

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

LCB File No. R003-97

September 5, 1997

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

AUTHORITY: NRS 449.037.

Section 1. Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 67, inclusive, of this regulation.

Sec. 2. *“Administer” means the direct application of a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, by injection, inhalation, ingestion or any other means, to the body of a resident of a residential facility.*

Sec. 3. *“Administrator” means a person:*

- 1. Who is licensed by the Nevada state board of examiners for administrators of facilities for long-term care pursuant to chapter 654 of NRS;*
- 2. Whose name appears on a license issued by the bureau as administrator of record for a residential facility; and*
- 3. Who is legally responsible for the care of residents and the daily operation of the facility.*

Sec. 4. *“Board” means the state board of health.*

Sec. 5. *“Bureau” means the bureau of licensure and certification of the division.*

Sec. 6. *"Caregiver" means an employee of a residential facility who provides care, assistance or protective supervision to a resident of the facility.*

Sec. 7. *"Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.*

Sec. 8. *"Hospice care" has the meaning ascribed to it in NRS 449.0115.*

Sec. 9. *"Medical professional" means a physician or a physician's assistant, nurse practitioner, registered nurse, physical therapist, occupational therapist or practitioner of occupational therapy who is trained and licensed to perform without supervision medical procedures and care prescribed by a physician.*

Sec. 10. *"Residential facility" means a residential facility for groups as defined in NRS 449.017.*

Sec. 11. *"Residential facility which provides care to persons with Alzheimer's disease" means a residential facility that provides care and protective supervision for three or more persons with Alzheimer's disease or a related disease, including, without limitation, senile dementia, organic brain syndrome or other cognitive impairment.*

Sec. 12. *"Staff of a facility" means the administrator, caregivers and other employees of a residential facility.*

Sec. 13. *1. Before an applicant for a license to operate a new residential facility begins construction of the facility or before an applicant for a license to operate an existing residential facility or a licensee begins a project to remodel an existing residential facility, the applicant or licensee must:*

(a) Submit the plan for construction or remodeling to the bureau and any other state and local agencies that are required to approve the plan before construction or remodeling may be commenced; and

(b) Notify the bureau of a tentative date for the completion of the construction or remodeling.

2. The plan for construction or remodeling must include a description of the materials that will be used to complete the project.

3. Before issuing a license to operate a residential facility, the bureau shall inspect the facility to ensure that it complies with:

(a) The provisions of NAC 449.156 to 449.270, inclusive, and sections 2 to 67, inclusive, of this regulation; and

(b) The applicable zoning ordinances and regulations.

4. An applicant for a license to operate a residential facility must submit to the bureau with his application evidence that the applicant and the facility are in compliance with the provisions of NRS 449.001 to 449. 240, inclusive, NAC 449.156 to 449.270, inclusive, and sections 2 to 67, inclusive, of this regulation.

5. The bureau shall not perform the inspection required pursuant to subsection 3 until the applicant has submitted to the bureau the application required pursuant to NRS 449.040, the fee required pursuant to NAC 449.016 and the evidence required pursuant to subsection 4.

Sec. 14. 1. *An applicant for a license to operate a residential facility may operate as a home for individual residential care while the application is processed by the bureau if:*

(a) Not more than 2 residents are admitted to the home; and

(b) The home registers with the bureau as a home for individual residential care pursuant to section 15 of this regulation.

2. *A resident must not be admitted to a home registered pursuant to subsection 1 while the home's application for licensure as a residential facility is being processed if the resident will be prohibited from being a resident of the facility if it becomes licensed.*

Sec. 15. 1. *An applicant for registration as a home for individual residential care must submit to the bureau a completed form for registration prescribed by the bureau.*

2. *The registration issued by the bureau to a home for individual residential care expires annually. Upon expiration of its registration, the operator of the home must reapply for registration pursuant to subsection 1.*

Sec. 16. 1. *A natural person may operate a residential facility without obtaining a license pursuant to the provisions of NRS 449.001 to 449.240, inclusive, NAC 449.156 to 449.270, inclusive, and sections 2 to 67, inclusive, of this regulation for not more than 2 years if the person demonstrates to the bureau that the facility does not provide at least one of the following services to the residents of the facility:*

(a) Meals;

(b) Shelter;

(c) Assistance; or

(d) Limited supervision.

