

1 HOUSE BILL 414

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Susan K. Herrera and Deborah A. Armstrong and Andrea Romero and
5 Christine Chandler and Joseph L. Sanchez
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10 AN ACT

11 RELATING TO LONG-TERM CARE; AMENDING AND ENACTING SECTIONS OF
12 THE NURSING HOME ADMINISTRATORS ACT TO REQUIRE NOTICE OF
13 NURSING HOME CLOSURE; PROVIDING PENALTIES.
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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 61-13-14 NMSA 1978 (being Laws 1970,
17 Chapter 61, Section 13) is amended to read:

18 "61-13-14. PENALTIES.--It shall be a misdemeanor for
19 [~~any~~] a person to:

20 A. sell or fraudulently obtain or furnish [~~any~~] a
21 license or aid or abet in the obtaining or furnishing of [~~any~~]
22 a license under the Nursing Home Administrators Act;

23 B. practice as a nursing home administrator, under
24 cover of [~~any~~] a license or registration illegally or
25 fraudulently obtained or unlawfully issued;

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underscoring material = new
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underscored material = new
[bracketed material] = delete

1 C. practice as a nursing home administrator or use
2 in connection with [~~his~~] the person's name [~~any~~] a designation
3 tending to imply that [~~he~~] the person is a nursing home
4 administrator unless duly licensed and registered to [~~so~~]
5 practice under the provisions of the Nursing Home
6 Administrators Act; [~~or~~]

7 D. practice as a nursing home administrator without
8 a valid license or during the time [~~his~~] the person's license
9 or registration issued under the provisions of the Nursing Home
10 Administrators Act is suspended or revoked; or

11 E. fail to provide notice of nursing home closure
12 in accordance with the provisions of Section 2 of this 2019
13 act."

14 SECTION 2. A new section of the Nursing Home
15 Administrators Act is enacted to read:

16 "[NEW MATERIAL] NURSING HOME CLOSURE--NOTICE.--

17 A. A nursing home administrator shall:

18 (1) submit to the department of health, the
19 office of the state long-term care ombudsman, residents of the
20 nursing home and the legal representatives of nursing home
21 residents or other responsible parties written notification of
22 an impending closure at least ninety days before the date of
23 closure. The notice shall include a plan, that has been
24 approved by the department of health, for:

25 (a) the transfer and adequate relocation

underscoring material = new
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1 of the residents of the nursing home by a date specified by the
2 department of health before closure; and

3 (b) assurances that the residents will
4 be transferred to the most appropriate facility or other
5 setting in terms of quality, services and location, taking into
6 consideration the needs, choice and best interests of each
7 resident; and

8 (2) ensure that the nursing home does not
9 admit any new residents on or after the date on which written
10 notification of closure is submitted pursuant to Paragraph (1)
11 of this subsection.

12 B. The nursing home shall have in place policies
13 and procedures to ensure that the administrator's duties and
14 responsibilities involve providing the appropriate notices in
15 the event of a facility closure, as required pursuant to
16 Subsection A of this section."