

LCB File No. R069-04

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

**FACILITIES FOR MODIFIED MEDICAL DETOXIFICATION**

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

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

NAC 449.15311, 449.15313, 449.15315, 449.15317, 449.15319, 449.15321, 449.15323, 449.15325, 449.15327, 449.15329, 449.15331, 449.15333, 449.15327, 449.15337, 449.15339, 449.15341, 449.15343, 449.15345, 449.15347, 449.15349, 449.15353, 449.15357, 449.15363, and 449.15369.

**Section 1 Chapter 449 of NAC is hereby amended by adding thereto a new section to read as follows:**

*Compliance with standards for construction and maintenance; submission of building plans for new construction or remodeling.*

*1. A facility for modified medical detoxification 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. A facility for modified medical detoxification shall comply with the provisions of NFPA 101: Life Safety Code, hereby adopted by reference. Facilities housing 17 clients or more shall meet the requirements of the section titled Hotels and Dormitories. Facilities housing 16 clients or less shall meet the requirements of the section titled Lodging or Rooming Houses.*

*3. A facility for modified medical detoxification shall comply with all applicable:*

*(a) State laws, local ordinances including, without limitation, zoning ordinances; and*

*(b) 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.*

*4. A facility for modified medical detoxification must submit building plans for new construction or remodeling, 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, to the entity designated to review such plans by the health division pursuant to NAC 449.0115, before the construction of a facility or an alteration to an existing facility is begun:*

*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 2 NAC 449.15351 is hereby amended to read as follows:**

**NAC 449.15351 Dietary services. (NRS 449.037)**

1. Facilities shall serve at least three meals or their equivalent daily, at regular times, with not more than 14 hours between a substantial evening meal and breakfast. A second serving must be provided for those clients who desire one.

2. Menus must be planned and followed to meet the nutritional needs of the clients in accordance with the recommended dietary allowances recommended by the Food and Nutrition Board of the National Research Council, National Academy of Sciences.

3. Therapeutic menus must be planned by a registered dietitian or must be reviewed and approved by the attending physician of the client or a staff physician.

4. Menus must be in writing, planned in advance, dated and posted and kept on file at the facility for at least 90 days. Any substitution must be noted on the written menu so that the menu on file reflects what was actually served.

5. Adequate facilities and equipment for the preparation, serving, refrigeration and storage of food *in a sanitary manner* must be provided. ~~[and must meet the regulations of the state board of health, including, without limitation, the regulations set forth in chapter 446 of NAC].~~

*6. A modified medical detoxification facility with more than 10 clients must:*

*(a) Comply with the standards prescribed in chapter 446 of NAC; and*

*(b) Obtain the necessary permits from the bureau of health protection services of the division,*

*(c) Maintain sanitation inspection reports for one year including the corrective action taken.*

~~[6.]7.~~ Clients needing special equipment, implements or utensils to assist them while eating must have such items provided.

~~[7.]8.~~ If a facility operates on the cottage plan, provision must be made for food service that ensures hot, palatable meals.

~~[8.]9.~~ A professional, qualified person must be used as a consultant on planning meals and serving food. At least 4 hours of consultation each month is required. A person is qualified only if he meets the requirements for registration with the Commission on Dietetic Registration as a dietitian or dietetic technician.

~~[9.]10.~~ A facility that contracts with a food management company shall comply with all applicable regulations of the state board of health.

Section 3 NAC 449.15355 is hereby amended to read as follows:

NAC 449.15355 General sanitary requirements. (NRS 449.037) A facility for modified medical detoxification shall:

1. ~~[ Each facility shall meet all state and local environmental health standards.~~
- ~~—2.— A facility that provides dietary services shall have food service equipment of appropriate quality and type for the type of food service program used by the facility. The equipment must comply with the regulations set forth in chapter 446 of NAC.~~
- ~~—3.— All environmental health inspection reports must be on file in each facility. Any deficiencies must be corrected within 90 days after they become apparent and must be documented in the file.~~
- ~~—4.]~~ The premises and equipment of each facility must be maintained in a *safe, functional and* sanitary condition. Each facility shall have the necessary cleaning and maintenance equipment with sufficient storage areas and appropriate procedures to maintain a clean and orderly establishment. Janitorial supplies, including, without limitation, aerosols, must be stored in areas separate from clean linen, food and other supplies. The storage of dirty linen must be separate from the storage of clean linen, food and other supplies.
  - ~~[5.]2.~~ Items for personal use, including, without limitation, combs, toothbrushes, towels and bar soap must not be shared by clients.
  - ~~[6.]3.~~ Restrooms or lavatories for the staff of a facility must be provided with soap dispensers and individual, disposable towels.
4. *Ensure that the environment of the facility is free of hazards that would cause accidents;*
5. *The facility shall maintain an effective program to control pests in order to ensure that the facility is free from pests and rodents;*

