

**ADOPTED REGULATION OF THE  
STATE BOARD OF HEALTH**

**LCB File No. R119-05**

Effective November 17, 2005

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

AUTHORITY: §1, NRS 449.037.

A REGULATION relating to medical facilities; eliminating the requirement that a facility for skilled nursing must provide proof of coverage for liability when it submits its application for the renewal of its license; and providing other matters properly relating thereto.

**Section 1.** NAC 449.74411 is hereby amended to read as follows:

449.74411 1. A facility for skilled nursing must be operated and conducted in the name designated on the license for the facility, with the name of the person responsible for its operation also appearing on the face of the license. The license is not transferable.

2. A facility for skilled nursing shall not admit more patients to the facility than the number of beds for which it is licensed, except in emergencies. A facility that admits more patients to the facility than the number of beds for which it is licensed shall immediately notify the Bureau of the additional admissions.

3. A facility for skilled nursing shall ~~§~~  
~~—(a) Retain~~ *retain* proof that it is adequately covered against liabilities resulting from claims incurred in the course of its operation . ~~§~~ ~~and~~  
~~—(b) Verify the coverage at the time it submits its annual application for the renewal of its license.~~

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R119-05**

The State Board of Health adopted regulations assigned LCB File No. R119-05 which pertain to chapter 449 of the Nevada Administrative Code on October 14, 2005.

**Notice date:** 9/14/2005  
**Hearing date:** 10/14/2005

**Date of adoption by agency:** 10/14/2005  
**Filing date:** 11/17/2005

**INFORMATIONAL STATEMENT**

**1. DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION OF HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.**

A Small Business Impact Questionnaire was mailed to the Facilities for Skilled Nursing on April 5, 2005. Attachment A is the Small Business Impact Statement Questionnaire. Attachment B is a copy of the Small Business Impact Summary.

Notice of public workshops held on April 28, 2005, in Las Vegas and on April 29, 2005, in Reno was published in the Las Vegas Review Journal and Reno Gazette Journal on April 11, 2005. Notices of public workshops, and proposed regulations were mailed to all county libraries in Nevada, Facilities for Skilled Nursing, and interested parties on April 5, 2005. The Small Business Impact Summary was available at both workshops.

Notice of public hearing regarding the Board's intent to adopt amendments was published in the Las Vegas Review Journal, and Reno Gazette Journal on or before September 14, 2005. Notices of public hearing, and proposed regulations were mailed to all county libraries in Nevada, Facilities for Skilled Nursing, and interested parties on September 8, 2005. The notice of public hearing was mailed to Clark County Health District, and Washoe County District Health Department on September 8, 2005.

The Legislative Council Bureau (LCB) had not completed the review of the proposed regulations until September 28, 2005. The LCB version was mailed out to the above mentioned parties on or before October 3, 2005.

No individuals commented during the workshops.

Copies of the workshop minutes and Board of Health hearing minutes may be obtained by calling the Bureau of Licensure and Certification at (775) 687-4475.

**2. THE NUMBER OF PERSONS WHO:**

**(A) ATTENDED THE HEARING;**

Approximately 62 people attended the October 14, 2005, Board of Health hearing.

**(B) TESTIFIED AT EACH HEARING; AND**

No individuals testified at hearing.

**(C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.**

No written statements were submitted to the agency.

**3. A DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY**

Comment was solicited from affected or potentially affected businesses by mailing appropriate facilities and all interested parties the proposed regulations, a small business impact questionnaire, a copy of the small business impact summary, and the notices for the workshops and Board of Health hearings. Copies of the workshop minutes and Board of Health hearing minutes may be obtained by calling the Bureau of Licensure and Certification at (775) 687-4475.

**4. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.**

No testimony was received in opposition to the proposed regulation or which suggested changes to the proposed regulation.

**5. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:**

**(A) BOTH ADVERSE AND BENEFICIAL EFFECTS; AND**

Anticipated effects on the business which NAC 449 regulates.

Adverse: None

Beneficial: Reduction of time required for renewal of licenses.

Anticipated effects on the public:

Adverse: None

Beneficial: The changes present no anticipated effect to the public.

**(B) BOTH IMMEDIATE AND LONG TERM EFFECTS.**

Anticipated effects on the business which NAC 449 regulates.

Immediate: None

Long-term: Easier renewal process.

Anticipated effects on the public:

Immediate: None

Long-term: None

**6. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.**

There is no anticipated additional cost to the agency for enforcement of the proposed regulation changes.

**7. A DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATION OVERLAPS OR DUPLICATES AND A STATEMENT EXPLAINING WHY THE DUPLICATION OR OVERLAPPING IS NECESSARY. IF THE REGULATION OVERLAPS OR DUPLICATES A FEDERAL REGULATION, NAME THE REGULATING FEDERAL AGENCY.**

There is no duplication or overlap of other state or local government agency's regulations.

**8. IF THE REGULATION INCLUDES PROVISION WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISION.**

These proposed regulations do not overlap or duplicate federal regulations. The regulations do not have a counterpart in the code of federal regulations.

**9. IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL ANNUAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.**

The amendments do not establish any new fees or increase any existing fees.

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

**FACILITIES FOR SKILLED NURSING**

**Background:**

The purpose of the proposed revised regulations for skilled nursing facilities at NAC 449.74411 will eliminate the need to submit certain documents for renewal of the license.

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 IV, 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 Skilled Nursing Facilities.

A Small Business Impact Questionnaire was sent to skilled nursing facilities along with written correspondence detailing the proposed amendments, including a copy of the proposed regulation changes, on April 5, 2005. The questions on the questionnaire were:

- 1) How many employees are currently employed by your business?
- 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?

The specific responses to these questions may be found in the attached document titled: “Small Business Impact Questionnaire Summary – Facilities for Skilled Nursing”. Below is a table indicating the number of responses.

Total Number of Responses:	5	
Q2- # having Direct Adverse Effect:	0	Economic Effect
Q3- # having Direct Beneficial Effect:	0	General Effect
Q4- # having Indirect Adverse Effect:	0	General Effect
Q5- # having Indirect Beneficial Effect:	0	General Effect

**2. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate including without limitation both adverse and beneficial effects and both direct and indirect effects.**

Modifying the language at NAC 449.74411 will have no adverse economic effect on skilled nursing facilities because it actually eliminates requirements for documents to be submitted along with a renewal application.

**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.**

There is no anticipated negative impact on skilled nursing facilities.

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

There is no cost to the agency for enforcement of the proposed amendments.

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

No new fees will be collected pursuant to these revisions.

**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.