

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

LCB File No. R123-01

November 2, 2001

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

AUTHORITY: §§1-24, NRS 449.037; §25, NRS 439.150, 449.0305, 449.037, 449.038 and 449.050.

Section 1. Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 24, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 24, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Administrator” means a person:*

- 1. Whose name appears on a license issued by the bureau as administrator of record for a facility; and*
- 2. Who is legally responsible for the management of the facility.*

Sec. 4. *“Client” means a person who is admitted to a facility.*

Sec. 5. *“Facility” means a halfway house for recovering alcohol and drug abusers as defined in section 1 of Senate Bill No. 319 (chapter 517, Statutes of Nevada 2001, at page 2518).*

Sec. 6. *An administrator must:*

- 1. Be at least 21 years of age;*

2. Have the tests and obtain the certifications required by NAC 441A.375 for a person employed in a facility for the dependent; and

3. Maintain evidence that he satisfies the requirements of this section in a file that is maintained on the premises of the facility.

Sec. 7. *An administrator shall:*

1. Post the license issued by the bureau in a conspicuous place within the facility.

2. Organize and manage the facility.

3. Establish policies, procedures and rules for the operation of the facility, including, without limitation, the policies and procedures required to be established by section 19 of this regulation.

4. Ensure that the records of the facility are maintained in accordance with the requirements of the policies, procedures and rules for the operation of the facility established pursuant to subsection 3.

5. Ensure that the facility complies with any applicable state statutes and regulations and local ordinances.

6. Ensure that the clients of the facility are afforded the opportunity to exercise their individual rights in a manner consistent with the rules of the facility.

7. Ensure that the facility is maintained in a safe and clean condition.

8. Review and approve changes in the policies and procedures established pursuant to subsection 3 at least annually. This review must be signed and dated.

Sec. 8. *An administrator shall ensure that the facility does not admit more clients to the facility than the number of beds for which it is licensed.*

Sec. 9. *1. An administrator shall ensure that the facility:*

(a) Has a safe and sufficient supply of water, adequate drainage and an adequate system for the disposal of sewage; and

(b) Complies with all local ordinances and state and federal laws and regulations relating to zoning, sanitation, safety and accessibility to persons with disabilities.

2. A container used to store garbage outside of a facility must be kept reasonably clean and must be covered in such a manner that rodents are unable to get inside the container. At least once each week, the container must be emptied and the contents of the container must be removed from the premises of the facility.

3. To the extent practicable, the premises of the facility must be kept free from:

(a) Offensive odors;

(b) Hazards, including obstacles that impede the free movement of clients within and outside the facility;

(c) Insects and rodents; and

(d) Accumulations of dirt, garbage and other refuse.

4. The administrator shall ensure that the premises of the facility are clean and that the interior, exterior and landscaping of the facility are well maintained.

5. All windows that are capable of being opened in the facility and all doors that are left open to provide ventilation for the facility must be screened to prevent the entry of insects.

6. The administrator shall ensure that electrical lighting is maintained in the facility as necessary to ensure the comfort and safety of the clients of the facility.

7. The temperature in the facility must be maintained at a level that is not less than 68 degrees Fahrenheit and not more than 82 degrees Fahrenheit.

Sec. 10. 1. *An administrator shall ensure that laundry facilities are provided in the facility commensurate with the number of clients in the facility. At least one washer and at least one dryer must be provided in the facility.*

2. *The laundry area in a facility must be maintained in a sanitary manner. All the equipment in the laundry area must be maintained in good working condition. All dryers must be ventilated to the outside of the building.*

Sec. 11. 1. *The kitchen in a facility and the equipment in the kitchen must be clean and must allow for the sanitary preparation of food. The equipment must be in good working condition.*

2. *Perishable food must be refrigerated at a temperature of 40 degrees Fahrenheit or less. Frozen food must be kept at a temperature of 0 degrees Fahrenheit or less.*

3. *Food must not be stored in any area in which cleaning or pest control products are stored.*

Sec. 12. 1. *A bedroom in a facility that is used by more than one client must have at least 45 square feet of floor space for each client who resides in the bedroom. A bedroom that is occupied by only one client must have at least 80 square feet of floor space.*

2. *The arrangement of the beds and other furniture in the bedroom must accommodate the clients occupying the bedroom in comfort and safety.*