2. A person who requests authority to operate a residential facility pursuant to subsection 1 must demonstrate to the satisfaction of the bureau that the needs of the residents are met by the facility without providing at least one of the services described in that subsection.

3. A person may not operate a residential facility without obtaining a license unless he receives a notice in writing from the chief of the bureau stating that the person is authorized to operate the facility without a license.

Sec. 17. *1. An applicant for the renewal of a license to operate a residential facility must submit to the bureau a completed application on a form prescribed by the bureau and the fee for renewal required pursuant to NAC 449.016.*

2. The applicant for renewal must submit with the application required pursuant to subsection 1:

(a) The names and social security numbers of the residents of the facility and such other information as the bureau may require concerning the residents;

(b) The names of the administrator and the caregivers of the facility and such other information relating to those persons as the bureau may require;

(c) A certificate of insurance stating that the facility has purchased a policy of liability insurance for the facility; and

(d) A copy of the current business license issued to the facility or proof that the facility has complied with local zoning ordinances.

3. The information required pursuant to paragraphs (a) and (b) of subsection 2 will not be disclosed to any person other than an employee of the division.

Sec. 18. *1. A license to operate a residential facility must include:*

(a) The name of the administrator of the facility;

(b) The name and address of the facility;

(c) The type of residents who will reside at the facility;

(d) The maximum number of residents authorized to reside at the facility; and

(e) The categories of care that the facility may provide.

2. The license expires if the facility is moved to a location other than the location stated on the license. The license may not be transferred to another owner.

3. A residential facility may be licensed as more than one type of residential facility if the facility provides evidence satisfactory to the bureau that it complies with the requirements for each type of facility and can demonstrate that the residents will be protected and receive necessary care and services.

Sec. 19. *No other business may be conducted or other services may be provided on the premises of a residential facility if the business or services would interfere with the operation of the facility or the care provided to the residents of the facility.*

Sec. 20. *1. The administrator of a residential facility shall:*

(a) Provide oversight and direction for the members of the staff of the facility as necessary to ensure that residents receive needed services and protective supervision and that the facility is in compliance with the requirements of NAC 449.156 to 449.270, inclusive, sections 2 to 67, inclusive, of this regulation and chapter 449 of NRS.

(b) Designate one or more employees to be in charge of the facility during those times when the administrator is absent. Except as otherwise provided in this paragraph, employees designated to be in charge of the facility when the administrator is absent must have access to all areas of and records kept at the facility. Confidential information may be removed from the files to which the employees in charge of the facility have access if the confidential information is maintained by the administrator. The administrator or an employee who is designated to be in charge of the facility pursuant to this paragraph must be at the facility at all times.

(c) Maintain in the facility, and make available upon request, a copy of the provisions of NAC 449.156 to 449.270, inclusive, and sections 2 to 67, inclusive, of this regulation and the report of the latest investigation of the facility conducted by the bureau pursuant to NRS 449.150.

2. The administrator of a residential facility shall not knowingly appoint or permit the appointment of a person as an employee or volunteer at the facility if the person has been convicted of child abuse or neglect or any other crime involving physical harm to a person or if criminal action for such a crime is pending against the person.

Sec. 21. 1. A caregiver of a residential facility must:

- (a) Be at least 18 years of age;*
- (b) Be responsible, mature and have the personal qualities which will enable him to understand the problems of the aged and disabled;*
- (c) Understand the provisions of NAC 449.156 to 449.270, inclusive, and sections 2 to 67, inclusive, of this regulation and sign a statement that he has read those provisions;*
- (d) Demonstrate the ability to read, write, speak and understand the English language;*
- (e) Possess the appropriate knowledge, skills and abilities to meet the needs of the residents of the facility; and*
- (f) Receive annually not less than 8 hours of training related to providing for the needs of the residents of a residential facility.*

2. If a resident of a residential facility uses prosthetic devices or dental, vision or hearing aids, the caregivers employed by the facility must be knowledgeable of the use of those devices.

