

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

LCB File No. R022-14

March 7, 2014

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

AUTHORITY: §1, NRS 449.0302 and 449.040; §§2 and 4, NRS 449.0302; §3, NRS 439.150, 439.200, 449.0302 and 449.050.

A REGULATION relating to facilities for the care of adults during the day; requiring a facility for the care of adults during the day to provide the maximum number of clients allowed to occupy the facility at one time in an application for a license and notify the Division of Public and Behavioral Health of the Department of Health and Human Services of any change to that number; requiring a facility for the care of adults during the day to pay a fee for an application for a license or renewal of a license; requiring a facility for the care of adults during the day to keep a separate personnel file for each employee of the facility that must include certain documentation concerning tuberculosis screening; and providing other matters properly relating thereto.

Legislative Counsel's Digest

Existing law requires a person, state or local government or agency thereof desiring a license to operate a facility for the care of adults during the day to file an application with the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 449.040) **Section 1** of this regulation requires such an application to provide the maximum number of clients allowed to occupy the facility at one time. **Section 2** of this regulation requires the licensee of a facility for the care of adults during the day to update that information if it changes. **Section 3** of this regulation requires an applicant for a license or to renew a license to operate a facility for the care of adults during the day to pay a fee, which varies depending on the number of clients allowed to occupy the facility at one time. **Section 4** of this regulation requires a facility for the care of adults during the day to keep a separate personnel file for each employee that must include documentation of tuberculosis screening for the employee.

Section 1. NAC 449.011 is hereby amended to read as follows:

449.011 An application for a license that is filed with the ~~Health~~ Division pursuant to NRS 449.040:

1. Must be complete and include proof of the identity of the applicant that is acceptable to the ~~Health~~ Division.
2. In accordance with NRS 449.050, must be accompanied by the appropriate application fee specified in NAC 449.002 to 449.99939, inclusive.
3. In establishing that the applicant is of reputable and responsible character as required by NRS 449.040, must include personal references and information concerning the applicant's financial status and business activities and associations in and out of this State during the immediately preceding 3-year period. If the applicant is a firm, association, organization, partnership, business trust, corporation or company, such references and information must be provided with respect to the members thereof and the person in charge of the facility or program for which application is made.
4. In addition to the information required by NRS 449.040 and any other information specifically required for a particular license, must include:
 - (a) Full, complete and accurate information regarding the ownership of the facility or program and all changes to that ownership that occur while the application is pending. The information must include the name of:
 - (1) Each natural person who is an owner of the facility or program;
 - (2) Each person who has a direct or indirect ownership interest in the facility or program of 10 percent or more and who is the owner, in whole or in part, of any mortgage, deed of trust, note or other obligation secured in whole or in part by the facility or program or any of the property or assets of the facility or program;
 - (3) If the applicant is a corporation, each officer and director; and
 - (4) If the applicant is a partnership, each partner.

(b) The address of the applicant's principal office.

(c) Evidence satisfactory to the **[Health]** Division that the facility or program meets all applicable federal, state and local laws and complies with all safety, health, building and fire codes. If there are any differences between the state and local codes, the more restrictive standards apply.

(d) If required by NRS 439A.100, a copy of a letter of approval issued by the Director of the Department of Health and Human Services.

(e) A copy of the certificate of occupancy, a copy of the applicant's business license and a copy of any special use permits obtained in connection with the operation of the facility or program.

(f) A copy of any property lease or rental agreements concerning the facility or program.

(g) If the applicant is a corporation, a copy of its bylaws and articles of incorporation.

5. If the application is for a facility for the care of adults during the day, must include the maximum number of clients allowed to occupy the facility at one time.

Sec. 2. NAC 449.0114 is hereby amended to read as follows:

449.0114 1. Upon receipt of a license, the licensee shall display the license at a conspicuous location within the facility.

2. During the term of the license, the licensee shall continuously maintain the facility in conformance with the provisions of NAC 449.002 to 449.99939, inclusive, and chapter 449 of NRS.

3. If there is a transfer of the real property on which the facility is located, but no change in the operator of the facility, the licensee shall, within 10 days, notify the **[Health]** Division of the

transfer in writing and provide the ~~Health~~ Division with a copy of any lease agreement relating to the transfer.