3. *A bed with a comfortable and clean mattress must be provided for each client. The bed must be made with two clean sheets, a blanket, a pillow and a bedspread. Linens must be changed at least once each week and more often if the linens become dirty.*

Sec. 13. *A hall, stairway, unfinished attic, garage, storage area or shed or other similar area of a facility must not be used as a bedroom. Any other room must not be used as a bedroom if it is used for any other purpose.*

Sec. 14. *1. All bathrooms and toilet facilities in the facility must be sufficiently lighted.*

2. Each client must have his own towels and wash cloths. Paper towels may be used for hand towels. The towels and wash cloths must be changed as often as is necessary to maintain cleanliness, but in no event less often than once each week. A soap dispenser that provides liquid or granular soap may be used instead of individual bars of soap.

Sec. 15. *A facility that has a client who uses a wheelchair or a walker must:*

1. Have hallways, doorways and exits wide enough to accommodate a wheelchair or walker; and

2. Have ramps at all primary exits.

Sec. 16. *1. A first-aid kit must be available at the facility. The first-aid kit must include, without limitation:*

- (a) A germicide safe for use by humans;*
- (b) Sterile gauze pads;*
- (c) Adhesive bandages, rolls of gauze and adhesive tape;*
- (d) Disposable gloves;*
- (e) A shield or mask to be used by a person who is administering cardiopulmonary resuscitation; and*
- (f) A thermometer or other device that may be used to determine the bodily temperature of a person.*

2. Except for first aid in an emergency, no treatment or medication may be administered to a client.

Sec. 17. *1. Except as otherwise provided in section 16 of this regulation, an administrator or another client shall not administer or assist in the administration of medication to a client.*

2. Medication for self-administration may be kept at the facility. That medication must:

(a) Be disposed of immediately when it expires or when a physician orders the medication to be discontinued;

(b) Be stored and controlled in a manner that protects the medication from unauthorized use by the client for whom it is ordered or any other person; and

(c) Not be used by more than one of the clients.

3. The provisions of paragraph (a) of subsection 2 do not apply to over-the-counter medication.

Sec. 18. *An administrator shall ensure that:*

1. The facility has at least one telephone that is in good working condition in the facility; and

2. The telephone number of the facility is listed in the telephone directory.

Sec. 19. *1. An administrator shall establish written policies and procedures concerning:*

(a) The manner in which records of clients will be maintained and protected against unauthorized use;

(b) The disclosure of confidential information about clients;

(c) The criteria the facility will use to determine whether to:

(1) Admit a client to the facility; and

- (2) Discharge a client from the facility;*
- (d) The discharge of a client for a violation of the rules of the facility;*
- (e) The discharge of a client for the use of alcohol or drugs;*
- (f) The rights and responsibilities of a client; and*
- (g) The evacuation of clients in case of fire or other emergency as required by section 24 of this regulation.*

2. The administrator shall maintain a manual of policies, procedures and rules of the facility that includes the policies and procedures established pursuant to subsection 1. The manual must be available on the premises of the facility at all times.

Sec. 20. *An administrator shall ensure that:*

- 1. Alcohol or drugs are not allowed on the premises of the facility;*
- 2. The policies, procedures and rules established pursuant to section 7 of this regulation are carried out;*
- 3. Each client complies with those policies, procedures and rules;*
- 4. The facility provides an environment that will facilitate the reintegration of the clients of the facility into the community; and*
- 5. The operation of the facility is not compromised by a client who violates the policies, procedures or rules of the facility.*

Sec. 21. *An administrator shall notify the bureau within 24 hours after the occurrence of an incident that:*

- 1. Involved significant harm to a client of the facility if the client of the facility required medical treatment as a result of the incident;*
- 2. May cause imminent danger to the health or safety of a client of the facility; or*

3. *May jeopardize the integrity of the operation of the facility.*

Sec. 22. *An administrator shall ensure that:*

1. *A client of the facility is not abused, neglected or exploited by another client of the facility or any person who is visiting the facility;*

2. *A client is not prohibited from speaking to any person who advocates for the rights of the clients of the facility;*

3. *Each client is treated with respect and dignity;*

4. *The facility provides a safe and comfortable environment;*

5. *A client is not prohibited from interacting socially in a manner that is consistent with the rules of the facility;*

