

PROPOSED REGULATION OF THE STATE BOARD OF HEALTH

LCB File No. R112-12

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

Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth as sections one to four, inclusive, of this regulation.

Section 1. NAC 449.15523 Director: Duties. (NRS 449.0302) The director of a home shall:

1. Post the license to operate the home in a conspicuous place within the home.
2. Ensure that the needs of each resident of the home are assessed upon admission of the resident to the home, and that the assessment is updated as the needs of the resident change. Such an assessment must include:

- (a) Documentation of the abilities of the resident to function independently; and
- (b) A complete list of the matters for which the resident requires assistance.

3. Ensure that the residents of the home:

- (a) Are treated with dignity and respect and are not abused, neglected or exploited; and
- (b) Receive:
 - (1) The personal care they require;
 - (2) A balanced daily diet that meets their nutritional needs;
 - (3) Protective supervision and adequate services to maintain and enhance their physical, mental and emotional well-being; and
 - (4) The names of, and the telephone numbers for the registration of complaints with, the Bureau and the Aging and Disability Services Division of the Department of Health and Human Services.

4. Ensure that a caregiver, who is capable of meeting the needs of the residents and has been trained in first aid and cardiopulmonary resuscitation, is on the premises of the home at all times when a resident is present.

~~[5.— Ensure that appropriate sanitary procedures are carried out for the handling, cleaning and storage of linens and personal laundry in the home.]~~

(Added to NAC by Bd. of Health by R131-99, eff. 11-29-99)

Sec. 2. NAC 449.2728 Residents requiring regular intramuscular, subcutaneous or intradermal injections. (NRS 449.0302)

1. A person who requires regular intramuscular, subcutaneous or intradermal injections must not be admitted to a residential facility or be permitted to remain as a resident of the facility unless the injections are administered by *the resident*.

~~[— (a) The resident; or~~

~~— (b) A medical professional, or licensed practical nurse, acting within his or her authorized scope of practice and in accordance with all applicable statutes and regulations;~~

~~□ who has been trained to administer those injections.]~~

2. The caregivers employed by a residential facility with a resident who requires regular intramuscular, subcutaneous or intradermal injections shall ensure that:

(a) Sufficient amounts of medicines, equipment to perform tests, syringes, needles and other supplies are maintained and stored in a secure place in the facility; and

(b) Syringes and needles are disposed of appropriately in a sharps container which is stored in a safe place.

(Added to NAC by Bd. of Health by R003-97, eff. 10-30-97; A by R073-03, 1-22-2004)

Sec. 3. NAC 449.4506 Staffing requirements; personnel files. (NRS 449.0302) The administrator of a facility shall ensure that:

1. The facility is adequately staffed with qualified personnel who:

(a) Meet the needs of and ensure the safety of each person who visits the facility; and

(b) Satisfy any applicable statutory requirements for the provision of care.

2. The facility employs at least one full-time registered nurse licensed pursuant to chapter 632 of NRS to supervise and manage the care provided to patients in the facility.

~~{3.—At least one registered nurse who is employed by the facility is present in the facility at all times that any patient is present in the facility.}~~

~~{4}~~ 3. Each member of the staff who provides patient care is adequately trained in emergency procedures and is currently certified to perform first aid and cardiopulmonary resuscitation. At least one member of the staff who is trained in emergency procedures and who has obtained the advanced certificate in first aid and adult cardiopulmonary resuscitation issued by the American Red Cross or an equivalent certification must be present in the facility whenever any patient is present in the facility.

~~{5}~~ 4. A separate personnel file is established and maintained for each member of the staff of the facility that includes:

(a) Proof of any training relating to emergency response required by the facility pursuant to the policies and procedures established by the facility pursuant to NAC 449.451;

(b) Such health records as are required by chapter 441A of NAC which include evidence that the member of the staff employed by the facility or under contract with the facility has had a skin test for tuberculosis in accordance with NAC 441A.375; and

(c) Evidence that the member of the staff employed by the facility or under contract with the facility has obtained any license, certificate or registration, and possesses the experience and qualifications, required for the position held by that person.

(Added to NAC by Bd. of Health by R052-02, eff. 7-24-2002; A by R042-06, 7-14-2006)

Sec. 4. 449.99844, 449.99912, 459.276, 459.278, 459.703, 432A.233 and 432A.235 are hereby repealed.

TEXT OF REPEALED SECTIONS

NAC 449.99844 Interpretation of provisions in accordance with federal standards. (NRS 449.0302) With respect to facilities governed by the federal Medicare or Medicaid criteria, the provisions of NAC 449.9982 to 449.99939, inclusive, must be interpreted in accordance with applicable federal standards.

NAC 449.99912 Disposition of money collected. (NRS 449.0302)

1. Unless otherwise required by federal law, money collected by the Health Division as administrative sanctions must be deposited into a separate fund and applied to the protection of the health, safety, well-being and property of recipients, including residents of facilities that the Health Division finds deficient.

2. Any of the following applications of money collected, without limitation, are permissible:

(a) Reimbursement of costs related to the operation of a facility pending correction of deficiencies or closure;

(b) Reimbursement of residents for personal money lost; and

(c) Payment of the cost of relocating residents to other facilities.

