1220](#))