

**PROPOSED REGULATION OF THE  
STATE BOARD OF HEALTH**

**LCB File No. R051-99**

August 4, 1999

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§ 1-68, NRS 449.037.

**Section 1.** Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 67, inclusive, of this regulation.

**Sec. 2.** *As used in sections 3 to 67, inclusive, of this regulation, unless the context otherwise requires, “facility for skilled nursing” has the meaning ascribed to it in NRS 449.0039.*

**Sec. 3. 1.** *A facility for skilled nursing must be operated and conducted in the name of the person designated on the license for the facility.*

*2. A facility for skilled nursing shall not admit more patients to the facility than the number of beds for which it is licensed, except in emergencies. A facility that admits more patients to the facility than the number of beds for which it is licensed shall immediately notify the bureau of the additional admissions.*

*3. A facility for skilled nursing shall:*

*(a) Retain proof that it is adequately covered against liabilities resulting from claims incurred in the course of its operation; and*

*(b) Verify the coverage at the time it submits its annual application for the renewal of its license.*

**Sec. 4. 1.** *A facility for skilled nursing shall protect and promote the rights of each patient in the facility.*

*2. In addition to the rights set forth in NRS 449.710 and 449.720, a patient in a skilled nursing facility has the right to:*

- (a) Be treated with dignity.*
- (b) Exercise his rights without the threat of interference, coercion, discrimination or reprisal.*
- (c) Choose his attending physician.*
- (d) Be fully informed, in a language that the patient understands, of his medical condition.*
- (e) Participate in decisions relating to his health care, unless he is unable to do so because he is incompetent or incapacitated.*
- (f) Receive services with reasonable accommodation for his individual needs and preferences, unless the health or safety of the patient or other patients would be endangered.*
- (g) Privacy in relation to his accommodations, personal care, written and oral communications and meetings with other persons. The provisions of this paragraph do not require a facility for skilled nursing to provide a private room to each patient.*
- (h) File grievances with the facility without the threat of discrimination or reprisal and to the prompt resolution of those grievances. Such grievances include, without limitation, complaints relating to treatment that has been furnished or not furnished and the behavior of other patients.*
- (i) Use a telephone where calls can be made without being overheard.*

*(j) Retain and use personal possessions as space allows, including, without limitation, furniture and clothing, unless to do so would infringe upon the rights or threaten the health and safety of other patients.*

*(k) Share a room with his or her spouse if both spouses reside in the facility and consent to the arrangement.*

*(l) Manage his financial affairs.*

**Sec. 5. 1.** *A facility for skilled nursing shall give notice to each patient admitted to the facility of:*

*(a) His rights as a patient and of the policies of the facility relating to the conduct and responsibilities of patients in the facility; and*

*(b) The services available at the facility and the charges for those services, including, without limitation, charges for services that are not covered by the facility's per diem rate.*

**2.** *The notice required by subsection 1 must be given:*

*(a) Orally and in writing;*

*(b) In a language that the patient understands; and*

*(c) Before or upon admission of the patient to the facility and periodically during the patient's stay at the facility.*

**3.** *The written notice of the patient's rights must include, without limitation:*

*(a) A summary of the provisions of sections 11 and 12 of this regulation;*

*(b) The names, addresses and telephone numbers of:*

*(1) The bureau;*

*(2) Advocates for residents of facilities for long-term care appointed pursuant to chapter 427A of NRS;*

*(3) The Medicaid fraud control unit within the office of the attorney general; and*

*(4) Any other persons who advocate for the rights of patients in the facility; and*

*(c) A statement that the patient may file a complaint with the bureau concerning the abuse or neglect of any patient or the misappropriation of any patient's money.*

*4. The patient must acknowledge in writing the receipt of each notice provided.*

**Sec. 6. 1.** *On or after the effective date of this regulation, a facility for skilled nursing shall not admit a patient with a mental illness or with mental retardation unless the division of mental health and developmental services of the department of human resources has determined, based on an independent evaluation of the physical and mental health of the patient, that he requires:*

*(a) The level of services provided by a facility for skilled nursing; and*

*(b) Specialized services that the facility is able to provide.*

*2. The independent evaluation required by subsection 1 must be performed by a person or organization other than the division of mental health and developmental services.*

*3. As used in this section:*

*(a) "Mental illness" has the meaning ascribed to it in NRS 433.164.*

*(b) "Mental retardation" has the meaning ascribed to it in NRS 433.174.*

**Sec. 7. 1.** *A patient in a facility for skilled nursing or his legal representative may submit an oral or written request to the facility to inspect all records relating to the patient maintained by the facility. The facility shall, within 24 hours after the receipt of such a request, allow the patient or his legal representative to inspect the patient's records.*

*2. Upon request, the facility shall furnish to the patient or his legal representative a copy of the records or any portion thereof at the cost of obtaining records from a provider of health care set forth in NRS 629.061.*

**Sec. 8.** *1. A facility for skilled nursing shall adopt written policies and procedures authorizing the patients in the facility to establish advance directives for their treatment.*

*2. The policies and procedures must require that written information be given to adult patients concerning their right to accept or refuse treatment and to establish advance directives for their treatment.*

*3. A facility for skilled nursing shall inform each patient in the facility of the name and specialty of the physician responsible for his care and the manner in which the physician may be contacted.*

**Sec. 9.** *A facility for skilled nursing shall:*

*1. Provide to applicants for admission to the facility and to the patients in the facility oral and written information concerning state and federal programs that are available to assist patients in the payment of services provided by the facility, including, without limitation, Medicaid and Medicare; and*

*2. Display in a prominent place within the facility the written information provided pursuant to subsection 1.*

**Sec. 10.** *1. A facility for skilled nursing shall immediately notify a patient, the patient's legal representative or an interested member of the patient's family, if known, and, if appropriate, the patient's physician when:*

*(a) The patient has been injured in an accident and may require treatment from a physician;*

*(b) The patient's physical, mental or psychosocial health has deteriorated and resulted in medical complications or is threatening the patient's life;*

*(c) There is a need to discontinue the current treatment of the patient because of adverse consequences caused by that treatment or to commence a new type of treatment; (d) The patient will be transferred or discharged from the facility;*

*(e) The patient will be assigned to another room or assigned a new roommate; or*

*(f) There is any change in federal or state law that affects the rights of the patient.*

*2. A facility for skilled nursing shall maintain in its records and periodically revise the address and telephone number of a patient's legal representative and interested members of the patient's family.*

**Sec. 11. 1. A facility for skilled nursing:**

*(a) Shall not require a patient to deposit any amount of money with the facility to be held by the facility on behalf of the patient.*

*(b) Shall hold, safeguard, manage and account for money deposited with the facility on behalf of a patient if requested to do so in writing by the patient, in accordance with the provisions of this section and section 12 of this regulation.*

*2. If money held by a facility for skilled nursing on behalf of a patient is greater than \$50, the money must be maintained in a financial institution in an account that:*

*(a) Bears interest;*

*(b) Is separate from the facility's operating accounts; and*

*(c) Credits all interest earned on the money in the account to the account.*

*3. If money held by a facility for skilled nursing on behalf of a patient is not more than \$50, the money must be maintained in:*

- (a) A financial institution in an account that bears interest;*
- (b) A financial institution in an account that does not bear interest; or*
- (c) A petty cash fund.*

*4. A facility for skilled nursing shall establish and maintain a system that provides a complete and separate accounting of the money held by the facility on behalf of a patient that is prepared according to generally accepted principles of accounting. The system must prohibit the commingling of the patient's money with the facility's money or the money of any other person. An accounting must be made available to the patient on a quarterly basis and upon the request of the patient or his legal representative.*

