

LCB File No. R067-04

**PROPOSED REGULATION OF THE HEALTH DIVISION OF
THE DEPARTMENT OF HUMAN RESOURCES**

FACILITIES FOR SKILLED NURSING

General Provisions

EXPLANATION – Matter *italicized* is new language; matter in brackets **H** is omitted language.

The following sections **have not** been revised or modified:

NAC 449.744, 449.74411, 449.74413, 449.74415, 449.74417, 449.74419, 449.74421, 449.74423, 449.74425, 449.74427, 449.74429, 449.74431, 449.74433, 449.74435, 449.74437, 449.74439, 449.74441, 449.74443, 449.74445, 449.74447, 449.74449, 449.74451, 449.74453, 449.74455, 449.74457, 449.74459, 449.74461, 449.74463, 449.74465, 449.74467, 449.74469, 449.74471, 449.74473, 449.74475, 449.74477, 449.74449, 449.74481, 449.74483, 449.74485, 449.74487, 449.74489, 449.74491, 449.74493, 449.74495, 449.74497, 449.74499, 449.74511, 449.74513, 449.74515, 449.74517, 449.74519, 449.74521, 449.74523, 449.74527, 449.74529, 449.74531, 449.74533, 449.74535, 449.74537 and 449.74539.

Section 1 Chapter 449 of NAC is hereby amended by adding thereto a new section to read as follows: *Dementia Training* (It is suggested that this is put in the Staff and Attending Physicians section).

1. Staff that have direct contact with and provide care for persons with any form of dementia, including dementia caused by Alzheimer’s disease, must obtain the following educational training:

(a) Eight hours of dementia-specific training within the first 30 days of employment.

(b) Three hours of dementia-specific training every year as part of the facility’s in-service training or continuing educational training as required by the licensing or certifying occupational boards.

2. The dementia specific training required in section 1(a) must include the following areas:

(a). Overview of dementia/Alzheimer's including diagnosis, prognosis and treatment

(b). Assessments

(c). Communication

(d). Providing personal care

(e). Activities

(f). Aggressive and other difficult behaviors

(g) Family relationships

3. The facility's personnel files shall contain evidence of training as required in this regulation.

Section 2 NAC 449.74525 is hereby amended to read as follows:

NAC 449.74525 Dietary services. (NRS 449.037)

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 NAC 449.74499.
7. A facility shall provide special eating equipment and utensils to each patient who requires them.
8. A facility shall:
 - (a) Comply with the applicable provisions of chapter 446 of NRS and the regulations adopted pursuant thereto and 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[;], *maintain sanitation inspection reports for one year including the corrective action taken.*

(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.

Section 3 NAC 449.74543 is hereby amended to read as follows:

NAC 449.74543 Compliance with standards for construction and maintenance; submission of building plans for new construction or remodeling. (NRS 449.037)

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}~~ **must** comply with the provisions of *NFPA 101: Life Safety Code*, adopted by reference pursuant to ~~[NAC 449.74541]~~ ***General Requirements for Licensure Section 1.***

(b) Any **new** construction, ~~{or}~~ remodeling ***or change in use*** of a facility for skilled nursing must comply with the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*, adopted by reference pursuant to ~~[NAC 449.74541]~~ ***General Requirements for Licensure Section 1***~~;~~,

~~[(1) Except for section 1.2 of the introduction to the guidelines governing renovations; and~~
~~—(2) [U]~~ 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. *Except as provided in subsection (d)*, 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, *local* 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.

(d) Pursuant to NRS Chapter 341, buildings inspected and approved by the State Public Works Board are exempt from local building codes.

5. A facility for skilled nursing must submit building plans for new construction or remodeling to the entity designated to review such plans by the health division pursuant to NAC

449.0115. The entity'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.

Section 4 NAC 449.74549 is hereby amended to read as follows:

NAC 449.74549 Patient's room. (NRS 449.037)

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.]~~

TEXT OF REPEALED SECTIONS

NAC 449.74541 Adoption by reference of standards for construction. (NRS 449.037)

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 \$45.50 for members or \$50.50 for nonmembers, plus \$6.95 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.

