

Steve Sisolak
Governor



Richard Whitley, MS
Director

**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



Lisa Sherych
Administrator

Ihsan Azzam,
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Chief Medical Officer

NOTICE OF PUBLIC WORKSHOP

NOTICE IS HEREBY GIVEN that the Division of Public and Behavioral Health will hold a public workshop to consider amendments to Nevada Administrative Code (NAC) Chapter 449 as proposed in LCB File No. R043-22.

The workshop will be conducted via videoconference beginning at 2 p.m. on Dec. 6, 2022. at the following locations:

- [Click here to join the meeting](#)
 - Meeting ID: 268 620 681 36
 - Passcode: MvkgDo
- Call in: 775-321-6111 (Phone Conference ID: 201 772 370#)

These workshops will be conducted in accordance with NRS 241.020, Nevada's Open Meeting Law.

AGENDA

1. Introduction of workshop process
2. Public comment on proposed amendments to Nevada Administrative Code Chapter 449
3. Public Comment

During the inception of these modifications to the NAC regarding residential facilities for groups, which began circa 2019, the Division met with stakeholders including licensed facility operators, the Alzheimer's Association, the Task Force for Alzheimer's Disease, Medicaid and other interested parties as a group as well as separately to discuss current requirements, current facility practices and to develop revisions that would both support the latest requirements for ensuring a resident's expression of self-determination, yet also establish acceptable levels of mitigated risk.

Pursuant to NRS 233B.0608(2)(a), DPBH has requested input from all licensed residential facilities for groups in Nevada with 150 or fewer employees, and from subscribers to opt-in email lists of persons who are interested in information relative to these health care facilities.

The LCB File No. R043-22 proposed changes will revise NAC Chapter 449 and are being proposed in accordance with [NRS 449.0302](#).

The proposed regulations provide provisions for the following:

- 1) Section 34 removes the sole criteria for facilities being required to obtain an endorsement to provide care to residents with Alzheimer's Disease and related forms of dementia and revises the requirement of the endorsement for facilities with residents who meet the criteria prescribed in paragraph (a) of subsection 2 of NRS 449.1845 which indicates if the provider of health care

determines that the resident suffers from dementia to an extent that the resident may be a danger to himself or herself or others if the resident is not placed in a secure unit or a facility that assigns not less than one staff member for every six residents and if the health care provider assessment indicates the resident does not suffer from dementia as described in paragraph (a), the resident may be placed in any residential facility for groups.

- 2) Section 7 adds topic-specific training to Tier 2 dementia training and requires that the training be provided by nationally recognized organizations focused on dementia, an accredited college or university or federal or state government. The total training hours have not increased, changes outline specific topics that must be addressed within the training requirements.
- 3) Section 20 prescribes specific requirements concerning the documentation of Tier 2 training that a residential facility for groups is required to maintain for each employee.
- 4) Section 37 deems current employees of residential facilities for groups who have received certain training required by existing regulations to meet the training requirements revised by sections 19 and 36 of this regulation.
- 5) Existing law requires an employee of a residential facility for groups who assists residents in the administration of controlled substances or dangerous drugs to: (1) complete training approved by the Division of Public and Behavioral Health of the Department of Health and Human Services; and (2) pass an examination approved by the Division. (NRS 449.0302) Sections 10 and 11 of this regulation define certain terms relating to such training.
- 6) Section 12 generally requires a person or entity that proposes to offer a course of training in the administration of medication to apply to the Division.

Section 12 authorizes the Division to approve a nationally recognized organization to offer a course without an application if it determines that the course meets the applicable requirements.

Section 12 provides that the approval of a course is valid for 2 years.

- 7) Section 13 prescribes the required content of such a course and requires a participant in such a course to achieve a passing score of at least 80 percent on a written examination.
- 8) Sections 19 and 30 eliminate duplicative requirements.
- 9) Section 22 prescribes the required contents of a person-centered service plan, which include required supervision, authorized activities, the written program of activities for the resident and, if the resident has Alzheimer's disease or another form of dementia, measures to address the dementia and ensure the safety of the resident in the facility.
- 10) Section 4 defines the term "person-centered service plan," and sections 23, 28 and 34 of this regulation make conforming changes related to such a plan.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence may submit the material to Tina Leopard, Health Facilities Inspection Manager at the following address:

Division of Public and Behavioral Health
4220 S. Maryland Parkway, Building A, Suite 100
Las Vegas, NV 89119
702-486-6520 (fax)

Members of the public who require special accommodations or assistance at the workshops are required to notify Tina Leopard in writing to the Division of Public and Behavioral Health, 4220 S. Maryland Parkway, Building A, Suite 100, Las Vegas or by calling 702-486-6515 at least five (5) working days prior to the date of the public workshop.

You may contact Tina Leopard by calling 702-486-6515 for further information on the proposed regulations or how to obtain copies of the supporting documents.

A copy of the notice and the proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

Nevada Division of Public and Behavioral Health
4220 S. Maryland Parkway, Suite 100, Building A
Las Vegas, NV 89119

Nevada Division of Public and Behavioral Health
727 Fairview Drive, Suite E
Carson City, NV 89701

Southern Nevada Health District (SNHD)
280 S. Decatur Boulevard
Las Vegas, Nevada 89107

Nevada Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706

Washoe County Administration Complex
1001 E 9th St.
Reno, NV 89512

Nevada State Library and Archives
100 Stewart Street
Carson City, NV 89701

A copy of the regulations and small business impact statement can be found on the Division of Public and Behavioral Health's web page:

https://dpbh.nv.gov/Reg/HealthFacilities/State_of_Nevada_Health_Facility_Regulation_Public_Workshops/

A copy of the public workshop notice can also be found at Nevada Legislature's web page:

<https://www.leg.state.nv.us/App/Notice/A/>

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at (775) 684-1030 in Carson City or (702) 486-6515 in Las Vegas.

Per NRS 233B.064(2), upon adoption of any regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.