

**ADOPTED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R065-04

Effective August 4, 2004

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

AUTHORITY: §§1 and 3, NRS 449.037; §§2 and 5-8, NRS 439.150, 449.037, 449.050 and 449.060; §4, NRS 439.150 and 449.037.

A REGULATION relating to health care; authorizing certain licensees of certain facilities for the dependent and homes for individual residential care to pay the fees for renewal of such licenses in two installments; providing that an approval of building plans to construct or remodel certain medical facilities and facilities for the dependent is valid for a certain period; authorizing certain persons to request the Health Division of the Department of Human Resources to conduct on-site advisory inspections of the construction of certain facilities licensed by the Health Division; providing for certain fees; revising the deadline for submitting an application for the renewal of a license issued by the Health Division; revising certain fees; and providing other matters properly relating thereto.

Section 1. Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *An applicant for the renewal of a license for a residential facility for groups, a halfway house for recovering alcohol and drug abusers, or a home for individual residential care may pay the fee required for the renewal of his license in two equal installments if:*

1. On or before November 1 of the calendar year in which his license expires, he submits a complete application for the renewal of the license which includes, without limitation:

(a) The first installment payment which is equal to one-half the amount of the fee required for the renewal of the license pursuant to NAC 449.013 or 449.016, as appropriate;

(b) An additional fee of \$100 for the administrative costs of billing and collecting such payments; and

(c) A signed payment agreement and a confession of judgment for the total amount of the second installment payment which may be filed with a court of competent jurisdiction if he fails to make the second installment payment in accordance with the agreement;

2. On or before April 15 of the calendar year for which the license is renewed, he submits the second installment payment for the remainder of the fee required for the renewal of the license pursuant to NAC 449.013 or 449.016, as appropriate; and

3. He has not failed to make a payment in accordance with any other similar agreement.

Sec. 3. *If the Health Division approves building plans for the construction or remodeling of a facility for modified medical detoxification, a facility for skilled nursing, a facility for the care of adults during the day, a facility for the treatment of abuse of alcohol or drugs, a hospital, a mobile unit, a residential facility for groups or a surgical center for ambulatory patients, the approval is valid for 42 months after it is issued, unless there has been:*

- 1. A modification of the building plans;*
- 2. A change in the ownership of the facility; or*
- 3. A change in the intended use of the facility.*

Sec. 4. *1. A licensee or an applicant for the issuance or renewal of a license whose building plans for the construction of a facility have been reviewed pursuant to NAC 449.0115 may submit a written request to the Health Division for an on-site advisory inspection to be conducted by the Health Division after at least 80 percent of the construction of the facility is completed. The written request must include, without limitation, the anticipated date on which 80 percent of the construction of the facility will be completed.*

2. *If the Health Division receives a request submitted pursuant to subsection 1, the Health Division shall determine its ability to grant the request and shall issue a notice of that determination to the licensee or applicant who submitted the request.*

3. *If the Health Division grants a request submitted pursuant to subsection 1, the licensee or applicant who submitted the request shall, before the Health Division conducts the on-site inspection, submit to the Health Division a fee of:*

(a) *Five hundred dollars, if the project is valued at not more than \$500,000;*

(b) *One thousand dollars, if the project is valued at more than \$500,000 but not more than \$1,000,000; or*

(c) *Two thousand dollars, if the project is valued at more than \$1,000,000.*

Sec. 5. NAC 449.0116 is hereby amended to read as follows:

449.0116 1. ~~[A]~~ *Except as otherwise provided in subsection 2, a licensee who wishes to renew his license must submit a complete application for renewal to the Health Division ~~[not less than 45 days before the date on]~~ on or before November 15 of the calendar year in* which the license expires. The existing license shall be deemed valid until the submitted application for renewal is evaluated and a final determination is made by the Health Division concerning whether to renew the license. The Health Division may require an inspection of the facility to ensure that it meets the requirements of this chapter before deciding whether to renew a license. ~~[Such an inspection must not be scheduled until the complete application and fees are received by the Health Division.]~~

2. A licensee who, without good cause, ~~[fails to file]~~ *files* an application for the renewal of his license ~~[within the time]~~ *after the date* set forth in subsection 1 *but on or before December*

31 of the calendar year in which the license expires and who wishes to renew his license must pay:

(a) The fee required for the renewal of the license pursuant to NAC 449.013 or 449.016, as appropriate; and

(b) An additional charge equal to one-half the amount of the fee required for the renewal of the license pursuant to NAC 449.013 or 449.016, as appropriate.