Sec. 22. *1. A separate personnel file must be kept for each member of the staff of a residential facility.*

2. The personnel file for a member of the staff of the facility, other than a caregiver or the administrator of the facility, must include:

- (a) The name, address, telephone number and social security number of the employee;*
- (b) Proof that the employee is not less than 18 years of age;*
- (d) The date on which the employee began his employment at the facility;*
- (e) Records relating to the training received by the employee; and*

(f) The health certificates required pursuant to chapter 441A of NAC for the employee.

3. The personnel file for a caregiver of a residential facility must include, in addition to the information required pursuant to subsection 2:

(a) A certificate stating that the caregiver is currently certified to perform first aid and cardiopulmonary resuscitation; and

(b) Evidence that the references supplied by the caregiver were checked to ensure that the caregiver has not been convicted of child abuse or neglect or any other crime involving physical harm to a person.

4. The personnel file for the administrator of a residential facility must include, in addition to the information required pursuant to subsection 2, a certificate stating that the administrator is currently certified to perform first aid and cardiopulmonary resuscitation.

5. The administrator may keep the personnel files for the facility in a locked cabinet and may, except as otherwise provided in this subsection, restrict access to this cabinet by other employees of the facility. Copies of any documents that are evidence that an employee has been certified to perform first aid or cardiopulmonary resuscitation or that the employee has been tested for tuberculosis must be available for review at all times. The administrator shall make the personnel files available for inspection by the bureau within 72 hours after the bureau requests to review the files.

Sec. 23. *A member of the staff of a residential facility shall not provide medical services to a resident of the facility unless the member of the staff is a medical professional.*

Sec. 24. 1. *The administrator of a residential facility shall ensure that a sufficient number of caregivers are present at the facility to conduct activities and provide care and protective supervision for the residents. There must be at least one caregiver on the premises of the facility if one or more residents are present at the facility.*

2. *Except as otherwise provided in section 65 of this regulation, the administrator of a residential facility which has more than 20 residents shall ensure that at least one employee is awake and on duty at the facility all times. An additional employee must be available to provide care within 10 minutes after he is informed that his services are needed.*

3. *A residential facility must not accept residents in excess of the number of residents specified on the license issued to the operator of the facility.*

4. *The administrator of a residential facility shall maintain monthly a written schedule that includes the number and type of members of the staff of the facility assigned for each shift. The schedule must be amended if any changes are made to the schedule. The schedule must be retained for at least 6 months after the schedule expires.*

Sec. 25. 1. *A residential facility must:*

(a) *Have a safe and sufficient supply of water, adequate drainage and an adequate system for the disposal of sewage; and*

(b) *Comply with all local ordinances and state and federal laws and regulations relating to zoning, sanitation and safety.*

2. *Containers used to store garbage outside of the facility must be kept reasonably clean and must be covered in such a manner that rodents are unable to get inside the containers. At least once each week, the containers must be emptied and the contents of the containers must be removed from the premises of the facility.*

3. *Containers used to store garbage in the kitchen and laundry room of the facility must be covered with a lid unless the containers are kept in an enclosed cupboard that is clean and prevents infestation by rodents or insects. Containers used to store garbage in bedrooms and bathrooms are not required to be covered unless they are used for food, bodily waste or medical waste.*

4. *To the extent practicable, the premises of the facility must be kept free from:*

(a) Offensive odors;

(b) Hazards, including obstacles that impede the free movement of residents within and outside the facility;

(c) Insects and rodents; and

(d) Accumulations of dirt, garbage and other refuse.