4. If there is a change in the administrator of the facility, the licensee shall notify the ~~Health~~ Division of the change within 10 days. The notification must provide evidence that the new administrator is currently licensed pursuant to chapter 654 of NRS and the regulations adopted pursuant thereto. If the licensee fails to notify the ~~Health~~ Division and submit an application for a new license within 10 days after the change, the licensee shall pay to the ~~Health~~ Division a fee in an amount equal to 150 percent of the fee required for a new application set forth in subsection 1 of NAC 449.0168.

5. A licensee shall notify the ~~Health~~ Division immediately of any change in the ~~ownership~~ :

(a) *Ownership* of ~~the location of, or the services provided at,~~ the facility ~~;~~ ;

(b) *Location of the facility;*

(c) *Services provided at the facility; and*

(d) *If the facility is a facility for the care of adults during the day, the maximum number of clients allowed to occupy the facility at one time.*

Sec. 3. NAC 449.013 is hereby amended to read as follows:

449.013 1. Except as otherwise provided in NAC 449.0168, an applicant for a license to operate any of the following facilities, programs of hospice care or agencies must pay to the ~~Health~~ Division *of Public and Behavioral Health* the following nonrefundable fees:

- (a) An ambulatory surgical center..... \$9,784
- (b) A home office or subunit agency of a home health agency 5,168
- (c) A branch office of a home health agency 5,358

(d) A rural clinic.....	4,058
(e) An obstetric center.....	1,564
(f) A program of hospice care.....	7,054
(g) An independent center for emergency medical care.....	4,060
(h) A nursing pool.....	4,602
(i) A facility for treatment with narcotics.....	5,046
(j) A medication unit.....	1,200
(k) A referral agency.....	2,708
(l) A facility for refractive surgery.....	6,700
(m) A mobile unit.....	2,090
(n) An agency to provide personal care services in the home.....	1,374
<i>(o) A facility for the care of adults during the day allowed to be occupied by not more than 50 clients at one time.....</i>	<i>1,164</i>
<i>(p) A facility for the care of adults during the day allowed to be occupied by more than 50 clients at one time.....</i>	<i>1,753</i>

2. An applicant for the renewal of such a license must pay to the **[Health]** Division *of Public and Behavioral Health* the following nonrefundable fees:

(a) An ambulatory surgical center.....	\$4,892
(b) A home office or subunit agency of a home health agency.....	2,584
(c) A branch office of a home health agency.....	2,679
(d) A rural clinic.....	2,029
(e) An obstetric center.....	782

(f) A program of hospice care	3,527
(g) An independent center for emergency medical care	2,030
(h) A nursing pool	2,301
(i) A facility for treatment with narcotics	2,523
(j) A medication unit	600
(k) A referral agency	1,354
(l) A facility for refractive surgery	3,350
(m) A mobile unit.....	1,045
(n) An agency to provide personal care services in the home.....	687
<i>(o) A facility for the care of adults during the day allowed to be occupied by not more than 50 clients at one time</i>	<i>814</i>
<i>(p) A facility for the care of adults during the day allowed to be occupied by more than 50 clients at one time</i>	<i>1,227</i>

3. An application for a license is valid for 1 year after the date on which the application is submitted. If an applicant does not meet the requirements for licensure imposed by chapter 449 of NRS or the regulations adopted pursuant thereto within 1 year after the date on which the applicant submits his or her application, the applicant must submit a new application and pay the required fee to be considered for licensure.

Sec. 4. NAC 449.4072 is hereby amended to read as follows:

449.4072 1. Each facility must have the number and kind of employees required by the physical characteristics of the facility, the number of clients and the services provided.

2. The director of a facility:

(a) Must be responsible and mature and have the personal qualities which will enable him or her to understand the problems of aged and infirm adults.

(b) Must be at least 21 years of age.

(c) Must have a high school diploma or its equivalent.

(d) Shall designate an acting director, who is similarly qualified, to act when the director is absent from the facility.

3. Every employee of the facility ~~};~~

~~—(a) Must};~~ *must* be in good physical and mental health.

~~;(b) Shall provide the Division:~~

~~——(1) Upon his or her initial employment, with the results of a physical examination conducted within the preceding 6 months, or with a copy of the employee's medical records for the preceding 3 years, certified by a physician.~~

~~——(2) Upon his or her initial employment, with a negative report of a tuberculin test conducted within the preceding 6 months. Thereafter, a tuberculin test must be completed every 2 years. If the report of the tuberculin test is positive, the employee shall provide an X-ray film of his or her chest.}~~

4. The facility shall keep a separate personnel file for each employee of the facility that must include, without limitation, documentation that the employee has had the tests or obtained the certificates required by NAC 441A.375.