*5. A facility for skilled nursing shall obtain a surety bond or provide to the bureau other assurances that are satisfactory to the bureau to ensure the security of all money held by the facility on behalf of its patients.*

*6. A facility for skilled nursing shall, within 30 days after the death of a patient who has deposited money with the facility to hold on his behalf, deliver the money and a final accounting to the proper court or person administering the patient's estate.*

**Sec. 12. 1.** *A facility for skilled nursing shall not withhold from money held by the facility on behalf of a patient any amount for:*

- (a) Services related to the maintenance of the patient's room or bed;*
- (b) Supplies and services for routine personal hygiene that are required by the patient, including, without limitation:*

- (1) Shampoo, a comb and a brush;*
- (2) Bath soap, disinfecting soap or specialized cleansing agents required to treat the medical condition of the patient or to treat infection;*

- (3) A razor and shaving cream;*
  - (4) A toothbrush, toothpaste, denture adhesive, dental cleaner and dental floss;*
  - (5) Moisturizing lotion;*
  - (6) Tissues, cotton balls and cotton swabs;*
  - (7) Deodorant;*
  - (8) Supplies and services for incontinence;*
  - (9) Sanitary napkins and related supplies;*
  - (10) Towels and washcloths;*
  - (11) Hospital gowns;*
  - (12) Nonprescription drugs;*
  - (13) Supplies and services for the patient's nails; and*
  - (14) Supplies and services for the patient's laundry; and*
- (c) Medically-related social services required by section 25 of this regulation.*

*2. Except as otherwise provided in subsection 3, a facility for skilled nursing may withhold from money held by the facility on behalf of a patient amounts for the following items and services:*

- (a) A telephone;*
- (b) A television and radio for the patient's personal use;*
- (c) Personal comfort items, including, without limitation, smoking materials, notions, novelties and confections;*
- (d) Cosmetic and grooming items and services that are not required for routine personal hygiene;*
- (e) Clothing;*



- (f) Reading material;*
- (g) Gifts purchased on behalf of the patient;*
- (h) Flowers and plants;*
- (i) Items for social events and entertainment that are in addition to the program of activities required by section 24 of this regulation;*
- (j) Special services required for the care of the patient, including, without limitation, the services of a private nurse or aide;*
- (k) A private room, unless a private room is required because of the medical condition of the patient; and*
- (l) Food that is specially prepared for the patient or requested in lieu of food that is regularly prepared by the facility as required by section 42 of this regulation.*

*3. A facility for skilled nursing:*

- (a) Shall not withhold from money held by the facility on behalf of a patient any amount for an item or service that has not been requested by the patient.*
- (b) Shall not require a patient or his representative to request an item or service as a condition of the patient being admitted to or remaining in the facility.*

*4. If an item or service is requested by a patient or his representative for which there will be a charge, a facility for skilled nursing shall inform the patient or representative of the amount of the charge.*

**Sec. 13.** *Any amount charged for services provided by a facility for skilled nursing must be consistent with the notice of charges provided by the facility pursuant to section 5 of this regulation.*

**Sec. 14. 1.** *A patient of a facility for skilled nursing may examine the results of the most recent survey of the facility conducted by the bureau or a federal regulatory agency and any plan of correction required to be carried out by the facility as a result of the survey.*

**2.** *A facility for skilled nursing shall:*

*(a) Make such surveys and plans of correction available for examination at a place that is readily accessible to the patients of the facility; and*

*(b) Post in a prominent location within the facility a notice of the places where the surveys and plans of correction are available for examination.*

**Sec. 15. 1.** *A facility for skilled nursing shall not prohibit a patient in the facility from contacting, receiving information from or speaking to:*

*(a) A representative of the bureau.*

*(b) The patient's physician.*

*(c) Any person who advocates for the rights of the patients of the facility, including, without limitation:*

*(1) Advocates for residents of facilities for long-term care appointed pursuant to chapter 427A of NRS; and*

*(2) Persons who advocate for and are responsible for the protection of persons with developmental disabilities or who are mentally ill.*

*(d) Any person who provides health care, social, legal or other services to the patient.*

*(e) The relatives of the patient.*

*(f) Any other persons with whom the patient wishes to visit.*

**2.** *The provisions of this section do not prohibit a facility for skilled nursing from adopting reasonable restrictions relating to the visitation of patients.*

*3. A facility for skilled nursing shall not prohibit an advocate for residents of facilities for long-term care appointed pursuant to chapter 427A of NRS from examining the medical records of a patient of the facility in accordance with state law and with the permission of the patient or the patient's legal representative.*

**Sec. 16.** *1. A facility for skilled nursing shall not require a patient in the facility to perform services for the facility.*

*2. A patient may perform services for the facility only if:*

*(a) The facility has included in the patient's plan of care his need or desire to perform services for the facility;*

*(b) The plan of care describes the nature of the services to be performed and the compensation, if any, to be paid for those services;*

*(c) The compensation to be paid for the services is at or above the prevailing wage; and*

*(d) The patient agrees to perform the services described in the plan of care.*

**Sec. 17.** *A facility for skilled nursing shall not prohibit a patient in the facility from:*

*1. Sending and promptly receiving mail. A patient's mail must not be opened by the facility.*

*2. Obtaining stationery, postage and writing instruments at the patient's expense.*

**Sec. 18.** *1. A facility for skilled nursing may transfer or discharge a patient from the facility only if:*

*(a) The facility can no longer provide for the needs of the patient and the transfer or discharge is necessary for the patient's welfare;*

*(b) The health of the patient has improved sufficiently so that the patient no longer requires the services provided by the facility;*

*(c) The health or safety of other persons in the facility is endangered if the patient remains in the facility;*

*(d) The charges for services provided to the patient by the facility have not been paid after the facility has given notice of those charges; or*

*(e) The facility ceases to operate.*

*2. Before a facility for skilled nursing may transfer or discharge a patient from the facility, the facility shall:*

*(a) Record the reasons for the transfer or discharge in the medical records of the patient. If a patient is transferred or discharged under the circumstances described in:*

*(1) Paragraph (a) or (b) of subsection 1, the reasons for the transfer or discharge must be recorded by the patient's physician.*

*(2) Paragraph (d) of subsection 1, the reasons for the transfer or discharge must be recorded by any physician.*

*(b) Give notice of the transfer or discharge to the patient and, if known, to the legal representative of the patient or a member of the patient's family. The notice must:*

*(1) Be in writing;*

*(2) Be in a language that is understood by the patient and his legal representative or a member of his family;*

*(3) Except as otherwise provided in subsection 3, be given at least 30 days before the effective date of the transfer or discharge;*

*(4) Include the reasons for the transfer or discharge;*

*(5) Include the effective date of the transfer or discharge;*

*(6) Specify the location to which the patient will be transferred or discharged;*

*(7) Include a statement that the patient has a right to appeal the transfer or discharge;*

*(8) Include the name, address and telephone number of the advocates for residents of facilities for long-term care appointed pursuant to chapter 427A of NRS; and*

*(9) If the patient is developmentally disabled or mentally ill, include the name, address and telephone number of persons who advocate for and are responsible for the protection of such persons.*

*3. The notice required by paragraph (b) of subsection 2 may be given less than 30 days before the effective date of the transfer or discharge if:*

*(a) The health or safety of other persons in the facility is endangered if the patient remains in the facility;*

*(b) The health of the patient has improved sufficiently to allow a more immediate transfer or discharge of the patient;*

*(c) The medical needs of the patient require a more immediate transfer or discharge; or*

*(d) The patient has not resided in the facility for at least 30 days.*

*4. Before a facility for skilled nursing transfers a patient for hospitalization or therapeutic leave, the facility shall provide to the patient and to the legal representative of the patient or to a member of the patient's family, in writing:*