5. *The administrator of a residential facility shall ensure that the premises are clean and that the interior, exterior and landscaping of the facility are well maintained.*

6. *All windows and doors that are left open in the facility must be screened to prevent the entry of insects.*

7. *The facility must maintain electrical lighting as necessary to ensure the comfort and safety of the residents of the facility.*

8. *The temperature in the facility must be maintained at a level that is not less than 68 degrees Fahrenheit and not more than 82 degrees Fahrenheit.*

9. *If the door of a bathroom opens into any room in which food or utensils for eating are handled or stored, the door must close automatically.*

Sec. 26. 1. *The administrator of a residential facility shall ensure that the facility complies with the regulations adopted by the state fire marshal pursuant to chapter 477 of NRS and any local ordinances relating to safety from fire. The facility must be approved for residency by the state fire marshal.*

2. *A residential facility must have a plan for the evacuation of residents in case of fire or other emergency. The plan must be:*

(a) Understood by all employees;

(b) Posted in a common area; and

(c) Discussed with each resident at the time of his admission.

3. *A drill for evacuation must be performed monthly on an irregular schedule, and a written record of each drill must be kept on file at the facility.*

4. *Portable fire extinguishers must be inspected and recharged at least once each year by a person certified by the state fire marshal to conduct such inspections.*

5. *Portable heaters or space heaters may not be used in a residential facility. A fireplace must be equipped with glass doors or a metal screen to prevent ashes or burning wood from falling outside of the fireplace.*

6. *The administrator shall ensure that a written policy on smoking is developed and carried out by the facility. The policy must be developed with the purpose of preventing a fire caused by smoking in the facility.*

7. *The windows and doors of a residential facility must not be covered with security bars.*

8. *Smoke detectors must be maintained in proper operating condition at all times and must be tested monthly. The results of the tests conducted pursuant to this subsection must be recorded and maintained at the facility.*

Sec. 27. 1. *After January 14, 1997, the division shall withhold the issuance of an initial license to operate a residential facility that does not have an automatic sprinkler system which complies with the provisions of chapter 477 of NRS and any local ordinances relating to the installation of automatic sprinkler systems.*

2. *Except as otherwise provided in subsection 3, a residential facility with less than seven residents that is issued a license on or before January 14, 1997, shall install an automatic sprinkler system that complies with the provisions of chapter 477 of NRS and any local ordinances relating to the installation of automatic sprinkler systems if:*

(a) The ownership of the facility is transferred to a new owner;

(b) The number of beds in the facility is increased; or

(c) The bureau increases the category of care that the facility may provide, including, without limitation, authorizing the facility to admit residents who suffer from Alzheimer's disease or other related dementia.

3. *A residential facility with less than seven residents that was issued its initial license on or before January 14, 1997, may not, after January 14, 1997, admit or retain a resident who is not capable of moving himself from the room in which he sleeps to outside the facility in 4 minutes or less, unless an automatic sprinkler system that complies with the provisions of chapter 477 of NRS and any local ordinances relating to the installation of automatic sprinklers is installed in the facility. Not more than one resident who is confined to a wheelchair or who is required to use a walker may be admitted to such a facility at any time unless such an automatic sprinkler system is installed in the facility.*

4. *An automatic sprinkler system that has been installed in a residential facility must be inspected:*

(a) Not less than once each calendar quarter by a person who is deemed by the division to be qualified to conduct that inspection; and

(b) Not less than once each calendar year by a person who is licensed to inspect such a system pursuant to the provisions of chapter 477 of NAC.

Sec. 28. *Except as otherwise provided in section 40 of this regulation, a person must not be admitted to a residential facility or permitted to remain as a resident of a residential facility if he:*

1. *Requires gastrostomy care;*
2. *Suffers from a staphylococcus infection or other serious infection; or*
3. *Suffers from any other serious medical condition that is not described in sections 29 to 39, inclusive, of this regulation.*

Sec. 29. *1. A person who requires the use of oxygen must not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless he:*

(a) Is mentally and physically capable of operating the equipment that provides the oxygen; or

(b) Is capable of:

(1) Determining his need for oxygen; and

(2) Administering the oxygen to himself with assistance.