3. A licensee who fails to file an application for the renewal of his license before the license expires is not eligible ~~for the renewal of~~ *to renew* the license and, if he wishes to be licensed, must submit an application for a new license.

Sec. 6. NAC 449.012 is hereby amended to read as follows:

449.012 As used in NAC 449.012 to 449.0168, inclusive, *and section 2 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 449.0121 to 449.0127, inclusive, have the meanings ascribed to them in those sections.

Sec. 7. 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 facilities, programs of hospice care or agencies must pay to the Health Division the following nonrefundable fees:

- (a) An ambulatory surgical center.....~~[\$2,250]~~ **\$3,570**
- (b) A facility for the treatment of irreversible renal disease 2,748
- (c) A home office or subunit agency of a home health agency..... 3,034
- (d) A branch office of a home health agency 2,000
- (e) A rural clinic 2,160
- (f) An obstetric center 1,564

(g) A program of hospice care	2,106
(h) An independent center for emergency medical care	2,950
(i) A nursing pool.....	1,988 4,272
(j) A facility for treatment with narcotics	2,482
(k) A medication unit	1,200
(l) A referral agency	2,000
(m) A halfway house for recovering alcohol and drug abusers	2,020
(n) A facility for refractive laser surgery	7,556
(o) A mobile unit.....	2,090

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.....	\$1,785
(b) A facility for the treatment of irreversible renal disease	1,374
(c) A home office or subunit agency of a home health agency.....	1,517
(d) A branch office of a home health agency	1,000
(e) A rural clinic	1,080
(f) An obstetric center	782
(g) A program of hospice care	1,053
(h) An independent center for emergency medical care	1,475
(i) A nursing pool.....	2,136
(j) A facility for treatment with narcotics	1,241
(k) A medication unit	600
(l) A referral agency	1,000

- (m) A halfway house for recovering alcohol and drug abusers 1,010
- (n) A facility for refractive laser surgery 3,912
- (o) A mobile unit..... 1,045

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. 8. NAC 449.016 is hereby amended to read as follows:

449.016 1. Except as otherwise provided in NAC 449.0168, an applicant for a license to operate any of the following facilities must pay to the Health Division the following nonrefundable fees:

	Fee per facility	Fee per bed in the facility
(a) A skilled nursing facility	\$2,200	\$60
(b) A hospital, other than a rural hospital	10,000	180 60
(c) A rural hospital	1,500	180 60
(d) An intermediate care facility for the mentally retarded or persons with developmental disabilities	1,564	184

(e) An intermediate care facility, other than an intermediate care facility for the mentally retarded or persons with developmental disabilities	1,200	90
(f) Except as otherwise provided in subsection 3, a residential facility for groups.....	2,400	184
(g) A facility for the treatment of abuse of alcohol or drugs	782	184
(h) A facility for hospice care	1,564	184
(i) A home for individual residential care.....	1,764	184
(j) A facility for modified medical detoxification.....	782	184

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

	Fee per facility	Fee per bed in the facility
(a) A skilled nursing facility	\$1,100	\$30
(b) A hospital, other than a rural hospital	5,000	[40] 30
(c) A rural hospital	750	[40] 30
(d) An intermediate care facility for the mentally retarded or persons with developmental disabilities	782	92
(e) An intermediate care facility, other than an intermediate care facility for the mentally retarded or persons with developmental disabilities	600	[45] 40