*(a) The time within which the patient may resume his residency in the facility without waiting for readmission; and*

*(b) The policy of the facility for readmitting a patient whose hospitalization or therapeutic leave exceeds the time within which he may resume his residency in the facility without waiting for readmission upon the first availability of a bed in a semiprivate room.*

5. *A facility for skilled nursing shall prepare a patient for his transfer or discharge in such a manner as to ensure the safe and orderly transfer or discharge of the patient from the facility.*

6. *As used in this section, “transfer” or “discharge” means the movement of a patient to a location outside of a facility for skilled nursing, whether or not that location is within the same physical area of the facility. The term does not include the movement of a patient to a bed located within the facility for skilled nursing.*

**Sec. 19.** 1. *A facility for skilled nursing shall prepare a summary of discharge for each patient discharged from the facility.*

2. *A summary of discharge must include:*

(a) *A summary of the pertinent information relating to the patient's stay at the facility;*

(b) *A final summary of the patient's physical, mental and psychosocial health at the time of discharge, including, without limitation, the information required to be included in a comprehensive assessment of the patient pursuant to subsection 2 of section 26 of this regulation; and*

(c) *A plan of care for the patient after his discharge that assists the patient in adjusting to his new living environment. The plan of care must be developed with the participation of the patient and members of his family.*

3. *A facility for skilled nursing may release a summary of discharge to persons and under the circumstances approved by the patient who is the subject of the summary or his legal representative.*

**Sec. 20.** *A facility for skilled nursing shall not, as a condition of admitting or providing for the expedited admission of a patient to, or allowing a patient to remain in, the facility:*

*1. Require a patient to waive his rights to benefits under any state or federal program that is available to assist patients in the payment of services provided by the facility, including, without limitation, Medicaid and Medicare.*

*2. Require a patient to provide a written or oral confirmation that he is not eligible for or will not apply for benefits under such a program.*

*3. Charge, solicit, accept or receive any gift, money, contribution or other consideration on behalf of a patient who is eligible for benefits under such a program in addition to any amount otherwise required to be paid to the facility under the program. The provisions of this subsection do not prohibit a facility from:*

*(a) Charging such a patient for an item or service not covered under the program if:*

*(1) The item or service is requested by the patient;*

*(2) The facility does not require the patient to request the item or service as a condition of admission to or remaining in the facility; and*

*(3) The facility informs the patient that there will be a charge for the item or service and the amount of the charge.*

*(b) Soliciting, accepting or receiving a charitable, religious or philanthropic contribution from an organization or a person who is unrelated to the patient, but only to the extent that the contribution is not a condition of admitting or providing for the expedited admission of the patient to, or allowing the patient to remain in, the facility.*

*4. Require a third person to guarantee the payment of fees charged by the facility for services provided to the patient. The provisions of this subsection do not prohibit the facility from requiring a person who has legal control over the income or other resources of the*

*patient to enter into a contract, without incurring personal liability, for the payment of fees charged by the facility for services provided to the patient.*

**Sec. 21. 1.** *A facility for skilled nursing shall not use physical or chemical restraints on a patient to discipline the patient or for the convenience of members of the staff.*

*2. Physical or chemical restraints may be used only if required to treat a patient's medical symptoms.*

*3. As used in this section:*

*(a) "Chemical restraints" means a psychopharmacologic drug that is used to sedate a patient.*

*(b) "Physical restraints" means a physical or mechanical device that is attached or adjacent to a patient's body, cannot be removed easily by the patient, and restricts the movement of the patient or normal access to the patient's body.*

**Sec. 22. 1.** *A facility for skilled nursing shall adopt written policies and procedures that prohibit:*

*(a) The mistreatment and neglect of the patients in the facility;*

*(b) The verbal, sexual, physical and mental abuse of the patients in the facility;*

*(c) Corporal punishment and involuntary seclusion; and*

*(d) The misappropriation of the property of the patients in the facility.*

*2. A facility for skilled nursing shall adopt procedures which ensure that all alleged violations of the policies adopted pursuant to subsection 1 are reported immediately to the administrator of the facility and to other officials in accordance with state law, and are thoroughly investigated. The procedures must ensure that further violations are prevented while the investigation is being conducted.*



*3. The results of any investigation must be reported to the administrator of the facility or his designated representative within 5 working days after the alleged violation is reported. The administrator of the facility shall take appropriate action to correct the violation.*

*4. A facility for skilled nursing:*

*(a) Shall not employ a person who has:*

*(1) Been convicted of abusing, neglecting or mistreating a patient; or*

*(2) Been found by the state board of nursing to have abused, neglected or mistreated a patient or misappropriated the property of a patient.*

*(b) Shall report to the state board of nursing or another appropriate occupational licensing board any judicial action taken against an employee or former employee of the facility which would indicate that the employee is unfit to be employed as a member of the staff of a facility for skilled nursing.*

**Sec. 23. 1. A facility for skilled nursing shall not prohibit a patient in the facility from:**

*(a) Participating in activities and maintaining a schedule that are consistent with his interests, assessments and plan of care;*

*(b) Making choices relating to his health care that are consistent with his plan of care;*

*(c) Interacting with persons inside and outside of the facility;*

*(d) Participating in social, religious and community activities that do not interfere with other patients in the facility; and*

*(e) Making such other choices relating to his activities within the facility that are of significance to the patient.*

*2. A patient in a facility for skilled nursing may organize and participate in groups formed to interact with other patients in the facility and with the members of their families. A*

*facility for skilled nursing shall provide a private area within the facility in which the members of such a group may meet.*

*3. A member of the staff of the facility or a visitor to the facility may attend a meeting of such a group if granted permission to do so by the members of the group.*

*4. A facility for skilled nursing shall designate a member of its staff to provide assistance for and respond to the requests of such a group.*

*5. The administrator of a facility for skilled nursing shall ensure that any grievances or recommendations submitted by the members of such a group relating to the operation of the facility are given consideration and acted upon appropriately.*

**Sec. 24.** *1. A facility for skilled nursing shall provide for each patient in the facility a program of activities that is developed in accordance with the comprehensive assessment of the patient conducted pursuant to section 26 of this regulation.*

*2. The program of activities must be directed by a member of the staff who:*

*(a) Is a therapeutic recreational specialist or activities specialist and is eligible for certification by an organization for accrediting such specialists that is approved by the state board of health;*

*(b) Within the preceding 5 years, has at least 2 years of experience working in a social or recreational program, 1 year of which was as a full-time employee in a program of activities provided to patients in a health care setting;*

*(c) Is a licensed occupational therapist or occupational therapy assistant; or*

*(d) Has completed a course of training for directing programs of activities for patients in a health care setting that is approved by the state board of health.*

**Sec. 25. 1.** *A facility for skilled nursing shall provide medically-related social services that are designed to assist the patients in the facility in enhancing or restoring their ability to function physically, socially and economically.*

*2. The social services provided must:*

*(a) Identify and meet the social and emotional needs of each patient in the facility;*

*(b) Assist each patient and the members of his family in adjusting to the effects of the patient's illness or disability, to his treatment and to his stay in the facility.*

*(c) Include adequate planning upon the patient's discharge from the facility to ensure that appropriate community and health resources are used.*

*3. A facility for skilled nursing shall employ full time or under contract an adequate number of social workers and other personnel who are appropriately trained, experienced and qualified to plan, provide and evaluate the social services provided to the patients in the facility. Each social worker employed by the facility must be licensed to engage in social work as a social worker pursuant to chapter 641B of NRS. The facility shall adopt and carry out a plan requiring any social worker employed by the facility who has not completed at least 1 year of training or experience related to providing social services to patients in a facility for skilled nursing to consult with a social worker with such training or experience.*