2. The employees of a residential facility with a resident who requires the use of oxygen shall:

(a) Monitor the ability of the resident to operate the equipment in accordance with the orders of a physician; and

(b) Ensure that:

(1) The resident's physician evaluates periodically the condition of the resident which necessitates his use of oxygen;

(2) Signs which prohibit smoking and notify persons that oxygen is in use are posted in areas of the facility in which oxygen is in use or is being stored;

(3) Persons do not smoke in those areas where smoking is prohibited;

(4) All electrical equipment is inspected for defects which may cause sparks;

(5) All oxygen tanks kept in the facility are secured in a stand or attached to a wall;

(6) The equipment used to administer oxygen is in good working condition;

(7) A portable unit for the administration of oxygen in the event of a power outage is present in the facility at all times when a resident who requires oxygen is present in the facility; and

(8) The equipment used to administer oxygen is removed from the facility when it is no longer needed by the resident.

3. The administrator of a residential facility shall ensure that the caregivers who may be required to administer oxygen have demonstrated the ability to operate properly the equipment used to administer oxygen.

Sec. 30. *1. A person who requires the use of intermittent positive pressure breathing equipment must not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless:*

(a) The resident is mentally and physically capable of operating and disinfecting the equipment and is capable of determining when its use is required; or

(b) The equipment is operated by a medical professional who has been trained to operate the equipment.

2. The employees of a residential facility with a resident who requires the use of intermittent positive pressure breathing equipment shall:

(a) Monitor the ability of the resident to operate the equipment in accordance with the orders of a physician; and

(b) Ensure that:

- (1) The resident's physician evaluates periodically the condition of the resident which necessitates his use of the equipment;*
- (2) The equipment is operated by a medical professional trained in the operation of the equipment if the resident requires assistance;*
- (3) The equipment is in good working condition; and*
- (4) The equipment is removed from the facility when it is no longer needed by the resident.*

Sec. 31. *1. A person who has a colostomy or ileostomy must not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless:*

- (a) The resident is mentally and physically capable of properly caring for his colostomy or ileostomy, with or without assistance, and the resident's physician has stated in writing that the colostomy or ileostomy is completely healed; or*
- (b) The care for the colostomy or ileostomy is provided by a medical professional who is trained to provide that care.*

2. The employees of a residential facility with a resident who has a colostomy or ileostomy shall ensure that:

- (a) All bags used by the resident are discarded appropriately; and*
- (b) Privacy is afforded to the resident when care for the colostomy or ileostomy is being provided.*

Sec. 32. 1. *A person who requires the manual removal of fecal impactions or the use of enemas or suppositories must not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless:*

(a) The resident is able to provide the care for himself; or

(b) The care is administered according to the orders of a physician by:

(1) The resident with the assistance of an employee of the facility; or

(2) A medical professional who has been trained to provide that care.

2. *The employees of a residential facility with a resident who requires the manual removal of fecal impactions or the use of enemas or suppositories shall ensure that privacy is afforded to the resident when that care is being provided.*

Sec. 33. 1. *A person who requires the use of an indwelling catheter must not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless:*

(a) The resident is physically and mentally capable of caring for all aspects of the condition, with or without the assistance of an employee of the facility;

(b) Irrigation of the catheter is performed in accordance with the physician's orders by a medical professional who has been trained to provide that care; and

(c) The catheter is inserted and removed only in accordance with the orders of a physician by a medical professional who has been trained to insert and remove a catheter.

2. *The employees of a residential facility with a resident who requires the use of an indwelling catheter shall ensure that:*

- (a) *The bag and tubing of the catheter are changed by:*
 - (1) *The resident, with or without the assistance of an employee of the facility; or*
 - (2) *A medical professional who has been trained to provide that care;*
- (b) *Waste from the use of the catheter is disposed of properly;*
- (c) *Privacy is afforded to the resident while care is being provided; and*
- (d) *The bag of the catheter is emptied by a caregiver who has received instruction in the signs and symptoms of urinary tract infections and dehydration.*

Sec. 34. *1. A person who has an unmanageable condition of bowel or bladder incontinence must not be admitted to a residential facility or permitted to remain as a resident of a residential facility.*