(f) Except as otherwise provided in subsection 4, a residential facility for groups which has 11 beds or more.....	1,182	92
(g) Except as otherwise provided in subsection 5, a residential facility for groups which has less than 11 beds	1,085	92
(h) A facility for the treatment of abuse of alcohol or drugs	391	92
(i) A facility for hospice care	782	92
(j) A home for individual residential care.....	500	92
(k) A facility for modified medical detoxification.....	391	92

3. An applicant for a license for a residential facility for groups shall pay a fee of \$100 for each bed in the facility which is paid entirely with money from:

- (a) The Supplemental Security Income Program as defined in NRS 422.053;
- (b) The home and community-based services program pursuant to 42 U.S.C. § 1396n; or
- (c) A program for group care of adults established by a county.

4. An applicant for the renewal of a license for a residential facility for groups shall pay a fee of \$35 for each bed in the facility which is paid entirely with money from:

- (a) The Supplemental Security Income Program as defined in NRS 422.053;
- (b) The home and community-based services program pursuant to 42 U.S.C. § 1396n; or
- (c) A program for group care of adults established by a county.

5. An applicant for the renewal of a license for a residential facility for groups which has less than 11 beds who attests that, during the following licensure period, at least 75 percent of those beds will be paid for entirely with money from the sources described in subsection 4 shall pay a fee of \$500 plus:

(a) For each bed that will be paid for entirely with money from the sources described in subsection 4, a fee of \$35 in accordance with that subsection; and

(b) For each remaining bed, a fee of \$92.

6. 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.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R065-04**

The State Board of Health adopted regulations assigned LCB File No. R065-04 which pertain to chapter 449 of the Nevada Administrative Code on June 25, 2004.

Notice date: 5/25/2004
Hearing date: 6/25/2004

Date of adoption by agency: 6/25/2004
Filing date: 8/4/2004

INFORMATIONAL STATEMENT

1. DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION OF HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

A Small Business Impact Questionnaire was mailed to the Hospice Facilities, Facilities for Treatment of Abuse of Alcohol or Drugs, Facilities for Modified Medical Detoxification, Facilities for Treatment with Narcotics; Medication units, Halfway Houses for Recovering Alcohol and Drug Abusers, Homes for Individual Residential Care, Rural Clinics, Mobile Units, Residential Facilities for Groups, Businesses that Provide Referrals to Residential Facilities for Groups, Hospitals, Facilities for the Care of Adults During the Day, Facilities for the Treatment of Irreversible Renal Disease, Independent Centers for Emergency Medical Care, Intermediate Care Facilities, Facilities for Skilled Nursing, Nursing Pools, Home Health Agencies, and Surgical Centers for Ambulatory Patients, on February 27, 2004. Attachment A is the Small Business Impact Statement Questionnaire. Attachment B is a copy of the small business impact summary.

Notice of public workshops held on March 29, 2004, in Las Vegas and on April 1, 2004, in Reno was published in the Las Vegas Review Journal and Reno Gazette Journal on March 10, 2004. Notices of public workshops, and proposed regulations were mailed to all county libraries in Nevada, Hospice Facilities, Facilities for Treatment of Abuse of Alcohol or Drugs, Facilities for Modified Medical Detoxification, Facilities for Treatment with Narcotics; Medication units, Halfway Houses for Recovering Alcohol and Drug Abusers, Homes for Individual Residential Care, Rural Clinics, Mobile Units, Residential Facilities for Groups, Businesses that Provide Referrals to Residential Facilities for Groups, Hospitals, Facilities for the Care of Adults During the Day, Facilities for the Treatment of Irreversible Renal Disease, Independent Centers for Emergency Medical Care, Intermediate Care Facilities, Facilities for Skilled Nursing, Nursing Pools, Home Health Agencies, and Surgical Centers for Ambulatory Patients, and interested parties on February 27, 2004. The small business impact summary was available at both workshops.