**Sec. 26. 1.** *A facility for skilled nursing shall conduct a comprehensive assessment of the needs of each patient in the facility using the annual assessment instrument specified by the bureau.*

*2. A comprehensive assessment must include, without limitation:*

*(a) Demographic and other pertinent information required to identify the patient;*

*(b) The customary routine of the patient;*

- (c) The cognitive patterns of the patient;*
- (d) An analysis of the communication skills of the patient;*
- (e) An analysis of the vision of the patient;*
- (f) The mood and behavior patterns of the patient;*
- (g) An analysis of the psychosocial well-being of the patient;*
- (h) Any problems related to the functional or structural physical condition of the patient;*
- (i) The patient's pattern of continence;*
- (j) The physical condition of the patient, including the diagnosis of any diseases which the patient may have;*
- (k) An analysis of the nutritional needs of the patient;*
- (l) The dental condition of the patient;*
- (m) The condition of the patient's skin;*
- (n) Activities in which the patient is interested;*
- (o) Medications required to be taken by the patient;*
- (p) Any special treatments and procedures required by the patient;*
- (q) The probability of discharging the patient from the facility and any other information related to the discharge of the patient from the facility;*
- (r) Documentation of summary information relating to any additional assessment performed in accordance with the patients' assessment protocols; and*
- (s) Documentation of the patient's participation in the assessment.*

*3. The information to be included in a comprehensive assessment must be obtained from the direct observation of and communication with the patient and from communications with the members of the staff who care for the patient.*

*4. A comprehensive assessment must be conducted:*

*(a) Within 14 days after the patient's admission to the facility. The provisions of this paragraph do not require a comprehensive assessment of a patient who is readmitted to the facility following a temporary absence from the facility for hospitalization or therapeutic leave if there is not a significant change in the physical or mental condition of the patient.*

*(b) Within 14 days after the facility determines that there has been a significant decline or improvement in the physical or mental condition of the patient that:*

*(1) Requires intervention by a member of the facility's staff or further medical treatment;*

*(2) Has affected more than one aspect of the patient's health; and*

*(3) Requires review by an interdisciplinary team or a revision of the patient's plan of care, or both.*

*(c) At least once every 12 months, but in no event later than 365 days after the completion of the most recent comprehensive assessment.*

*5. A comprehensive assessment must accurately reflect the physical, mental and psychosocial health of the patient.*

**Sec. 27. 1.** *A facility for skilled nursing shall, not less than every 3 months, conduct an assessment of each patient in the facility using the quarterly assessment instrument approved by the bureau.*

*2. Each quarterly assessment must accurately reflect the physical, mental and psychosocial health of the patient.*

**Sec. 28. 1.** *The assessments required by sections 26 and 27 of this regulation must be conducted by a registered nurse or coordinated by a registered nurse with the participation of*

*other appropriate health care professionals. Each person who completes a portion of the assessment shall certify the accuracy of that portion. The registered nurse shall certify that the assessment is completed.*

*2. A facility for skilled nursing shall coordinate the assessments required by sections 26 and 27 of this regulation with other screening programs required to be conducted upon the patient's admission to the facility to the extent practicable to avoid the duplication of efforts.*

*3. Each assessment required by sections 26 and 27 of this regulation must be:*

*(a) Maintained in the medical record of the patient for at least 15 months after the assessment is conducted.*

*(b) Used to develop, review and revise the patient's plan of care.*

*Sec. 29. 1. A facility for skilled nursing shall develop for each patient in the facility a comprehensive plan of care.*

*2. A comprehensive plan of care must include:*

*(a) Measurable objectives to meet the physical, mental and psychosocial needs of the patient that are identified in the comprehensive assessment required by section 26 of this regulation;*

*(b) A description of the services that will be provided to the patient to attain or maintain his physical, mental and psychosocial well-being; and*

*(c) A description of the services that would otherwise be provided to the patient, but will not be provided because of the patient's refusal to accept those services.*

*3. A comprehensive plan of care must be:*

*(a) Developed within 7 days after the completion of the initial comprehensive assessment required by section 26 of this regulation and periodically reviewed and revised after each subsequent assessment; and*

*(b) Prepared by an interdisciplinary team that includes the patient's attending physician, a registered nurse who is responsible for the care of the patient and such other members of the staff of the facility as are appropriate to provide services in accordance with the needs of the patient. To the extent practicable, the patient, his legal representative and members of his family must be allowed to participate in the development of the plan of care.*

*4. Services provided to a patient in a facility for skilled nursing must:*

*(a) Comply with the professional standards of quality applicable to those services; and*

*(b) Be provided by qualified persons in accordance with the patient's plan of care.*

**Sec. 30.** *A facility for skilled nursing shall provide to each patient in the facility the services and treatment that are necessary to attain and maintain the physical, mental and psychosocial well-being of the patient, in accordance with the comprehensive assessment conducted pursuant to section 26 of this act and the plan of care developed pursuant to section 29 of this act.*

**Sec. 31. 1.** *Based on the comprehensive assessment of a patient conducted pursuant to section 26 of this regulation, a facility for skilled nursing shall ensure that:*

*(a) The patient's ability to carry out his daily activities does not diminish unless such diminution is unavoidable because of the medical condition of the patient;*

*(b) The patient receives the services and treatment needed to maintain or improve his ability to carry out his daily activities; and*

*(c) The patient receives the services needed to maintain his grooming and personal and oral hygiene, and to ensure good nutrition, if the patient is unable to carry out his daily activities.*

*2. As used in this section, “daily activities” includes, without limitation:*

*(a) Bathing, dressing and grooming oneself;*

*(b) The ability to be ambulatory;*

*(c) Using the toilet without assistance;*

*(d) Feeding oneself; and*

*(e) Using speech, language and other communication systems.*

**Sec. 32.** *A facility for skilled nursing shall:*

*1. Ensure that each patient in the facility receives proper treatment and devices for his vision and hearing.*

*2. Assist a patient, if necessary, in making appointments for the treatment of his vision and hearing.*

*3. If necessary, arrange transportation for a patient to visit a practitioner for the treatment of his vision or hearing or to obtain devices needed for his vision or hearing.*

**Sec. 33.** *Based on the comprehensive assessment of a patient conducted pursuant to section 26 of this regulation, a facility for skilled nursing shall ensure that a patient:*

*1. Who is admitted to the facility without pressure sores does not develop pressure sores unless the development of pressure sores is unavoidable because of the medical condition of the patient; and*

*2. With pressure sores receives the services and treatment needed to promote healing, prevent infection and prevent new sores from developing.*



**Sec. 34.** *Based on the comprehensive assessment of a patient conducted pursuant to section 26 of this regulation, a facility for skilled nursing shall ensure that a patient:*

*1. Who is admitted to the facility without an indwelling catheter is not required to use a catheter unless catheterization is unavoidable because of the medical condition of the patient; and*

*2. Who is incontinent receives the services and treatment needed to prevent the infection of his urinary tract and restore the normal function of his bladder.*

**Sec. 35.** *Based on the comprehensive assessment of a patient conducted pursuant to section 26 of this regulation, a facility for skilled nursing shall ensure that:*

*1. The range of motion of a patient admitted to the facility is not reduced unless the reduction is unavoidable because of the medical condition of the patient; and*

*2. A patient with a limited range of motion receives the services and treatment needed to increase his range of motion and to prevent any further loss in his range of motion.*

**Sec. 36.** *Based on the comprehensive assessment of a patient conducted pursuant to section 26 of this regulation, a facility for skilled nursing shall ensure that a patient:*