6. *To the extent practicable and in a manner that is consistent with the rules of the facility, each client is allowed to make his own decisions; and*

7. *The telephone number of the local office of the bureau and the name and telephone number of the administrator is conspicuously posted on the premises of the facility.*

Sec. 23. 1. *An administrator shall ensure that the facility maintains a separate file for each client of the facility and retains the file for at least 5 years after the client permanently leaves the facility. The file must be kept locked in a location that is protected against unauthorized use. Each file must contain the information obtained by the facility that is related to the client, including, without limitation:*

(a) *The full name, address, date of birth and social security number of the client;*

(b) *The address and telephone number of the client's physician and any next of kin or guardian of the client;*

(c) A statement of the allergies of the client, if any, and any special diet or medication he requires;

(d) Evidence of compliance with the provisions of NAC 441A.380;

(e) A list of the rules of the facility that is signed by the client; and

(f) The name and telephone number of the vendors and medical professionals that provide services for the client.

2. Except as otherwise provided in this subsection, the file of the client must be kept confidential. The file of a client must be made available upon request at any time to an employee of the bureau who is acting in his capacity as an employee of the bureau.

Sec. 24. 1. *An administrator shall ensure that the facility complies with the regulations adopted by the state fire marshal pursuant to chapter 477 of NRS and any local ordinances relating to safety from fire. The facility must be approved for occupancy by the state fire marshal.*

2. The administrator shall ensure that the facility has a plan for the evacuation of clients in case of fire or other emergency. The plan must be:

(a) Understood by all clients;

(b) Posted in a common area of the facility; and

(c) Discussed with each client at the time of his admission.

3. At least one portable fire extinguisher must be available at the facility. Any portable fire extinguishers available at the facility must be inspected, recharged and tagged at least once each year by a person certified by the state fire marshal to conduct such inspections.

4. The administrator shall ensure that a written policy on smoking is developed and carried out by the facility. The policy must be:

- (a) Developed with the purpose of preventing a fire caused by smoking in the facility; and*
- (b) Posted in a common area of the facility.*

5. Smoke detectors installed in a facility must be maintained in proper operating condition at all times and must be tested monthly. The results of the tests conducted pursuant to this subsection must be recorded and maintained at the facility.

6. If a fire sprinkler system is installed in a facility, the system must be maintained in proper operating condition at all times and must be inspected in accordance with the provisions of NAC 477.460.

Sec. 25. NAC 449.013 is hereby amended to read as follows:

449.013 1. Except as otherwise provided in NAC 449.0168, an applicant for a license to operate any of the following **[medical]** facilities, programs of hospice care or agencies must pay to the health division the following nonrefundable fees:

- (a) An ambulatory surgical center..... \$1,200
- (b) A facility for the treatment of irreversible renal disease 1,200
- (c) A home office or subunit agency of a home health agency..... 1,200
- (d) A branch office of a home health agency 500
- (e) A rural clinic 1,200
- (f) An obstetric center 1,200
- (g) A program of hospice care 1,200
- (h) An independent center for emergency medical care 1,200
- (i) A nursing pool 750
- (j) A facility for treatment with narcotics..... 750
- (k) A medication unit 500

- (l) A referral agency 750
- (m) A halfway house for recovering alcohol and drug abusers 500***

2. An applicant for the renewal of such a license must pay to the health division the following nonrefundable fees:

- (a) An ambulatory surgical center..... \$600
- (b) A facility for the treatment of irreversible renal disease 600
- (c) A home office or subunit agency of a home health agency..... 600
- (d) A branch office of a home health agency 100
- (e) A rural clinic 600
- (f) An obstetric center 600
- (g) A program of hospice care 600
- (h) An independent center for emergency medical care 600
- (i) A nursing pool 600
- (j) A facility for treatment with narcotics..... 600
- (k) A medication unit 100
- (l) A referral agency 600
- (m) A halfway house for recovering alcohol and drug abusers 300***

3. An application for a license is valid for 1 year after the date on which the application is submitted. If an applicant does not meet the requirements for licensure imposed by chapter 449 of NRS or the regulations adopted pursuant thereto within 1 year after the date on which he submits his application, he must submit a new application and pay the required fee to be considered for licensure.

Sec. 26. This regulation becomes effective on January 1, 2002, or upon filing with the secretary of state, whichever occurs later.