Notice of public hearing regarding the Board's intent to adopt amendments was published in the Las Vegas Review Journal and Reno Gazette Journal on May 25, 2004. Notices of public hearing, and proposed regulations were mailed to all county libraries in Nevada, Hospice Facilities, Facilities for Treatment of Abuse of Alcohol or Drugs, Facilities for Modified Medical

Detoxification, Facilities for Treatment with Narcotics; Medication units, Halfway Houses for Recovering Alcohol and Drug Abusers, Homes for Individual Residential Care, Rural Clinics, Mobile Units, Residential Facilities for Groups, Businesses that Provide Referrals to Residential Facilities for Groups, Hospitals, Facilities for the Care of Adults During the Day, Facilities for the Treatment of Irreversible Renal Disease, Independent Centers for Emergency Medical Care, Intermediate Care Facilities, Facilities for Skilled Nursing, Nursing Pools, Home Health Agencies, and Surgical Centers for Ambulatory Patients, and interested parties on May 25, 2004. The notice of public hearing was mailed to the Clark County Health District and the Washoe County District Health Department on May 25, 2004.

Two individuals commented during the workshops, the comments were related to Nursing Pools and Homes for Individual Residential Care. Each individual expressed concern about the proposed increases in fees. It was noted that fees are increasing only for the initial licensure of a nursing pool. There is no change proposed to the renewal fee for a nursing pool. Also, there is no proposed change to either the initial or renewal fees for Homes for Individual Residential Care.

Copies of the workshop minutes and Board of Health hearing minutes may be obtained by calling the Bureau of Licensure and Certification at (775) 687-4475.

2. THE NUMBER OF PERSONS WHO:

(A) ATTENDED THE HEARING;

Approximately 69 people attended the June 25, 2004, Board of Health hearing.

(B) TESTIFIED AT EACH HEARING; AND

No one in attendance testified on General Requirements for Licensure and Fees.

(C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

No written testimony was submitted to the agency.

3. A DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY

Comment was solicited from affected or potentially affected businesses by mailing appropriate facilities and all interested parties the proposed regulations, a small business impact questionnaire, a copy of the small business impact summary, and the notices for the workshops and Board of Health hearings. Copies of the workshop minutes and Board of Health hearing minutes may be obtained by calling the Bureau of Licensure and Certification at (775) 687-4475.

4. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

No testimony was received in opposition to the proposed regulation or which suggested changes to the proposed regulation. The proposed fees are calculated to meet the legislatively approved budget for the Health Division.

The State Board of Health adopted the proposed amendments to NAC 449, "General Requirements for Licensure and Fees," LCB File No. R065-04, with errata, as presented.

5. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:

(A) BOTH ADVERSE AND BENEFICIAL EFFECTS; AND

Anticipated effects on the business which NAC 449 regulates:

Adverse: The cost to obtain an initial license to operate nursing pools and surgical centers for ambulatory patients will increase, though there will be no increase to their cost to renew a license.

Beneficial: Facilities that have difficulty in submitting their renewal application timely will experience a significant reduction associated with their late renewal application. Certain providers will be able to defer costs by making licensure renewal payments in two installments. Hospitals and intermediate care facilities will experience decreased costs for initial and renewal licensure fees. In addition it is anticipated that the mandatory plan review for healthcare facilities will minimize areas of noncompliance and reduce delays in opening of new facilities.

Anticipated effects on the public:

Adverse: These proposed regulations are intended to standardize requirements for healthcare facilities regarding construction, plan review and licensure fees. They do not have a direct impact on the public.

Beneficial: As noted above.

(B) BOTH IMMEDIATE AND LONG TERM EFFECTS.

Anticipated effects on the business which NAC 449 regulates:

Immediate: The proposed regulations would become effective upon filing with the Secretary of State after passage by the Board of Health. Those regulations related to licensure renewal are anticipated to become effective in the fall of 2004 for facilities that are renewing a license for 2005.

Long-term: On-going implementation

Anticipated effects on the public:

Immediate: Not applicable.

Long-term: Not applicable.

6. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

BLC will incur additional costs for the handling of installment payments for some licensure renewals, as well as costs to conduct on-site inspection of construction phases. In both cases fees have been incorporated to offset the cost of these activities.

7. A DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATION OVERLAPS OR DUPLICATES AND A STATEMENT EXPLAINING WHY THE DUPLICATION OR OVERLAPPING IS NECESSARY. IF THE REGULATION OVERLAPS OR DUPLICATES A FEDERAL REGULATION, NAME THE REGULATING FEDERAL AGENCY.

The proposed regulations do not overlap any other Nevada state regulations. There is no duplication of federal regulations and no matching counterpart in the federal regulations specific to the general requirements for construction and plan review, nor for licensure fees.

8. IF THE REGULATION INCLUDES PROVISION WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISION.

None

9. IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL ANNUAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.

These regulations will increase fees for initial licensure of surgical centers for ambulatory patients and nursing pools. The revenue generated through these initial licensure fees will vary depending on the number of new surgical centers and new nursing pools that apply for a license each year. In 2003 the agency licensed six (6) new surgical centers and eight (8) new nursing pools. Continuing at this rate of expansion the agency would collect an additional \$26,192 of initial licensing fees in a year. Licensing fees are the sole source of revenue supporting the state licensure inspection program. This money is used directly for the costs associated with inspections and complaint investigations – surveyor and support staff salaries, travel costs, and physical plant/equipment costs.

The proposed fees are calculated to meet the legislatively approved budget for the Health Division.

SMALL BUSINESS IMPACT STATEMENT
(Nevada Revised Statutes 233B.0608)

Proposed Amendment of Nevada Administrative Code (NAC) 449.011 to 449.0168
General Requirements for Licensure and Fees

Background

The proposed amendments are to regulations required by Nevada Revised Statutes (NRS) 449.037, “Adoption of standards, qualifications and other regulations,” and NRS 449.038, “Regulation of other facilities.” These amendments are needed to standardize the fees adopted by the State Board of Health in September 2003, incorporate payment of fees by installment in accordance with legislative changes made to NRS 449.050, reduce the financial penalty associated with delinquent renewal applications, require approval of building plans prior to approval, provide for advisory inspection of building construction, and standardize the adoption of construction standards. The proposed amendments include:

- Relocation of standardized language concerning adoption of specific construction standards into general requirements for licensure, along with standardized mandatory requirements for plan review.
- An increase in the amount of initial licensure application fees charged to Surgical Centers for Ambulatory Patients and Nursing Pools licensed pursuant to NRS 449.0151.
- A decrease in the initial application and licensure renewal fees for Hospitals and Intermediate Care Facilities licensed pursuant to NRS 449.0151.
- Payment of renewal fees, as authorized in NRS 449.050, in two installments for Halfway Houses for Recovering Alcohol and Drug Abusers licensed pursuant to NRS 449.008, Residential Facilities for Groups licensed pursuant to NRS 449.017, and Homes for Individual Residential Care licensed pursuant to NRS 449.249.
- Allowance for facilities that submit a late renewal application to pay a late charge rather than submit an initial licensure application and fee.
- Required approval of building plans by the health division prior to construction of a Facility for Modified Medical Detoxification, a Facility for Skilled Nursing, a Facility for the Care of Adults During the Day, A Facility for the Treatment of Abuse of Alcohol or Drugs, a Hospital, a Mobile Unit, a Residential Facility for Groups, a Surgical Center for Ambulatory Patients.

1. A description of the manner in which comment was solicited from affected small businesses, a summary and an explanation of the manner in which other interested parties may obtain a copy of the summary.

The 1999 legislature amended Nevada Revised Statutes (NRS) Chapter 233B to require that state agencies assess the impact of regulation changes or development on small businesses. In keeping with this requirement, the Bureau of Licensure and Certification has requested comments from all licensed healthcare providers. On February 27, 2004 a small business impact questionnaire was mailed to all licensed providers (approximately 780 providers), with a copy of

the proposed changes to general requirements for licensure and fees regulations in Nevada Administrative Code Chapter 449.