*6. The facility shall 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 82 degrees Fahrenheit.*

**Section 4 NAC 449.15365 is hereby amended to read as follows:**

**NAC 449.15365 Fire safety. (NRS 449.037)**

1. Devices for the detection of combustion other than heat detectors must be installed on the ceiling of each story of a facility, in front of doors to stairways in a facility, and at not more than 30 feet apart in the corridors of all floors of a facility, including, without limitation, the center. Smoke detectors must also be installed in the center of any lounge or recreational area of a facility. The smoke detectors may be single station units with an integral alarm.

2. Portable fire extinguishers must be installed throughout each facility at the direction of the fire authority having jurisdiction. *Portable fire extinguishers must be inspected, recharged and tagged at least once each year by a person certified by the State Fire Marshal to conduct such inspections.*

~~{3.— Any facility with a kitchen range with an upper surface of not more than 15 square feet must provide the range with an exhaust hood having an automatic fire protection system in accordance with the NFPA 96: Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, in the form most recently published by the National Fire Protection Association.~~

~~—4}3. Portable room-heating devices *may be used if the device:*~~

~~(a) *Is located 2 feet or more from any combustible material;*~~

~~(b) *Is plugged directly into a wall socket;*~~

*(c) Turns off automatically if tipped over; and*

*(d) Has no exposed heating elements. ~~Are prohibited in facilities. Any heating device other than a central heating plant must be so designed and installed that combustible material will not be ignited by it or its appurtenance.~~*

~~[5]~~4. Receptacles or outlets serviced by extension cords are prohibited in facilities.

~~[6]~~5. Rooms in which smoking is allowed by direction of the facility or the fire authority must be provided with plainly visible “Smoking Area” signs.

~~[7]~~6. Each facility shall conduct fire drills at least monthly and a written record of each drill conducted must be retained in the facility ~~[ ]~~ *for not less than 12 months after the drill.*

**Section 5 NAC 449.15367 is hereby amended to read as follows:**

**NAC 449.15367 Plans for disasters. (NRS 449.037)**

1. Each facility shall develop a written plan for disasters that outlines procedures for members of the staff and clients to follow in case of fire or another emergency and provides for meeting the needs of clients if the facility must be evacuated or is destroyed.

2. A simple floor plan showing the routes for evacuating must be posted in prominent locations on each floor of the facility.

3. The facility shall notify the bureau *within 24* hours if a fire or disaster ~~[causes damage to the physical structure of]~~ *occurs in* the facility .

4. Each facility shall conduct a disaster drill at least annually and retain a written record of the drill in the facility ~~[ ]~~ *for not less than 12 months after the drill.*

*5. Each facility shall 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.*

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**TEXT OF REPEALED SECTIONS**

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**NAC 449.15359 Review of building plans. (NRS 449.037)**

1. Before the construction of a facility or an alteration to an existing facility is begun:

(a) A copy of the building plans drawn to scale must be submitted to the health division for its review and approval; and

(b) The building plans must be reviewed and approved by the health division.

**NAC 449.15361 Construction standards. (NRS 449.037)**

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

(a) *NFPA 101: Life Safety Code*, 1994 edition, published by the National Fire Protection Association. A copy of the code may be obtained from the National Fire Protection Association, 11 Tracy Drive, Avon, Massachusetts 02322, for the price of \$42.00 for members of the National Fire Protection Association, or \$46.75 for nonmembers, plus \$5.95 for handling.

(b) *NFPA 96: Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*, in the form most recently published by the National Fire Protection Association. A copy of the code may be obtained from the National Fire Protection Association, 11 Tracy Drive, Avon, Massachusetts 02322, for the price of \$21.75 for members of the National Fire Protection Association, or \$24.25 for nonmembers, plus \$5.95 for shipping and handling.

2. Each facility shall comply with all currently adopted life safety, fire, health and zoning codes. If there is a difference between state and local codes, the more stringent standards apply.

3. Facilities housing 17 clients or more shall meet the requirements of chapter 16, “Hotel and Dormitories,” of *NFPA 101: Life Safety Code*, 1994 edition. Facilities housing 16 clients or less shall meet the requirements of chapter 20, “Lodging or Rooming Houses,” of *NFPA 101: Life Safety Code*, 1994 edition.