*1. Who is having difficulty adjusting to his environment and is exhibiting abnormal mental or psychosocial behavior receives the services and treatment needed to correct the assessed problem; and*

*2. Whose assessment does not indicate any difficulty adjusting to his environment or abnormal mental or psychosocial behavior does not become withdrawn, angry or depressed or decrease his social interaction unless such behavior is unavoidable because of the medical condition of the patient.*

**Sec. 37.** *Based on the comprehensive assessment of a patient conducted pursuant to section 26 of this regulation, a facility for skilled nursing shall ensure that a patient who is:*

*1. Able to feed himself with or without assistance is not fed with a nasogastric tube unless a nasogastric tube is unavoidable because of the medical condition of the patient; and*

*2. Fed with a nasogastric tube receives the services and treatment needed to:*

*(a) Prevent aspiration pneumonia, diarrhea, vomiting, dehydration, metabolic abnormalities and nasal-pharyngeal ulcers; and*

*(b) Restore, if possible, normal eating skills.*

**Sec. 38.** *1. Based on the comprehensive assessment of a patient conducted pursuant to section 26 of this regulation, a facility for skilled nursing shall ensure that:*

*(a) The nutritional health of the patient is maintained, including, without limitation, the maintenance of his weight and levels of protein, unless the nutritional health of the patient cannot be maintained because of his medical condition.*

*(b) The patient receives a therapeutic diet if such a diet is required by the patient.*

*2. A facility for skilled nursing shall provide each patient in the facility with sufficient fluids to maintain proper hydration and health.*

**Sec. 39.** *A facility for skilled nursing shall ensure that a patient in the facility receives the following special services if needed:*

*1. Injections.*

*2. Parenteral and enteral fluids.*

*3. Colostomy, ureterostomy and ileostomy care.*

*4. Tracheostomy care.*

*5. Tracheal suctioning.*

6. *Respiratory care.*

7. *Foot care.*

8. *Prostheses.*

**Sec. 40. 1.** *A facility for skilled nursing shall not administer a drug to a patient in the facility:*

*(a) In excessive doses;*

*(b) For an excessive duration;*

*(c) Without monitoring the patient properly;*

*(d) Without adequate indications for the use of the drug; or*

*(e) If there are any adverse reactions which indicate that the dosage should be reduced or discontinued.*

2. *Based on the comprehensive assessment of a patient conducted pursuant to section 26 of this regulation, a facility for skilled nursing shall ensure that a patient who:*

*(a) Has not used an antipsychotic drug is not given such a drug unless it is required to treat a condition of the patient that has been diagnosed and documented in the medical record of the patient.*

*(b) Uses an antipsychotic drug receives gradual reductions in the dosage, and behavioral intervention, if the patient ceases to use the drug, unless the medical condition of the patient requires otherwise.*

3. *A facility for skilled nursing shall ensure that patients are not subjected to significant errors in their medication and that the rate of error in the administration of medication is less than 5 percent.*

*4. A facility for skilled nursing shall not prohibit a patient from administering medication to himself if the interdisciplinary team responsible for the care of the patient determines that this practice is safe.*

*Sec. 41. 1. A facility for skilled nursing shall ensure that there is a sufficient number of members of the nursing staff on duty at all times to provide nursing care to and attain and maintain the physical, mental and psychosocial well-being of each patient in the facility in accordance with his plan of care.*

*2. A facility for skilled nursing shall employ a full-time registered nurse to act as the chief administrative nurse. The chief administrative nurse must have:*

*(a) At least 3 years of experience providing nursing care in a hospital or facility for long-term care; and*

*(b) Experience supervising other employees.*

*3. A licensed practical nurse must be designated on each shift as the nurse in charge. The chief administrative nurse may be designated as the nurse in charge only if the facility has an average daily occupancy of not more than 60 patients.*

*4. A registered nurse must be on duty at a facility for skilled nursing for at least 8 consecutive hours per day, 7 days a week.*

*Sec. 42. 1. A facility for skilled nursing shall employ full time, part time or as a consultant, a person who is registered as a dietitian by the Commission on Dietetic Registration of the American Dietetic Association. If a registered dietitian is not employed full time, the facility shall designate a person to serve as the director of food service who receives frequently scheduled consultations from a registered dietitian.*

*2. A facility shall employ an adequate number of qualified and competent personnel to provide food service to the patients in the facility.*

*3. Menus must be planned in advance and followed to meet the nutritional needs of the patients in the facility in accordance with the recommended dietary allowances of the Food and Nutrition Board of the National Research Council of the National Academy of Sciences.*

*4. A facility shall provide to each patient in the facility:*

*(a) Food that is prepared to conserve the nutritional value and flavor of the food.*

*(b) Food that is nourishing, palatable, attractive and served at the proper temperature.*

*(c) A well-balanced diet that meets the daily nutritional and special dietary needs of the patient.*

*(d) Who refuses the food that is regularly served by the facility, a substitute of similar nutritional value.*

*5. A therapeutic diet served to a patient by a facility must be prescribed by the attending physician of the patient.*

*6. A facility shall serve to each patient in the facility at least three meals daily, at such times as are comparable to regular mealtimes within the community in which the facility is located. A snack must be offered to each patient daily at bedtime. Except as otherwise provided in this subsection, breakfast must be served not more than 14 hours after the previous evening meal. If a nourishing snack is served at bedtime, breakfast may be served not more than 16 hours after the previous evening meal if approved by a group of patients organized pursuant to section 23 of this regulation.*

*7. A facility shall provide special eating equipment and utensils to each patient who requires them.*

*8. In addition to complying with the requirements of NAC 449.890, a facility shall:*

*(a) Obtain such permits as are necessary from the bureau of health protection services of the health division of the department of human resources for the preparation and service of food;*

*(b) Procure food from sources that are approved or considered satisfactory by federal, state and local authorities;*

*(c) Store, prepare and serve food under sanitary conditions; and*

*(d) Dispose of refuse and garbage properly.*

**Sec. 43. 1.** *A patient may be admitted to a facility for skilled nursing only upon the written approval of a physician. Upon a patient's admission to the facility, the facility shall ensure that orders for the immediate care of the patient have been received from the patient's attending physician.*

*2. Each patient admitted to a facility for skilled nursing must remain under the care of a physician.*

*3. A facility for skilled nursing shall ensure that:*

*(a) The medical care of each patient in the facility is supervised by a physician; and*

*(b) A physician other than the attending physician of a patient supervises the care of that patient when the attending physician is not available.*

*4. A patient in a facility for skilled nursing must be visited by a physician at least once every 30 days for the first 90 days after his admission to the facility, and at least once every 60 days thereafter. For the purposes of this subsection, a visit from a physician shall be deemed to be timely if it occurs not later than 10 days after the date on which the visit is required.*

*Except as otherwise provided in this section, each visit required by this subsection must be made by the physician.*

*5. At each visit to a patient required by subsection 4:*

*(a) The patient's plan of care must be reviewed, including, without limitation, the medications and treatments prescribed for the patient;*

*(b) Progress notes of the visit must be prepared, signed and dated; and*

*(c) Any orders for the treatment of the patient must be signed and dated.*

*6. After the initial visit to a patient is made by a physician, every other visit to the patient may be made by a physician's assistant, nurse practitioner or clinical nurse specialist on behalf of the physician if the physician's assistant, nurse practitioner or clinical nurse specialist is acting:*

*(a) Within the authorized scope of his practice and under the supervision of the physician; and*

*(b) In accordance with state law and the policies of the facility for skilled nursing.*

*7. A physician must be available on the premises of a facility for skilled nursing 24 hours a day to provide medical services in the case of an emergency.*