A total of fifty-seven responses were received. Forty-nine of those responses were from licensed providers that met the definition of a small business.

Interested parties can obtain a copy of the information packet, including the Small Business Impact Questionnaire sent to all licensed facilities, from Shirley Rains, Administrative Assistant III, Bureau of Licensure and Certification, 1550 East College Parkway, Suite 158, Carson City, Nevada 89706.

2. The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation, both adverse and beneficial effects.

Based on the comments returned in the Small Business Impact Questionnaire the Bureau of Licensure and Certification has determined that the proposed regulations will not have an adverse impact on small businesses, though there will be an increase in cost to obtain an initial license for a Nursing Pool or Ambulatory Surgical Center. Ten of forty-nine small business respondents expressed concern about increases in fees. The proposed increase in initial licensure fees will affect only newly licensed Nursing Pools and Ambulatory Surgical Centers. There are no fee increases proposed that will affect any of the respondents.

The responses to the Small Business Impact Questionnaire indicate some small businesses will experience a beneficial impact from lower costs for late renewals and from the provision for two installment payments for renewal fees for Halfway Houses, Homes for Individual Residential Care and Residential Facilities for Groups.

3. A description of the methods the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

The feedback received by the Bureau of Licensure and Certification indicates that the proposed increase in initial licensure fees for Nursing Pools and Ambulatory Surgical Centers will reduce the net revenues for these providers in the first year of operation. There is no indication that the proposed regulations pose as a barrier to the startup of new Nursing Pools or Ambulatory Surgical Centers.

4. The estimated cost to the agency for enforcement of proposed regulations.

The Bureau of Licensure and Certification has identified a direct increased cost associated with the completion of required paperwork, tracking, billing and processing of delinquent payments related to installment payments. The Bureau of Licensure and Certification, being dependent exclusively upon licensure fees for its budget revenue, has offset this agency cost with an administrative charge of \$100 for those facilities that elect to pay their licensure renewal in two installments.

5. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulations increase the existing fee for initial licensure of Ambulatory Surgical Centers and Nursing Pools. The amount of money collected will vary depending upon the number of new provider applications submitted for Nursing Pools and Ambulatory Surgical Centers. Monies collected in licensure fees are used to support the daily regulatory functions of the Bureau of Licensure and Certification, including meetings with and education of new licensure applicants, processing of initial licensure applications, initial licensure surveys, follow-up surveys when a facility fails to achieve substantial compliance, complaint investigations, and on-going consultation and assistance in maintaining compliance with regulations.

6. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

These regulations do not represent duplication on local or federal levels. The Nevada State BOH is responsible for generating regulations governing licensure of healthcare facilities pursuant to NRS 449.037(1). There is no equivalent responsibility on the local or federal level.

Summary of Responses:

The following providers indicated their business would not experience adverse economic impact or beneficial impact, either directly or indirectly:

1. The Seasons (Residential Facility for Groups)
2. Single Day Surgery (Ambulatory Surgical Center)
3. South Las Vegas Dialysis Center
4. Dialysis Clinics Inc. (End Stage Renal Disease)
5. 5 Star Home Health (Home Health Agency)
6. At Home Health Services (Home Health Agency)
7. Caring Nurses, Inc. (Home Health Agency)
8. Critical Care Systems (Home Health Agency)
9. Oasis Home Health (Home Health Agency)
10. Royale Health Systems, Inc (Home Health Agency)
11. Vision Health Care (Home Health Agency)
12. Perfect View Assisted Living (Home for Individual Residential Care)
13. Rita Martynaitiene (Home for Individual Residential Care)
14. View Hill Adult Living (Home for Individual Residential Care)
15. Horizon Specialty Hospital (Medical Hospital)
16. Gaye Haven Intermediate Care Facility (Intermediate Care Facility)
17. Medical Staffing (Nursing Pool)
18. Staffing Specialists, Inc. (Nursing Pool)