4. New and remodeled facilities shall comply with all currently adopted building, electrical and plumbing codes.



## LCB File No. R069-04

### SMALL BUSINESS IMPACT STATEMENT

(Nevada Revised Statutes 233B.0608)

Proposed Amendment of Nevada Administrative Code (NAC)

#### Plan Review and Dietary Services

##### **Background:**

The purpose of the proposed revised regulations for plan review is to require a review of architectural plans for the majority of facility types.

The construction standards regulations were revised to adopt by reference the National Fire Protection Association's (NFPA) 101 Life Safety Code, and the NFPA 99 Health Facilities Standards and the American Institute of Architects Guidelines for Design and Construction of Hospitals and Health Care Facilities throughout all applicable facility types. The revisions included changing the "Uniform Building Code" to local building codes due to changes being made on a national level from the "Uniform Building Code" to the International Codes or the National Fire Protection 5000 codes. It is the intent of the Bureau of Licensure and Certification (BLC) to eliminate a conflict between the state requirements and the local requirements in the area of the building codes.

The regulations addressing the dietary personnel of hospitals were revised to allow the director of the dietetic services department to have professional qualifications in the area of professional chef, hotel-restaurant management, or is certified at minimum as a dietary manager and has additional work experience with medical-therapeutic diets.

The regulations addressing the requirement for a food establishment permit issued by the Bureau of Health Protection Services (BHPS), in Intermediate Care Facilities, Facilities for the Treatment of Alcohol and Drug Abuse, Modified Medical Detoxification Facilities were revised to require facilities with more than 10 clients/residents to have an inspection and permit.

Interested individuals 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 89703

**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), the BLC has requested input from operators of the following facility types:

Obstetric Care  
 Facilities for the Treatment of drug and Alcohol Abuse  
 Facilities for Treatment of Irreversible Renal Disease  
 Hospitals  
 Independent Centers for Emergency Medical Care  
 Mobile Units  
 Facilities for Modified Medical Detoxification  
 Facilities for the Care of Adults During the Day  
 Surgical Centers for Ambulatory Patients  
 Intermediate Care Facilities

A Small Business Impact Statement Questionnaire was sent to the facilities in the table above along with written correspondence detailing the proposed amendments, including a copy of the proposed regulations, on February 27, 2004. The questions on the questionnaire were:

- 2) Will a specific regulation have an adverse economic effect upon your business?
- 3) Will the regulation(s) have any beneficial effect upon your business?
- 4) Do you anticipate any indirect adverse effects upon your business?
- 5) Do you anticipate any indirect beneficial effects upon your business?

Facility Type	Number of Responses
Ambulatory Surgery Center	3
Hospital	4
End Stage Renal Dialysis Center	1

Saint Rose Dominican Hospitals responded by indicating the regulations will have an adverse economic effect upon our business. A comment was included that stated they feel plan review should be conducted early in the process for identification of any potential oversight in the specifications before the licensing inspection is conducted.

This respondent states that NAC 449.3156(1) (d) should read ...the use of the physical space has not changed in such a way to not comply with the Guidelines for Design and Construction of Hospitals and Health Care Facilities or cause serious injury, serious harm or impairment to public health and welfare.

Additionally, this respondent stated that the regulations at NAC 449.3385(2) will have a beneficial effect upon the hospital because the changes in the regulation will make this position much easier to fill, and still contains the clinical dietetic advantages.

**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.**

There will be an added economic effect to those facilities previously not required to submit architectural plans for review, however, the benefit in identifying potential non-compliance at a point where changes must be made to plans, rather than a constructed building, balance the costs of the plan review.

The proposed revisions to the dietary personnel requirements will not have additional economic effect on a facility.

The regulations revising the requirement for facilities with more than 10 clients/residents to have an inspection and permit issued by the Bureau of Health Protection Services (BHPS), in Intermediate Care Facilities, Facilities for the Treatment of Alcohol and Drug Abuse, Modified Medical Detoxification Facilities provides a cost saving in these facilities not being required to purchase commercial grade kitchen equipment to obtain a food establishment permit in a facility with less than 10 clients.

**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.**

The BLC considered the impact of facilities in certain counties with populations over 50,000 of the potential of having multiple building codes adopted. The BLC revised the construction standards regarding building codes to eliminate duplicity and possible contradictory requirements.

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

The estimated cost to the agency for enforcement of the proposed amendments to NAC 449.016 and 449.0168 is negligible.

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

The revisions to the plan review and dietary services regulations will not increase licensing fees.

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

No duplication or more stringent provision are either created or already in existence.