**Sec. 44.** *1. A facility for skilled nursing shall provide to a patient in the facility, according to his plan of care, specialized rehabilitative services, including, without limitation, physical therapy, speech pathology, occupational therapy and services for mental illness and mental retardation. Such services must be provided by the facility or obtained from qualified outside sources pursuant to section 59 of this regulation.*

*2. Specialized rehabilitative services may be provided to a patient in a facility only upon the written order of a physician.*

**Sec. 45.** *A facility for skilled nursing shall:*

*1. Provide or obtain from qualified outside sources pursuant to section 59 of this regulation, routine and emergency dental services required to meet the needs of each patient in the facility;*

*2. Assist patients in the facility with obtaining routine and emergency dental care by:*

*(a) Making appointments; and*

*(b) Arranging for transportation to and from a dentist's office; and*

*3. Promptly refer a patient with lost or damaged dentures to a dentist.*

**Sec. 46.** *1. A facility for skilled nursing shall provide such pharmaceutical services, including, without limitation, acquiring, receiving, dispensing and administering drugs and biologicals, as are required to meet the needs of the patients in the facility. The facility shall provide such drugs and biologicals as are needed or obtain them from qualified outside sources pursuant to section 59 of this regulation.*

*2. A facility for skilled nursing shall employ or otherwise obtain the services of a registered pharmacist. The registered pharmacist shall:*

*(a) Provide consultations on all matters relating to the pharmaceutical services provided by the facility;*

*(b) Establish a system of records for the receipt and disposition of all drugs in the facility in sufficient detail to ensure an accurate reconciliation; and*

*(c) Ensure that those records are in order and that an account of all drugs in the facility is maintained and periodically reconciled.*

*3. The regimen of drugs for each patient in the facility must be reviewed at least once each month by a registered pharmacist. The pharmacist shall report any irregularities he*



*discovers to the patient's attending physician and the chief administrative nurse of the facility. The physician and chief administrative nurse shall take such actions as they deem necessary in response to the report.*

*4. Drugs and biologicals used by a facility must be:*

*(a) Labeled in accordance with state and federal law and accepted professional standards.*

*Each label must include the appropriate accessory and cautionary instructions and the expiration date, if applicable.*

*(b) Stored in accordance with state and federal law in locked compartments with proper controls for the temperature. Only authorized personnel may have access to the keys to unlock the compartments. Substances listed as schedule II controlled substances pursuant to chapter 453 of NRS and other drugs that have the potential for abuse must be stored separately in a locked compartment that is immovable, unless the facility uses a system to distribute the substances or drugs in single-unit packages, the quantity stored is minimal and a dosage that is missing can be readily detected.*

**Sec. 47. 1.** *A facility for skilled nursing shall establish and maintain a program for the control of infections within the facility.*

*2. The program must:*

*(a) Be designed to provide a safe, sanitary and comfortable environment and to prevent the development and transmission of disease and infection.*

*(b) Include procedures for the investigation, control and prevention of infections in the facility.*

*(c) Establish the procedures that will be followed if a patient becomes infectious including, without limitation, the circumstances under which a patient may be isolated. A facility shall isolate any patient if required to prevent the spread of infection.*

*(d) Provide for the maintenance of records of infections and the corrective actions taken when infections occurred.*

*3. A facility shall ensure that:*

*(a) An employee with a communicable disease or an infected skin lesion does not come into direct contact with patients in the facility or their food if such contact may result in the transmission of the disease.*

*(b) Employees wash their hands after any direct contact with a patient if required by accepted professional practices.*

*4. Linens must be handled, stored, processed and transported in a manner which prevents the spread of infection.*

*5. The medical records of each patient in the facility must include documentation that the patient has been tested for tuberculosis in accordance with the provisions of NAC 441A.380 and 449.998.*

**Sec. 48. 1. The state board of health hereby adopts by reference:**

*(a) NFPA 101: Life Safety Code, in the form most recently published by the National Fire Protection Association, unless the board gives notice that the most recent revision is not suitable for this state pursuant to subsection 2. A copy of the code may be obtained from the National Fire Protection Association, 11 Tracy Drive, Avon, Massachusetts 02322, or by telephone at (800) 344-3555, for the price of \$42.00 for members or \$46.75 for nonmembers, plus \$5.95 for shipping and handling.*

*(b) NFPA 99: Standard for Health Care Facilities, in the form most recently published by the National Fire Protection Association, unless the board gives notice that the most recent revision is not suitable for this state pursuant to subsection 2. A copy of the standard may be obtained from the National Fire Protection Association, 11 Tracy Drive, Avon, Massachusetts 02322, or by telephone at (800) 344-3555, for the price of \$33.50 for members or \$37.25 for nonmembers, plus \$5.95 for shipping and handling.*

*(c) Guidelines for Design and Construction of Hospital and Healthcare Facilities, in the form most recently published by the American Institute of Architects, unless the board gives notice that the most recent revision is not suitable for this state pursuant to subsection 2. A copy of the guidelines may be obtained from the AIA Rizzoli Bookstore, 1735 New York Avenue, N.W., Washington, D.C. 20006, or by telephone at (888) 272-4115, for the price of \$60, plus \$5 for shipping and handling.*

*2. The state board of health shall review each revision of the publications adopted by reference pursuant to subsection 1 to ensure its suitability for the state. If the board determines that the revision is not suitable for this state, it will hold a public hearing to review its determination and give notice of that hearing within 6 months after the date of the publication of the revision. If, after the hearing, the board does not revise its determination, the board will give notice that the revision is not suitable for this state within 30 days after the hearing. If the board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1.*

**Sec. 49. 1.** *A facility for skilled nursing must be designed, constructed, equipped and maintained in a manner that protects the health and safety of the patients and personnel of the facility and members of the general public.*

*2. Except as otherwise provided in this section:*

*(a) A facility for skilled nursing shall comply with the provisions of the NFPA 101: Life Safety Code, adopted by reference pursuant to section 48 of this regulation.*

*(b) Any construction or remodeling of a facility for skilled nursing must comply with Guidelines for Design and Construction of Hospital and Healthcare Facilities, adopted by reference pursuant to section 48 of this regulation:*

*(1) Except for section 1.2 of the introduction to the guidelines governing renovations;  
and*

*(2) Unless the remodeling is limited to refurbishing an area within the facility, including, without limitation, painting the area, replacing the flooring, repairing windows, or replacing window and wall coverings.*

*3. A facility for skilled nursing shall be deemed to be in compliance with the provisions of subsection 2 if:*

*(a) The facility is licensed on January 1, 1999, the use of the physical space in the facility is not changed and there are no deficiencies in the construction of the facility that are likely to cause serious injury, harm or impairment to the public health and welfare; or*

*(b) The facility has submitted building plans to the bureau before February 1, 1999, and:*

*(1) The bureau determines that the plans comply with standards for construction in effect before December 11, 1998;*

*(2) The facility is constructed in accordance with those standards;*

*(3) Construction of the facility is begun before August 1, 1999; and*

*(4) There are no deficiencies in the construction of the facility that are likely to cause serious injury, harm or impairment to the public health and welfare.*

*4. A facility for skilled nursing shall comply with all applicable:*

*(a) Federal and state laws;*

*(b) Local ordinances, including, without limitation, zoning ordinances; and*

*(c) Life safety, environmental, health, building and fire codes,*

*related to the construction and maintenance of the facility. If there is a difference between state and local requirements, the more stringent requirements apply.*

*5. A facility for skilled nursing may submit building plans for new construction or remodeling to the bureau pursuant to NAC 449.0165. The bureau's review of those plans is advisory only and does not constitute approval for the licensing of the facility. The bureau shall not approve a facility for licensure until all construction is completed and a survey is conducted at the site of the facility.*