The following four providers responded and indicated they met the definition of a small business but did not provide any other feedback:

1. Mountain Springs Assisted Living (Residential Facility for Groups)
2. Health Essential Home Care (Home Health Agency)
3. Complete Care Health Services, Inc. (Nursing Pool)
4. American Therapeutic Association (Narcotic Treatment Center)

The following providers indicated their business would experience an adverse economic impact, either directly or indirectly:

1. Avalon Health Estates (Residential Facility for Groups) indicated any further increase in renewal fees will have a significant, adverse financial effect.
2. F & D Group Home (Residential Facility for Groups) noted that raising the renewal fee from the current charges will make it more difficult to pay, especially for smaller residential facilities.
3. Flamingo Surgery Center (Ambulatory Surgical Center) indicated their business would experience less net revenue as a result of NAC 449.013.
4. Core Home Health Services (Home Health Agency) indicated the increased fees for licensure of a Home Health Agency to \$3,034, and renewal to \$1,517 will have an adverse economic effect upon business.
5. TLC Health Care Services Inc. (Home Health Agency) indicated they would have an adverse economic impact as they are a small business.
6. Karen's Caregiver Home (Home for Individual Residential Care) indicated if the fees continue to increase at the rate they are going she will not be able to continue in this business.
7. We Care Foundation (Halfway House) stated that doubling of the renewal fee made the budget difficult to adjust in the fall when due and questioned how \$1,000+ is spent or needed on this category of provider.
8. American Nursing Services (Nursing Pool) commented that the cost per license more than doubled what they were paying in the past. The increased cost to obtain a Nursing Pool license required by the state of Nevada raises overhead cost for their Las Vegas office.
9. Nurses "R" Special, Inc. (Nursing Pool) indicated they will experience an adverse economic impact as proposed changes described in section 2 and section 3 of the proposed regulations do not apply to Nursing Pools. The indirect adverse effect is that Nursing Pools will have to shoulder all the proposed and "extra" fees.
10. Nevada Treatment Center (Narcotic Treatment Center) anticipated an indirect adverse impact stating "Costs for licensure fees continue to increase significantly. Non-profit entities can not project cost increases in licensure of 90% to 100% in range. For example fees for 2003 were \$1,241 with an increase to \$2,482 for 2004. Fee increases of this magnitude do have an adverse effect in terms of budgeting, client fees, etc."

The following providers indicated their business would experience a direct beneficial effect or an indirect beneficial effect:

1. Adult Care Senior Home (Residential Facility for Groups)
2. Best Care Facility (Residential Facility for Groups)
3. Desert Inn Residential Care (Residential Facility for Groups)

4. Fairway Home For The Elderly (Residential Facility for Groups)
5. Fairway Home For The Elderly II (Residential Facility for Groups)
6. JCR Home Care (Residential Facility for Groups)
7. Joyful Senior Care Haven (Residential Facility for Groups)
8. Las Vegas Alzheimer's Luxury & Memory Care (Residential Facility for Groups)
9. Quality Guest Home I (Residential Facility for Groups)
10. Quality Guest Home II (Residential Facility for Groups)
11. Quality Guest Home III (Residential Facility for Groups)
12. St. Michael I (Residential Facility for Groups)
13. St. Michael II (Residential Facility for Groups)
14. Theresianne Adult Group Home (Residential Facility for Groups)
15. Touch Of Love (Residential Facility for Groups)
16. Advanced Vital Care (Home Health Agency)
17. Southern Nevada Home Health Care, Inc. (Home Health Agency)
18. We Care Foundation (Halfway House)

Of these eighteen providers, fifteen indicated it would be beneficial to their organization to be able to make two payments, allowing them to better manage their cash flow. Of those fifteen, twelve felt that the \$100 administrative charge was a bit high. One provider felt that strict application of the regulations would eliminate providers that were not committed to the service. One provider indicated a beneficial impact would result from reduced cost to submit a late renewal application.