2. A person who has a manageable condition of bowel or bladder incontinence must not be admitted to a residential facility or permitted to remain as a resident of a residential facility unless the condition can be managed by:

- (a) *The resident without the assistance of any other person;*
- (b) *Requiring the resident to participate in a structured bowel or bladder retraining program to assist the resident in restoring a normal pattern of continence;*
- (c) *A program which includes scheduled toileting at regular intervals; or*
- (d) *Requiring the resident to use products that keep him clean and dry at all times.*

3. The employees of a residential facility with a resident who has a manageable condition of bowel or bladder incontinence shall ensure that:

(a) If the resident can benefit from scheduled toileting, he is assisted or reminded to go to the bathroom at regular intervals;

(b) The resident is checked during those periods when he is known to be incontinent, including during the night;

(c) The resident is kept clean and dry;

(d) Retraining programs are designed by a medical professional with training and experience in the care of persons with bowel or bladder dysfunction;

(e) The retraining programs established for a resident are followed; and

(f) Privacy is afforded to the resident when care is being provided.

4. The employees of the facility shall not:

(a) Withhold fluids from a resident to control incontinence; or

(b) Have a resident catheterized to control incontinence for the convenience of the employees of the facility.

Sec. 35. 1. *A person who has contractures must not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless the contractures do not adversely affect the ability of the resident to perform normal bodily functions and:*

(a) The resident is able to care for the contractures without assistance; or

(b) Supervision in caring for the contractures is provided by a medical professional who is trained to provide such supervision.

2. *The employees of a residential facility with a resident who has contractures shall ensure that the performance by the resident of any exercises to improve the resident's range of motion or any other exercises prescribed by a physician is supervised by a medical professional who has been trained to provide such supervision.*

Sec. 36. 1. *A person who has diabetes must not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless the resident is capable of performing his own glucose testing with blood or urine specimens and:*

(a) The resident is capable of administering his medication orally or by injection;

(b) The resident's medication is administered by a medical professional who has been trained to administer the medication; or

(c) If the resident's medication is administered orally, the medication is administered by a caregiver trained in the administration of that medication.

2. *The employees of a residential facility with a resident who has diabetes shall:*

(a) Assist the resident in administering the medication pursuant to section 42 of this regulation; and

(b) Ensure that:

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

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

(3) The caregivers responsible for the resident have received instruction in the recognition of the symptoms of hypoglycemia and hyperglycemia by a medical professional who has been trained in the recognition of those symptoms.

3. The employees of a residential facility with a resident who has diabetes and requires a special diet shall provide variations in the types of meals served and make available food substitutions in order to allow the resident to consume meals as prescribed by the resident's physician. The substitutions must conform with the recommendations for food exchanges contained in the "Exchange Lists For Meal Planning", published by the American Diabetes Association, Incorporated and the American Dietetic Association, which is hereby adopted by reference. A copy of the publication may be obtained from the American Diabetes Association, Incorporated, _____, at a cost of _____.

Sec. 37. *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 or by a medical professional who has been trained to administer those injections.*

2. The employees of 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.

Sec. 38. *1. Except as otherwise provided in subsection 2, a person who requires protective supervision may not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless:*

- (a) The resident is able to follow instructions;*
- (b) The resident is able to make his needs known to the employees of the facility;*
- (c) The resident can be protected from harming himself and other persons; and*
- (d) The employees of the facility can meet the needs of the resident.*

2. If a person who requires protective supervision is unable to follow instructions or has difficulty making his needs known to the employees of the facility, the person may be admitted to the facility or be permitted to remain as a resident of the facility if the facility complies with the provisions of sections 64 and 65 of this regulation.

3. The administrator of a residential facility with a resident who requires protective services shall ensure that:

- (a) The employees of the facility are capable of providing the supervision for that resident without neglecting the needs of the other residents of the facility; and*
- (b) There is a written plan for providing protective supervision for that resident.*

Sec. 39. *1. A person who has a tracheotomy or an open wound that requires treatment by a medical professional shall not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless:*

(a) The wound is in the process of healing or the tracheotomy is stable or can be cared for by the resident without assistance;

(b) The care is provided by or under the supervision of a medical professional who has been trained to provide that care; or

(c) The wound is the result of surgical intervention and care is provided as directed by the surgeon.

