

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

LCB File No. R065-04

May 24, 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 request an on-site advisory inspection by the Health Division to be conducted after at least 80 percent of the construction of the facility is completed by submitting to the Health Division:*

(a) A written request that includes, without limitation, the anticipated date on which 80 percent of the construction of the facility will be completed; and

(b) A fee of:

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

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

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

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.

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	80 60
(c) A rural hospital	1,500	80 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.