**Sec. 50.** *1. The owner of a facility for skilled nursing shall, at least 30 days before there is a change of ownership, change of use or change in the construction of the facility, notify the bureau of that change. If the facility is not in compliance with the Guidelines for Design and Construction of Hospital and Healthcare Facilities adopted by reference pursuant to section 48 of this regulation, the notice must identify those provisions of the guidelines with which the facility has failed to comply.*

*2. Upon a change in use or change in the construction of a facility, the facility must comply with the Guidelines for Design and Construction of Hospital and Healthcare Facilities before admitting patients to the area that is being changed or is under construction.*

**Sec. 51.** *1. A facility for skilled nursing shall have an adequate supply of emergency electrical power to ensure that there is power to:*

*(a) Light all entrances and exits;*

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*(b) Maintain all fire alarms and systems to detect and extinguish fires; and*

*(c) Maintain life support systems,*

*if there is an interruption in the normal supply of electrical power.*

*2. If life support systems are used by a facility for skilled nursing, emergency electrical power must be provided by an emergency generator that is located on the premises of the facility.*

*3. As used in this section, "emergency generator" has the meaning ascribed to it in NFPA 99: Standard for Health Care Facilities, adopted by reference pursuant to section 48 of this regulation.*

**Sec. 52.** *A facility for skilled nursing shall:*

*1. Provide sufficient space and equipment for food, health care and recreational services and areas for patients' activities to ensure that each patient in the facility receives the services required by his plan of care.*

*2. Provide at least one room designated for dining and patients' activities. The room must:*

*(a) Be well lighted;*

*(b) Be well ventilated, with nonsmoking areas identified;*

*(c) Be adequately furnished; and*

*(d) Have sufficient space to accommodate all activities.*

*3. Maintain all equipment used at the facility in a safe operating condition.*

**Sec. 53.** *1. A patient's room within a facility for skilled nursing must be designed and equipped in a manner that allows adequate nursing care to be provided and provides comfort and privacy for the patient.*

*2. A facility for skilled nursing shall provide to each patient in the facility:*

*(a) A separate bed of proper size and height for the convenience of the patient;*

*(b) A clean, comfortable mattress;*

*(c) Bedding that is appropriate for the weather and climate;*

*(d) Clean linens for his bed and bath that are in good condition;*

*(e) Furniture that is appropriate for the patient's needs; and*

*(f) Individual closet space in the patient's room with clothes racks and shelves that are accessible to the patient.*

**Sec. 54.** *A facility for skilled nursing shall:*

*1. Provide a safe, functional, sanitary and comfortable environment for the patients in the facility, the members of its staff and members of the general public;*

*2. Care for each patient in the facility in a manner that promotes the dignity of the patient and his quality of life;*

*3. Ensure that the environment of the facility is free of hazards that would cause accidents;*

*4. Ensure that each patient in the facility receives adequate supervision and devices to prevent accidents;*

*5. Provide such housekeeping and maintenance services as are necessary to maintain a sanitary, orderly and comfortable environment;*

*6. Adopt procedures to ensure that water is available to the essential areas of the facility if there is an interruption in the facility's normal supply of water;*

*7. Equip corridors with firmly secured handrails on each side;*

*8. Provide adequate and comfortable levels of lighting in all areas of the facility;*

*9. Provide comfortable levels of sound in all areas of the facility;*

*10. Maintain an effective program to control pests in order to ensure that the facility is free from pests and rodents;*

*11. Have adequate outside ventilation by means of windows or mechanical ventilation, or both; and*

*12. Provide safe and comfortable levels of temperature in the facility. The temperature of the facility must be maintained at a level that is not less than 71 degrees Fahrenheit and not more than 81 degrees Fahrenheit.*

**Sec. 55. 1.** *A patient in a facility for skilled nursing shall not be segregated or restricted in the enjoyment of an advantage or privilege enjoyed by other patients, or provided with any assistance, service or other benefit which is different or provided in a different manner from that provided to other patients, on the ground of race, color, religion, national origin or disability.*

*2. A facility for skilled nursing shall adopt and maintain policies and procedures for the transfer and discharge of, and the provision of services to, patients in the facility which do not discriminate against a patient based on the source of payment for the services provided.*

**Sec. 56.** *A facility for skilled nursing must have a governing body that is legally responsible for establishing and carrying out policies regarding the management and operation of the facility.*

**Sec. 57. 1.** *The governing body of a facility for skilled nursing shall appoint a qualified administrator for the facility.*

*2. The administrator:*

*(a) Must be licensed under the provisions of chapter 654 of NRS; and*



*(b) Is responsible for the management of the facility.*

*3. A facility for skilled nursing must be administered in a manner that enables it to use its resources effectively and efficiently in order to attain and maintain the physical, mental and psychosocial well being of each patient.*

**Sec. 58.** *1. A facility for skilled nursing shall not employ a person as a nursing assistant trainee, full time, temporarily or under contract:*

*(a) Until the facility obtains validation from the state board of nursing that the person is enrolled in a training program required for certification as a nursing assistant or is awaiting the results of a certification examination.*

*(b) For more than 4 months.*

*2. A facility for skilled nursing shall ensure that each nursing assistant employed by the facility is able to demonstrate competency in skills and techniques that are necessary to care for the patients in the facility in accordance with each patient's plan of care.*

*3. A performance review must be completed for each nursing assistant employed by a facility for skilled nursing at least annually. Based on the results of the review, a facility shall provide training to a nursing assistant to ensure his competency. The training must:*

*(a) Comply with any requirements for training adopted by the state board of nursing pursuant to chapter 632 of NRS;*

*(b) Be at least 12 hours per year;*

*(c) Address any areas of weakness indicated in the review and may address the special needs of the patients in the facility as determined by the personnel of the facility; and*

*(d) If the nursing assistant provides services to patients with cognitive impairments, address the care of such patients.*

*4. A facility for skilled nursing shall not employ a nursing assistant if, for a period of 24 consecutive months after his completion of the training program required for certification as a nursing assistant, he has not provided nursing services or services related to nursing for monetary compensation.*

*5. As used in this section:*

*(a) "Nursing assistant" has the meaning ascribed to it in NRS 632.0166.*

*(b) "Nursing assistant trainee" has the meaning ascribed to it in NRS 632.0168.*

**Sec. 59.** *1. A facility for skilled nursing shall employ full time, part time or as consultants such health care professionals as are necessary to provide adequate care for each patient in the facility and to carry out the provisions of sections 2 to 67, inclusive, of this regulation.*

*2. A health care professional employed by a facility for skilled nursing shall comply with accepted professional standards applicable to the services provided by the health care professional.*

*3. If a facility for skilled nursing does not employ a person to furnish a service required by the facility, the facility shall obtain that service from a qualified outside source. An agreement for obtaining such services must specify, in writing, that the facility assumes responsibility for:*

*(a) Obtaining services that comply with accepted professional standards applicable to the services being obtained; and*

*(b) The timely delivery of such services.*

**Sec. 60.** *1. A facility for skilled nursing shall employ a medical director who is licensed to practice medicine in this state.*

*2. The medical director shall:*

- (a) Carry out the policies of the facility related to the medical care of its patients; and*
- (b) Coordinate the medical care provided by the facility.*

**Sec. 61. 1.** *A facility for skilled nursing shall provide laboratory services to meet the needs of the patients in the facility or contract with a laboratory to obtain such services.*

*2. If a facility for skilled nursing has its own laboratory, it must be a licensed clinical laboratory under the provisions of chapter 652 of NRS and comply with the provisions of 42 C.F.R. Part 493.*

