

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

**LCB File No. R118-05**

September 28, 2005

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

AUTHORITY: §§1-4, NRS 449.037.

A REGULATION relating to residential facilities for groups; revising the provisions governing the prior approval of plans for the construction or remodeling of such a facility; requiring a caregiver of such a facility to pass an examination relating to the management of medication approved by the Bureau of Licensure and Certification of the Health Division of the Department of Health and Human Services; and providing other matters properly relating thereto.

**Section 1.** NAC 449.179 is hereby amended to read as follows:

449.179 1. ~~{Before an applicant for a license to operate a new}~~ *Except for a residential facility with less than 11 beds, before a residential facility ~~{begins construction of}~~ is constructed or an existing facility is remodeled,* the facility ~~{or before an applicant for a license to operate an existing residential facility or a licensee begins a project to remodel an existing residential facility, the applicant or licensee}~~ must:

(a) Submit the plan for construction or remodeling to the entity designated to review such plans by the Health Division pursuant to the provisions of NAC 449.0115 ; ~~{and the state and local agencies that are required to approve the plan before construction or remodeling may be commenced;}~~

(b) Notify the Bureau of a tentative date for the completion of the construction or remodeling; and

(c) Obtain approval of the plan from the Health Division.

2. The plan for construction or remodeling must include a description of the materials that will be used to complete the project.

3. Before issuing a license to operate a residential facility, the Bureau shall inspect the facility to ensure that it complies with:

(a) The provisions of NAC 449.156 to 449.2766, inclusive; and

(b) The applicable zoning ordinances and regulations.

4. An applicant for a license to operate a residential facility must submit to the Bureau with his application evidence that the applicant and the facility are in compliance with the provisions of NRS 449.001 to 449.240, inclusive, and NAC 449.156 to 449.2766, inclusive.

5. The Bureau shall not perform the inspection required pursuant to subsection 3 until the applicant has submitted to the Bureau the application required pursuant to NRS 449.040, the fee required pursuant to NAC 449.016 and the evidence required pursuant to subsection 4.

**Sec. 2.** NAC 449.196 is hereby amended to read as follows:

449.196 1. A caregiver of a residential facility must:

(a) Be at least 18 years of age;

(b) Be responsible ~~and~~ *and* mature and have the personal qualities which will enable him to understand the problems of the aged and disabled;

(c) Understand the provisions of NAC 449.156 to 449.2766, inclusive, and sign a statement that he has read those provisions;

(d) Demonstrate the ability to read, write, speak and understand the English language;

(e) Possess the appropriate knowledge, skills and abilities to meet the needs of the residents of the facility; and

(f) Receive annually not less than 8 hours of training related to providing for the needs of the residents of a residential facility.

2. If a resident of a residential facility uses prosthetic devices or dental, vision or hearing aids, the caregivers employed by the facility must be knowledgeable of the use of those devices.

3. If a caregiver assists a resident of a residential facility in the administration of any medication, including, without limitation, an over-the-counter medication or dietary supplement, the caregiver must ~~receive,~~ :

(a) *Receive*, in addition to the training required ~~[in subsection 1,]~~ *pursuant to NRS 449.037, at least 3 hours of* training in the management of medication. ~~[The training must include not less than 1 hour of instruction in the requirements of this chapter concerning the management of medication.]~~ The caregiver must receive ~~[such]~~ *the* training at least every 3 years and ~~[must supply]~~ *provide* the residential facility with satisfactory evidence of the content of the training and his attendance at the training ~~[,]~~ *; and*

(b) *At least every 3 years, pass an examination relating to the management of medication approved by the Bureau.*

**Sec. 3.** NAC 449.2702 is hereby amended to read as follows:

449.2702 1. Each residential facility shall have a written policy on admissions which includes:

(a) A statement of nondiscrimination regarding admission to the facility and treatment after admission; and

(b) The requirements for eligibility as a resident of that type of facility.

2. A person who wishes to reside in a residential facility with residents that require a higher category of care than he requires may reside in the facility if he is not otherwise prohibited from residing in the facility.

3. A person who is admitted to a residential facility must be at least 18 years of age.

4. Except as otherwise provided in NAC 449.275 and 449.2754, a residential facility shall not admit *or allow to remain in the facility* any person who:

(a) Is bedfast;

(b) Requires restraint;

(c) Requires confinement in locked quarters; or

(d) Requires skilled nursing or other medical supervision on a 24-hour basis.

5. A person may not reside in a residential facility if the person's physician or the Bureau determines that the person does not comply with the requirements for eligibility.

6. As used in this section:

(a) "Bedfast" means a condition in which a person is:

(1) Incapable of changing his position in bed without the assistance of another person; or

(2) Immobile.

(b) "Restraint" means:

(1) A psychopharmacologic drug that is used for discipline or convenience and is not required to treat medical symptoms;

(2) A manual method for restricting a resident's freedom of movement or his normal access to his body; or

(3) A device or material or equipment which is attached to or adjacent to a resident's body that cannot be removed easily by the resident and restricts the resident's freedom of movement or his normal access to his body.

**Sec. 4.** NAC 449.193 is hereby repealed.

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**TEXT OF REPEALED SECTION**

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449.193 1. An applicant for the renewal of a license to operate a residential facility must submit to the Bureau a completed application on a form prescribed by the Bureau and the fee for renewal required pursuant to NAC 449.016.

2. The applicant for renewal must submit with the application required pursuant to subsection 1:

(a) Evidence of compliance with NRS 449.065 or 449.067;

(b) A copy of the license issued to the administrator of the facility by the Nevada State Board of Examiners for Administrators of Facilities for Long-Term Care pursuant to chapter 654 of NRS;

(c) A certificate of insurance stating that the facility has purchased a policy of liability insurance for the facility; and

(d) A copy of the business license issued to the facility or proof that the facility has complied with local zoning ordinances.