

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

LCB File No. R074-04

May 19, 2004

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

AUTHORITY: §§1 and 2, NRS 449.037.

A REGULATION relating to facilities for the care of adults during the day; establishing standards for the design, construction, equipment and maintenance of such facilities; requiring such facilities to conduct drills for evacuation at least once each month, retain written records of those drills and notify the Bureau of Licensure and Certification of the Health Division of the Department of Human Resources after the occurrence of a fire or disaster in the facility; and providing other matters properly relating thereto.

Section 1. NAC 449.4063 is hereby amended to read as follows:

449.4063 1. ~~[An applicant for a license to operate a new facility shall inform the Division before making any commitment to purchase or lease a facility.~~

~~—2.— If an applicant desires to purchase a currently licensed facility, the facility must meet current state and local regulations relating to safety. With the written permission of the current owner or lessee, the Division will provide to the applicant information about any changes needed for that facility and a history of any past deficiencies.~~

~~—3.— The applicant shall:~~

~~—(a) Submit any] A facility must be designed, constructed, equipped and maintained in a manner that protects the health and safety of the clients and personnel of the facility and members of the general public.~~

2. *A facility shall comply with all applicable:*

- (a) Federal and state laws;*
- (b) Local ordinances, including, without limitation, zoning ordinances; and*
- (c) Environmental, health, fire and local building 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.

3. Except as otherwise provided in subsection 5, before any new construction of a facility or any remodeling of an existing facility is begun:

(a) The facility must submit building plans for the new construction or remodeling to the entity designated to review such plans by the Health Division pursuant to the provisions of NAC 449.0115 . ~~;~~ and

~~*(b) Notify the Division of a tentative date for the completion of the construction or remodeling.*~~

~~*4. If a proposed facility is not currently licensed, the Division will, upon request, furnish the applicant with a written statement of the results of its inspection of the facility.] The entity's review of those plans is advisory only and does not constitute approval for the licensing of the facility.*~~

(b) The building plans for the construction or remodeling must be approved by the Health Division.

4. 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.

5. The provisions of subsection 3 do not apply to plans for remodeling a facility if the remodeling is limited to refurbishing an area within the facility, including, without limitation,

painting the area, replacing the flooring in the area, repairing windows in the area, and replacing window or wall coverings in the area.

Sec. 2. NAC 449.4075 is hereby amended to read as follows:

449.4075 1. Each facility must have a plan in case of a fire or other emergency. The plan must be:

- (a) Understood by all employees;
- (b) Posted in a conspicuous place; and
- (c) Reviewed at least once a year.

2. A drill for evacuation must be conducted at least once ~~every 3 months.~~ *each month.*

Each facility shall retain a written record of the drill on file at the facility for not less than 12 months after the drill is conducted. Fire extinguishers must be inspected periodically , and training must be provided for employees of the facility in procedures to be followed in case of a fire or other emergency.

3. A facility shall notify the Bureau of the occurrence of a fire or disaster in the facility within 24 hours after the facility becomes aware of the fire or disaster.