2. If a person with a pressure or stasis ulcer is admitted to a residential facility or permitted to remain as a resident of a residential facility:

(a) The condition must have been diagnosed by a physician; and

(b) The condition must be cared for by a medical professional who is trained to provide care for that condition.

3. The administrator of the facility shall ensure that records of the care provided pursuant to subsection 2 are maintained at the facility. The records must include an explanation of the cause of the pressure or stasis ulcer.

Sec. 40. *1. The administrator of a residential facility may submit to the division a written request for permission to admit or retain a resident who is prohibited from being admitted to a residential facility or remaining as a resident of the facility pursuant to sections 28 to 39, inclusive, of this regulation.*

2. A request submitted pursuant to this section must include, without limitation:

(a) Records concerning the resident's current medical condition, including updated medical reports, other documentation of current health, a prognosis, and the expected duration of the condition;

(b) A plan for ensuring that the resident's medical needs can be met by the facility;

(c) A plan for ensuring that the level of care provided to the other residents of the facility will not suffer as a result of the admission or retention of the resident who is the subject of the request; and

(d) A statement signed by the administrator of the facility that the needs of the resident who is the subject of the request will be met by the employees of the facility.

Sec. 41. *1. If, after conducting an inspection or investigation of a residential facility, the bureau determines that it is necessary to review the medical condition of a resident, the bureau shall inform the administrator of the facility of the need for the review and the information the facility is required to submit to the bureau to assist in the performance of the review. The administrator shall, within a period prescribed by the bureau, provide to the bureau:*

(a) The assessments made by physicians concerning the physical and mental condition of the resident; and

(b) Copies of prescriptions for medication or orders of physicians for services or equipment necessary to provide care for the resident.

2. If the bureau or the resident's physician determines that the facility is prohibited from caring for the resident pursuant to sections 28 to 39, inclusive, of this regulation or is

unable to care for the resident in the proper manner, the administrator of the facility must be notified of that determination. Upon receipt of such a notification, the administrator shall, within a period prescribed by the bureau, submit a plan to the bureau for the safe and appropriate relocation of the resident to a place where the proper care will be provided.

3. If an inspection or investigation reveals that the conditions at a residential facility may immediately jeopardize the health and safety of a resident, the bureau shall, as soon as practicable, ensure that the resident is transferred to a residential facility which is capable of properly providing for his care.

Sec. 42. *1. The administrator of a residential facility that provides assistance to residents in the administration of medications shall:*

(a) Ensure that a physician, pharmacist or registered nurse who does not have a financial interest in the facility reviews at least once every 6 months the regimen of drugs taken by each resident of the facility and provides a written report of that review to the administrator of the facility within 72 hours after the review is conducted;

(b) Maintain at the facility a copy of each report submitted to the administrator pursuant to paragraph (a) for at least 1 year after the resident who is the subject of the report leaves the facility; and

(c) Make and maintain a report of any actions that are taken by the employees of the facility in response to a report submitted pursuant to paragraph (a).

2. *Before assisting a resident in the administration of medication, a caregiver shall obtain written information describing the side-effects, possible adverse reactions, contraindications, and toxicity of the medication.*

3. *A caregiver may assist in the administration of medication to a resident only if:*

(a) *The medication is prescribed by a physician for self-administration by that resident;*

(b) *The physical and mental condition of the resident is stable and predictable;*

(c) *The directions for the administration of the medication, including the time at which it is to be self-administered, are included on the container for the medication;*

(d) *A written plan of care has been established by a physician or registered nurse regarding the administration of the medication and the actions that must be taken if an adverse reaction to the medication occurs;*

(e) *The caregiver assisting the resident has successfully completed a program of instruction approved by the bureau and has passed an examination concerning safety in the supervision of and assistance provided to persons who administer medications to themselves; and*

(f) *The resident has entered into a written agreement with the administrator for the provision of assistance with the medication.*