NAC 459.276 Specific licenses: Introduction of exempt concentrations of radioactive material into certain products or materials. (NRS 459.201)

1. In addition to the requirements set forth in NAC 459.238, a specific license authorizing the introduction of radioactive material into a product or material owned by or in the possession of the licensee or another to be transferred to persons exempt pursuant to NAC 459.184 will be issued if:

(a) The applicant submits a description of the product or material into which the radioactive material will be introduced, intended use of the radioactive material and the product or material into which it is introduced, method of introduction, initial concentration of the radioactive material in the product or material, control methods to ensure that no more than the specified concentration is introduced into the product or material, estimated time interval between introduction and transfer of the product or material, and estimated concentration of the radioactive material in the product or material at the time of transfer; and

(b) The applicant provides reasonable assurance that the concentrations of radioactive material at the time of transfer will not exceed the concentrations in NAC 459.186, that reconcentration of the radioactive material in concentrations exceeding those in NAC 459.186 is not likely, that use of lower concentrations is not feasible, and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

2. Each person licensed under this section must file an annual report with the Division which identifies the type and quantity of each product or material into which radioactive material has been introduced during the reporting period; the name and address of the person who owned or possessed the product or material into which radioactive material has been introduced, at the time of introduction; the type and quantity of radionuclide introduced into each such product or material; and the initial concentrations of the radionuclide in the product or material at time of transfer of the radioactive material by the licensee. If no transfers of radioactive material have been made pursuant to this section during the reporting period, the report must so indicate. The report must cover the year ending June 30, and be filed with the Division within 30 days.

NAC 459.278 Specific licenses: Distribution of radioactive material in exempt quantities. (NRS 459.201)

1. An application for a specific license to distribute radioactive material other than source or by-product material to persons exempted from NAC 459.010 to 459.794, inclusive, pursuant to NAC 459.184 will be approved if:

(a) The radioactive material is not contained in any food, beverage, cosmetic, drug or other commodity designed for ingestion or inhalation by, or application to, a human being;

(b) The radioactive material is in the form of processed chemical elements, compounds, mixtures, tissue samples, bioassay samples, counting standards, plated or encapsulated sources or similar substances, identified as radioactive and to be used for its radioactive properties, but is not incorporated into any manufactured or assembled commodity, product or device intended for commercial distribution; and

(c) The applicant submits copies of prototype labels and brochures and the Division approves the labels and brochures.

2. The license issued under subsection 1 is subject to the following conditions:

(a) No more than ten exempt quantities may be sold or transferred in any single transaction. An exempt quantity may be composed of fractional parts of one or more of the exempt quantity provided the sum of the fractions does not exceed unity.

(b) Each exempt quantity must be separately and individually packaged. No more than ten packaged exempt quantities may be contained in any outer package for transfer to persons exempt pursuant to NAC 459.184. The outer package must be such that the dose rate at the external surface of the package does not exceed 0.5 millirem per hour.

(c) The immediate container of each quantity or separately packaged fractional quantity of radioactive material must bear a durable, legible label which:

- (1) Identifies the radionuclide and the quantity of radioactivity; and
- (2) Bears the words "Radioactive Material."

(d) In addition to the labeling information required by paragraph (c) the label affixed to the immediate container or an accompanying brochure must:

(1) State that the contents are exempt from the Nuclear Regulatory Commission or agreement state requirements;

(2) Bear the words "Radioactive Material - Not for Human Use - Introduction into Foods, Beverages, Cosmetics, Drugs, Medicines or Products Manufactured for Commercial Distribution is Prohibited - Exempt Quantities Should not be Combined"; and

(3) Set forth appropriate radiation safety precautions and instructions relating to the handling, use, storage and disposal of the radioactive material.

3. Each person licensed under this section shall maintain records identifying, by name and address, each person to whom radioactive material is transferred for use under NAC 459.184 or the equivalent regulations of an agreement state, and stating the kinds and quantities of radioactive material transferred. An annual summary report stating the total quantity of each radionuclide transferred under the specific license must be filed with the Division. Each report must cover the year ending June 30, and be filed within 30 days. If no transfers of radioactive material have been made pursuant to this section during the reporting period, the report must so indicate.

4. The provisions of subsection 2 of NAC 459.262 apply to this section.

NAC 459.703 "Temporary job site" defined. (NRS 459.030, 459.201) "Temporary job site" means any place where sources of X-ray radiation are present and X-ray industrial radiography is performed.

NAC 432A.233 Group homes for which license as nursery for infants and toddlers not required. (NRS 432A.077) A group home is not required to be licensed as a nursery for infants and toddlers if the licensee does not provide care for more than eight children who are under 3 years of age.

NAC 432A.235 Waiver of Board's regulations. (NRS 432A.077)

1. A person who desires a waiver of all or any part of the Board's regulations concerning licensing must submit a completed application for the waiver to the Health Division or other appropriate agency for the licensing of facilities.

2. An application for a waiver filed with the Board must be submitted to the Board at its next regularly scheduled meeting if the waiver is filed 60 days before that meeting. The application must be accompanied by the recommendation of the Health Division and the appropriate agency for the licensing of facilities.

3. The Board will grant a waiver if it determines that good cause exists. The Board will not grant a waiver which will threaten public health or safety.

4. The Board will specify the length of time a waiver is in effect.

5. A waiver granted by the Board will be revoked before the expiration of the period of the waiver if, after a public hearing, the Board determines that the public health or safety is threatened or the basis upon which the waiver was granted no longer exists.

6. For the purposes of this section, "good cause" exists when an applicant is unduly burdened by a regulation of the Board and thereby suffers a severe hardship because of circumstances or conditions which are unique to the applicant.