

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

**LCB File No. R063-21**

November 18, 2021

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

AUTHORITY: §§ 1-5, NRS 439.200 and 449.0302, as amended by section 5 of Assembly Bill No. 217, chapter 89, Statutes of Nevada 2021, at page 365, and section 1 of Assembly Bill No. 217, chapter 89, Statutes of Nevada 2021, at page 363 (NRS 449.0925).

A REGULATION relating to health care; designating the types of facilities to which certain requirements to provide training to unlicensed caregivers apply; prescribing requirements relating to such training; prescribing the required content for the written plan for the control of infectious diseases developed by a designated facility; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the State Board of Health to adopt regulations prescribing mandatory training for unlicensed caregivers who provide care at designated medical facilities, facilities for the dependent and other licensed facilities. (Section 1 of Assembly Bill No. 217, chapter 89, Statutes of Nevada 2021, at page 363 (NRS 449.0925)) **Section 2** of this regulation interprets the term “unlicensed caregiver” for that purpose. **Section 3** of this regulation designates the types of facilities to which the requirements for training unlicensed caregivers apply. **Section 4** of this regulation: (1) requires the training on the control of infectious diseases to be provided by a nationally recognized organization that follows evidence-based standards; and (2) establishes the required topics for the training. **Section 4** further requires each unlicensed caregiver who completes the training to provide proof of completion of the training to the administrator of the facility.

Existing law requires the administrator or other person in charge of a designated facility to develop and annually update a written plan for the control of infectious diseases at the facility. (Section 1 of Assembly Bill No. 217, chapter 89, Statutes of Nevada 2021, at page 363 (NRS 449.0925)) **Section 5** of this regulation prescribes the required contents of such a written plan.

**Section 1.** Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

**Sec. 2.** *As used in section 1 of Assembly Bill No. 217, chapter 89, Statutes of Nevada 2021, at page 364 (NRS 449.0925), and sections 2 to 5, inclusive, of this regulation, the Division shall interpret “unlicensed caregiver” to mean any person that provides care to residents, patients or clients at a facility described in section 3 of this regulation and who:*

*1. Is not required to hold licensure or certification pursuant to title 54 of NRS to provide such care; and*

*2. Does not hold such licensure or certification.*

**Sec. 3.** *Each medical facility, facility for the dependent or facility licensed pursuant to NRS 449.0303 that uses unlicensed caregivers to provide care to residents, patients or clients shall ensure that each such unlicensed caregiver complies with the requirements of section 4 of this regulation.*

**Sec. 4.** *1. An unlicensed caregiver who provides care to residents, patients or clients at a facility described in section 3 of this regulation shall annually complete evidence-based training provided by a nationally recognized organization concerning the control of infectious diseases. The training must include, without limitation, instruction concerning:*

*(a) Hand hygiene;*

*(b) The use of personal protective equipment, including, without limitation, masks, respirators, eye protection, gowns and gloves;*

*(c) Environmental cleaning and disinfection;*

*(d) The goals of infection control;*

*(e) A review of how pathogens, including, without limitation, viruses, spread; and*

*(f) The use of source control to prevent pathogens from spreading.*

*2. Each unlicensed caregiver who completes the training required by subsection 1 must provide proof of completion of that training to the administrator or other person in charge of the facility in which the unlicensed caregiver provides care.*

**Sec. 5. 1.** *Except as otherwise provided in subsection 2, the written plan for the control of infectious diseases developed pursuant to paragraph (c) of subsection 3 of section 1 of Assembly Bill No. 217, chapter 89, Statutes of Nevada 2021, at page 363 (NRS 449.0925), must:*

*(a) Designate a person to be responsible for coordinating the program for infection control for the facility.*

*(b) Include policies and procedures for the control of infectious diseases that:*

*(1) Are based on current nationally recognized, evidence-based guidelines for the prevention and control of infectious diseases. Acceptable guidelines include, without limitation, the guidelines prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.*

*(2) Reflect the scope and complexity of the services the facility provides.*

*(c) Include procedures that identify, record and correct failures to adhere to the policies and procedures described in paragraph (b) or otherwise properly prevent or control infectious diseases.*

*(d) Include a process for reviewing activities for the prevention and control of infectious diseases performed at the facility.*

*(e) Include procedures for investigating communicable diseases and reporting those diseases in accordance with chapter 441A of NRS and chapter 441A of NAC.*

*(f) Include a strategy for addressing an outbreak of an infectious disease and the effects of such an outbreak at the facility, including, without limitation, staffing shortages, new admissions and readmissions, visitation and protecting residents, patients or clients from the spread of the infectious disease.*

*2. Where a specific provision of this chapter requires a facility described in section 3 of this regulation to adopt or maintain written protocols, policies or procedures, a written plan or a similar written document concerning the control of infectious or communicable diseases, such a written document satisfies the requirements of paragraph (c) of subsection 3 of section 1 of Assembly Bill No. 217, chapter 89, Statutes of Nevada 2021, at page 363 (NRS 449.0925), regardless of whether that document meets the requirements of this section.*