

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

**LCB File No. R121-05**

Effective November 17, 2005

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

AUTHORITY: §§1-3, NRS 449.037.

A REGULATION relating to home health agencies; eliminating the requirement that coverage of insurance for liability of a home health agency must be verified when the annual application for a license to operate a home health agency is submitted; requiring a home health agency to maintain certain health records for each employee of the agency; and providing other matters properly relating thereto.

**Section 1.** NAC 449.758 is hereby amended to read as follows:

449.758 1. Each license is separate and is issued to a specific person to operate a home health agency at a specific location. The home health agency must be operated and conducted in the name designated on the license with the designated service area and the name of the person responsible for its operation also appearing on the face of the license. The license is not transferable.

2. A separate license is required for each subunit agency.

3. Copies of the original license must be issued for each agency or branch of an agency which is maintained on separate premises under the same management.

4. Each home health agency must have proof that it is adequately covered against liabilities resulting from claims incurred in the course of operation . ~~[and must verify this coverage upon its annual application to the Health Division.]~~

**Sec. 2.** NAC 449.782 is hereby amended to read as follows:

449.782 A home health agency shall establish written policies concerning the qualifications, responsibilities and conditions of employment for each type of personnel, including licensure if required by law. The written policies must be reviewed as needed and made available to the members of the staff and the advisory groups. The personnel policies must provide for:

1. Wage and hour policies;
  2. Eligibility for vacation, sick leave and other fringe benefits;
  3. The orientation of all health personnel to the policies and objectives of the agency, training while on the job, and ~~contributing~~ *continuing* education;
  4. Periodic evaluation of employees' performances;
  5. Job descriptions for each category of personnel which are specific and include the type of activity each may carry out;
  6. The maintenance of employee records which confirm that personnel policies are followed; *and*
  7. The ~~annual testing of all employees who have contact with patients for tuberculosis pursuant to NAC 441A.375; and~~
  - ~~8. A health record to be on file with the agency which must comply with the CDC Guideline for Isolation Precautions in Hospitals, February 1, 1996, edition, which the State Board of Health hereby adopts by reference. A copy of the publication may be obtained from the National Technical Information Service of the Centers for Disease Control and Prevention Research Department, 5285 Port Royal Road, Springfield, Virginia 22161, for the price of \$23.50.]~~
- maintenance of a health record for each employee as required by NAC 441A.375.*

**Sec. 3.** NAC 449.787 is hereby amended to read as follows:

449.787 A home health agency is directly responsible for providing skilled nursing care and home health *aide* services, and may include other services such as physical therapy, occupational therapy, speech therapy, medical-social services, nutritional guidance, pharmaceutical services, appliances and equipment services.

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R121-05**

The State Board of Health adopted regulations assigned LCB File No. R121-05 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 Home Health Agencies 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, Home Health Agencies, 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, Home Health Agencies, 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)

**HOME HEALTH AGENCIES**

**Background:**

The purpose of the proposed revised regulations for home health agencies at NAC 449.758 will eliminate the need to submit certain documents for renewal of the license. The modification of language at NAC 449.772(6) will align the requirements for TB testing with other similar facility types and eliminate confusion. The other changes are typographical corrections only.

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 Residential Facilities for Groups.

A Small Business Impact Questionnaire was sent to home health agencies 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 – Home Health Agencies”. Below is a table indicating the number of responses.

Total Number of Responses:	12	
Q2- # having Direct Adverse Effect:	0	Economic Effect
Q3- # having Direct Beneficial Effect:	4	General Effect
Q4- # having Indirect Adverse Effect:	0	General Effect
Q5- # having Indirect Beneficial Effect:	2	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.**

Striking the language at NAC 449.758 will have no adverse economic effect on home health agencies because it actually eliminates requirements for documents to be submitted along with a renewal application.

The language changes at NAC 449.772(6) will have no adverse economic effect on home health agencies because it just aligns the testing requirements with other facility types.

**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 home health agencies.

**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.