

**LCB File No. R121-05**

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

**HOME HEALTH AGENCIES**

These amendments were brought before the public during workshops held on April 28, 2005 in Las Vegas and on April 29, 2005 in Reno. It is planned that these regulation amendments will go before the State Board of Health for adoption during the October 14, 2005 meeting.

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

**Licensing and Inspection**

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

**NAC 449.758 Location to which license applies; persons named in license; transferability; restrictions on use of license; liability coverage.** (NRS 449.037)

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.]~~

## Administration and Personnel

**Section 2.** NAC 449.772 is hereby amended to read as follows:

**NAC 449. 449.772 personnel policies** (NRS 449.037) 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 advisory groups. The personnel policies must provide for:

1. Wage and hour policies;
2. Eligibility for vacations, 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 evaluations of employees' performance;
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;
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 for 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.]~~ *Such*

*health records as are required by chapter 441A of NAC which include evidence that the employee has had a skin test for tuberculosis in accordance with 441A.375.*

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

**NAC 449.787 Duty to provide skilled nursing care and home health *aide* services; other services may be included.** (NRS 449.037) 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.

# SMALL BUSINESS IMPACT STATEMENT

Proposed Amendment of Nevada Administrative Code (NAC)

## 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 { date }. 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?

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.