

**PROPOSED REGULATION OF THE
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH OF THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

LCB FILE NO. R156-18I

**The following document is the initial draft regulation proposed
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PROPOSED REGULATION OF THE DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

AUTHORITY: NRS 449.0302 & SB 482 OF THE 2017 LEGISLATIVE SESSION

Italics: New proposed language

Section 1. Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth in section 2 inclusive of this regulation.

Sec. 2

1. Pursuant to subsection (b) of Section 1.8 of SB 482 a health care facility located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds may, not later than 30 days after an investigation or inspection, appeal a finding concerning a violation of the provisions of Section 1.8 of Senate Bill 482 and NRS 449.241 to 449.2428, or request a follow-up inspection. If requesting an appeal, the following procedures must be followed:

(1) Submit in writing, this may be via an electronic format or paper format, to the Chief of the Bureau of Health Care Quality and Compliance a request to appeal a finding concerning a violation of the provisions of section 1.8 of SB 482 or NRS 449.241 to 449.2428. The written request must include the following information:

(a) Upon receipt of the statement of deficiencies issued by the Division, the facility must prepare and submit to the Division an appeal document which disputes the specific findings.

(b) The appeal document must be separate from the required plan of correction and must be sent not later than 30 days after an investigation or inspection.

(c) The appeal document must identify each violation by TAG number, if applicable, as found in the statement of deficiencies.

(d) The appeal document must clearly identify the reason for the dispute and the evidence which identifies why the Division's finding was in error. The document must include pertinent evidence to justify the dispute.

2. Facilities may not use the appeal process to delay the formal imposition or effective date of administrative sanctions in accordance with NAC 449.9982 to NAC 449.99939.

3. If the facility appeals according to the criteria outlined in subsection 1 of this section and if the facility has submitted all the required information in subsection 1 of this section, the Division has 30 days to review the appeal documents and notify the facility whether the appeal was denied or granted. The Division does not have to provide a response to an appeal unless all the provisions in subsection 1 are met.

4. If a facility is not in agreement with the determination of the appeal by the Chief of the Bureau of Health Care Quality and Compliance, the facility may request a review of the appeal document by the Administrator of the Division of Public and Behavioral Health for a final

determination. A decision by the Administrator is final and no further opportunities for appeal will be provided.

Sec. 3 NAC 449.361 is hereby amended to read as follows:

1. A hospital shall have a well-organized plan that provides for 24-hour nursing services. The nursing services must be furnished or supervised by a registered nurse.

2. The governing body and the hospital shall ensure that the nursing services provided at the hospital are provided in accordance with all applicable federal and state laws and regulations.

3. The nursing service shall have a sufficient number of licensed registered nurses, licensed practical nurses and other personnel to provide nursing care to all patients as needed. A sufficient number of registered nurses and other members of the nursing staff must be on duty at all times to ensure that proper care is provided to each patient. A person who is not a registered nurse may be assigned to care for a patient, if:

(a) The extent of care provided by the person is consistent with his or her education and experience and is within his or her scope of practice; and

(b) The person is supervised by a registered nurse while providing that care.

4. A hospital shall have a system for determining the nursing needs of each patient. The system must include assessments made by a registered nurse of the needs of each patient and the provision of staffing based on those assessments.

5. The plan for providing nursing services must include a plan of administrative authority and a delineation of responsibilities for patient care.

6. A hospital shall ensure that the nursing staff develops and keeps current a plan for nursing care for each inpatient.

7. The nursing services must be under the direct supervision of a chief administrative nurse. The chief administrative nurse must be knowledgeable, skilled and competent in clinical practice and nursing management. The chief administrative nurse shall direct and supervise the nursing services in compliance with chapter 632 of NRS and nationally recognized professional standards for organized nursing services.

8. The chief administrative nurse shall define the policies, procedures and standards relating to the provision of nursing services and shall ensure that the members of the nursing staff carry out those policies, procedures and standards. The policies, procedures and standards must be documented and accessible to each member of the nursing staff in written or electronic form. The chief administrative nurse must approve each element of the policies, procedures and standards before the element may be used or put into effect.

9. A hospital shall ensure that its patients receive proper treatment and care provided by its nursing services in accordance with nationally recognized standards of practice and physicians' orders.

10. In accordance with section 1.8 of SB482 of the 2017 legislative session, facilities will be assigned a star rating to rate the facility's compliance with NRS 449.241 to 449.2428. After any periodic inspection or complaint investigation, the findings will be reviewed, and a star rating will be assigned based on whether any violations of the statutory requirements were cited and based on the severity of those citations as follows:

a) no deficiencies will result in a 5-star rating;

b) any deficiency rated at severity 1 will result in a 4-star rating;

c) any deficiency rated at severity 2 will result in a 3-star rating;

d) any deficiency rated at severity 3 will result in a 2-star rating;

e) any deficiency rated at severity 4 will result in a 1-star rating;

11. The Division will issue a placard with the star rating. The placard shall have the following minimum components:

(a) Be issued on an 8 1/2 inch in height and 11 inches in width, with margins not greater than 1 inch on any side, piece of paper;

(b) Be written using a single typeface in not less than 20-point type;

(c) Have the number of stars issued by the Division;

(d) Be titled "Nevada Division of Public and Behavioral Health - Requirements Relating to Staffing based on NRS 449.241 to NRS 449.2428 - Star Rating"; and

(e) Have the name of the facility.