NAC 449.74545 Emergency electrical power. (NRS 449.037)

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;
- (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 NAC 449.74541.

NAC 449.74547 Space and equipment for certain activities. (NRS 449.037) A facility for skilled nursing shall:

1. Provide sufficient space and equipment for dining, 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.

LCB File No. R067-04

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

Proposed Amendment of Nevada Administrative Code, Chapter 449 Skilled Nursing Facilities and Intermediate Care Facilities.

**Proposed Regulations Skilled Nursing Facilities and Intermediate Care Facilities
Dementia Training**

Background

The purpose of the proposed revised regulations for dementia training, Nevada Administrative Code Chapter 449 is to add a new section to the existing regulations governing Skilled Nursing Facilities and Intermediate Care Facilities to meet the statutory mandate of AB 323 (Nevada Revised Statutes 449.0357) passed in the 2003 Legislative Session.

This new section establishes minimum continuing education requirements concerning the care of persons with any form of dementia, including, without limitation, dementia caused by Alzheimer’s disease for certain employees in Skilled Nursing Facilities and Intermediate Care Facilities.

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

Pursuant to NRS 233B.0608 (2) (a), BLC has requested input from operators of all state licensed facilities, Chapter 449.

BLC had received five (5) comments from the small business impact questionnaire.

Responses received from the facility types:

Facility type	Number of Responses
Skilled Nursing Facility	1
Intermediate Care	1
Hospital (includes SNF beds)	1
Adult Day Care Center	1
Facility for the Treatment of Irreversible Renal Disease	1

Interested parties can obtain a copy of the information packet, including the Small Business Impact Questionnaire sent to skilled nursing facilities and intermediate care facilities from Shirley Rains, Administrative Assistant IV, 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 and both direct and indirect effects.

Adverse: There will be increased training costs to Skilled Nursing and Intermediate Care Facilities for providing “Dementia Training.

Beneficial: Skilled Nursing and Intermediate Care Facilities will be able to provide better care to residents with diagnosis of dementia and Alzheimer’s disease. There may also be an additional benefit in the area of staff retention in these two facilities types due to the required training.

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

BLC attempted to keep the standards at a minimum as specified in the Nevada Revised Statute. This would also reduce the training costs incurred by the facilities.

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

There will be approximately 1-3 hours of surveyor time each year (\$116.00 -\$500.00) to review the employees files to assure that staff are receiving the required training. The surveyor may also need to review a sampling of courses either provided by the facility, or taken by licensed staff, to assure the information applies to the care of residents with dementia training. This cost will be passed on in annual renewal fees for the Skilled Nursing Facilities and Intermediate Care Facilities.

5. Total amount BLC expects to collect from any fees and the manner in which the money will be used.

This amount has not been determined because the exact hours for enforcing the regulations and revising the Nevada Administrative Code has not been calculated.

6. An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.

These regulations are more stringent/prescriptive than the Federal Code of Regulations and the current Nevada Administrative Codes applying to these facilities. The regulations were a result of AB323.

Summary of comments from healthcare operators:

Question #2 Will a specific regulation have an adverse economic effect upon your business?

YES	2
NO	3

Comments:

Yes Responses:

- “Dementia training: 2 hours for the first 40 hours. It would be more beneficial to allow 1 HR training within the first 40 HRS of employment. New hires have to go through orientation and floor training to provide patient care. It is crucial that they be on the floor more than theoretical approach.”
- “Dementia training – more training before going to the floor.”

No Responses:

- No comments

Question #3 Will the regulation have any beneficial effect upon your business?

YES	2
NO	3

Comments:

Yes Responses:

- “Good exposure to understanding behaviors.”
- “Training for dementia behaviors”.

No Responses:

- No comments

Question #4 Do you anticipate any indirect adverse effects upon your business?

YES	1
NO	4

Comments:

Yes Responses:

- More training time-more costly.

No Responses:

- No comments

Question #5 Do you anticipate any indirect beneficial effects upon your business?

YES	1
NO	4

Comments:

Yes Responses:

- “More trained staff Note: Certainly there will always be a pro and a con with training. When appropriately done, training is very beneficial – training needs to be spread during the year.

No Responses:

- No comments