*3. If the facility contracts with a laboratory for its services, that laboratory must be:*

- (a) A licensed clinical laboratory under the provisions of chapter 652 of NRS; and*
- (b) Certified in the specialties and subspecialties required by the facility in accordance with the provisions of 42 C.F.R. Part 493.*

*4. A facility for skilled nursing shall:*

- (a) Provide or obtain only such laboratory tests as are ordered by the attending physician of a patient in the facility;*
- (b) Promptly notify the attending physician of the results of those tests;*
- (c) Arrange transportation for a patient to obtain laboratory tests ordered by the patient's attending physician, if the patient requires such assistance; and*
- (d) Include in the medical records of a patient all reports of the results of laboratory tests ordered for the patient. The reports must include:*

- (1) The date on which the tests were performed; and*
- (2) The name and address of the laboratory performing the tests.*

**Sec. 62. 1.** *A facility for skilled nursing shall provide radiological and other diagnostic services to meet the needs of the patients in the facility or contract with qualified outside sources to obtain such services.*

*2. If a facility for skilled nursing provides radiological and other diagnostic services, it shall comply with applicable state law related to the provision of such services.*

*3. A facility for skilled nursing shall:*

*(a) Provide or obtain only such radiological and other diagnostic tests as are ordered by the attending physician of a patient in the facility;*

*(b) Promptly notify the attending physician of the results of those tests;*

*(c) Arrange transportation for a patient to obtain radiological and other diagnostic tests ordered by the patient's attending physician, if the patient requires such assistance; and*

*(d) Include in the medical records of a patient all reports of the results of radiological and other diagnostic tests ordered for the patient. The reports must:*

*(1) Include the date on which the tests were performed; and*

*(2) Be signed by the person performing the tests.*

**Sec. 63. 1.** *A facility for skilled nursing shall maintain medical records for each patient in the facility in accordance with accepted professional principles.*

*2. A medical record must be:*

*(a) Complete;*

*(b) Accurate;*

*(c) Organized; and*

*(d) Readily accessible to those persons who are authorized to review the records.*

*3. A medical record must include:*

- (a) Sufficient information to identify the patient;*
  - (b) A record of the assessments of the patient conducted pursuant to sections 26 and 27 of this regulation;*
  - (c) The patient's plan of care and the services provided to the patient;*
  - (d) The results of any assessment of the patient conducted by a state agency before his admission to the facility; and*
  - (e) Periodic progress notes prepared by appropriate members of the staff.*
- 4. A facility for skilled nursing shall maintain the medical records of a patient:*
- (a) For at least 5 years after the discharge of the patient, unless state law requires otherwise; and*
  - (b) For at least 3 years after the patient reaches 18 years of age if the patient is a minor.*
- 5. A facility for skilled nursing shall ensure that:*
- (a) Information contained in a medical record is not lost, destroyed or used in an unauthorized manner.*
  - (b) No person willfully and knowingly falsifies or causes another person to falsify information contained in a medical record.*
- 6. Information contained in a medical record is confidential and must not be released without the written consent of the patient except:*
- (a) As required by law;*
  - (b) Under a contract involving a third-party payor; or*
  - (c) As required upon the transfer of the patient to another medical facility.*

*Sec. 64. 1. A facility for skilled nursing shall adopt written procedures to be followed by the members of the staff and patients in the case of an emergency or disaster, including, without limitation, fires, severe weather and locating missing patients.*

*2. The facility shall provide training to an employee regarding these procedures upon his employment by the facility and periodically review the procedures with members of the staff.*

*3. The facility shall periodically conduct unannounced drills to practice carrying out the procedures adopted pursuant to subsection 1.*

*Sec. 65. 1. A facility for skilled nursing shall have in effect an agreement with at least one licensed hospital that provides for the transfer of patients from the facility to the hospital. The agreement must provide that:*

*(a) A patient transferred from the facility will be admitted to the hospital in a timely manner if the transfer is medically appropriate as determined by the patient's attending physician; and*

*(b) Medical and other information required for the care and treatment of the patient is transferred with the patient. Such information may include information for determining whether the patient may be cared for adequately in a setting that is less expensive than the facility or the hospital.*

*2. A facility for skilled nursing that does not have such an agreement in effect but has attempted in good faith to enter into such an agreement with a hospital sufficiently close to the facility to make transfers feasible shall be deemed to have such an agreement.*

*Sec. 66. 1. A facility for skilled nursing shall establish a committee for quality assurance.*

*2. The committee must be composed of:*

- (a) The chief administrative nurse;*
- (b) A member of the staff who is a physician and appointed by the administrator; and*
- (c) At least three other members of the staff who are appointed by the administrator.*

*3. The committee shall:*

*(a) Meet at least quarterly to identify problems and concerns related to the care provided to patients for which corrective actions are necessary; and*

*(b) Adopt and carry out appropriate plans of action to correct the problems and concerns that are identified.*

*4. The bureau may not require the disclosure of the records of the committee unless such disclosure is required to ensure compliance with the provisions of this section.*

*5. A committee shall be deemed to have complied with the provisions of this section if it makes a good faith effort to identify problems and concerns related to the care provided to patients and to correct the problems and concerns that are identified.*

**Sec. 67. 1.** *A facility for skilled nursing shall adopt written policies for the personnel employed at the facility.*

*2. The written policies must:*

*(a) Include the duties and responsibilities of, and the qualifications required for, each position at the facility;*

*(b) Include the conditions of employment for each position at the facility;*

*(c) Include the policies and objectives of the facility related to training while on the job and requirements for continuing education; and*

*(d) Be periodically reviewed and made available to each employee of the facility.*

*3. A current and accurate personnel record for each employee of the facility must be maintained at the facility. The record must include, without limitation:*

*(a) Evidence that the employee has obtained any license, certificate or registration, and possesses the experience and qualifications, required for the position held by the employee;*

*(b) Such health records as are required by chapter 441A of NAC which include evidence that the employee has had a skin test for tuberculosis in accordance with NAC 441A.375; and*

*(c) Documentation that the facility has not received any information that the employee has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.188.*

*4. A facility shall make its personnel records available to the bureau for inspection upon request.*

**Sec. 68.** NAC 449.940 is hereby amended to read as follows:

449.940 1. ~~{Skilled}~~ *Except as otherwise provided in this section, skilled* nursing and intermediate care facilities must comply with the applicable provisions of NAC 449.806 to 449.949, inclusive, concerning:

(a) Correction of deficiencies;

(b) Nursing units, except for the provisions of subsection 2 of NAC 449.917 relating to multibed rooms;

(c) Service areas;

(d) Psychiatric units;

(e) Physical therapy units;

(f) Occupational therapy units;

(g) Pharmacy units;

(h) Dietary units;



- (i) Administration and public areas;
- (j) Medical records units;
- (k) Central stores;
- (l) Linen service;
- (m) Employees' facilities;
- (n) Janitors' closets;
- (o) Engineering services and equipment;
- (p) Processing waste;
- (q) Details and finishes;
- (r) Construction, review of plans and fire resistive requirements;
- (s) Elevators;
- (t) Mechanical requirements; and
- (u) Electrical requirements.

2. *A skilled nursing facility shall comply with the requirements for construction and maintenance set forth in section 49 of this regulation.*

3. There must be 20 square feet (1.86 square meters) of space set aside for recreational purposes for each patient.

~~13.1~~ 4. An area must be provided for the care and grooming of the patients' hair. The area must be provided with a lavatory for washing hands.

~~14.1~~ 5. A means must be provided for toilet training.

~~15.1~~ 6. A locked area for a reasonable amount of the patients' excess clothing and possessions must be provided.