4. *An over-the-counter medication may be given to a resident only if the resident's physician has approved the administration of the medication or the facility is ordered to do so by another physician. The administration of over-the-counter medications must be included in the record required pursuant to section 43 of this regulation.*

5. *If a physician orders a change in the amount or times medication is to be administered to a resident, the caregiver responsible for assisting in the administration of the medication shall confirm the order with the physician. The caregiver shall note the change in the record maintained pursuant to section 43 of this regulation. An order or prescription signed by the physician must be included in the record or a copy of the order, the prescription or a revised label must be attached to the container for the medication within 5 days after the change is ordered.*

6. *An employee of a residential facility shall not draw medication into a syringe or administer an injection unless authorized by law to do so.*

Sec. 43. 1. *The administrator of a residential facility that provides assistance to residents in the administration of medications shall maintain:*

(a) *A log for each medication received by the facility for use by a resident of the facility. The log must include:*

(1) *The type and quantity of medication received by the facility;*

(2) *The date of its delivery;*

(3) *The name of the person who accepted the delivery; and*

(4) *The name of the resident for whom the medication is prescribed.*

(b) *A record of the medication administered to each resident. The record must include the type of medication administered and the date and time that it was administered.*

2. *The administrator of the facility shall keep a log of caregivers assigned to administer medications that indicates the shifts during which each caregiver was*

responsible for assisting in the administration of medication to a resident. This requirement may be met by including on a resident's medication sheet an indication of who assisted the resident in the administration of the medication, if the caregiver can be identified from this indication.

Sec. 44. *1. Medication stored at a residential facility must be stored in a locked area that is cool and dry. The employees of the facility shall ensure that any medication that may be misused or appropriated by a resident or any other unauthorized person is protected. Medications for external use only must be kept in a separate locked area. A resident who is capable of administering medication to himself without supervision may keep his medication in his room if the medication is kept in a locked container for which the facility has been provided a key.*

2. Medication stored in a refrigerator must be kept in a locked box unless the refrigerator is locked or is located in a locked room.

3. Medication must be plainly labeled as to its contents, the name of the resident for whom it is prescribed and the name of the prescribing physician.

4. When a resident is discharged from a residential facility, all medications prescribed for the resident must be provided to the resident or to the facility to which he is transferred.

Sec. 45. *1. A caregiver of a residential facility shall not assist a resident in the administration of a medication that is taken as needed unless:*

(a) The resident is able to determine his need for the medication or the determination is made by a medical professional qualified to make that determination; or

(b) The employees of the facility have received written instructions indicating the specific symptoms for which the medication is to be given, the amount of medication that may be given and the frequency with which the medication may be given.

2. A caregiver who administers medication to a resident as needed shall record the following information concerning the administration of the medication:

(a) The reason for the administration;

(b) The date and time of the administration;

(c) The dose administered;

(d) The results of the administration of the medication; and

(e) The initials of the caregiver.

Sec. 46. *1. A bedroom in a residential facility that is shared by two or three residents must have at least 60 square feet of floor space for each resident who resides in the bedroom. A resident may not share a bedroom with more than two other residents. A bedroom that is occupied by only one resident must have at least 80 square feet of floor space.*

2. Each bedroom in a residential facility must have one or more windows that are capable of being opened from the inside. Windows must have a height of not less than 24 inches and a width of not less than 20 inches. The windows must have a sill that is not more than 44 inches above the floor. The combined size of the windows in a bedroom must

equal not less than 10 percent of the floor space in the room. If the room does not have a window that can be opened from the inside without the use of tools, a door to the outside, which is at least 36 inches wide and can be opened from the inside, must be provided.

3. The arrangement of the beds and other furniture in the bedroom must provide privacy for and promote the safety of the residents occupying the bedroom. Adjustable curtains, shades, blinds or similar devices must be provided for visual privacy.

4. Each resident must be provided:

(a) At least 10 square feet of space for storage in a bedroom for each bed in the bedroom; and

(b) At least 24 inches of space in a permanent or portable closet for hanging garments.

5. A separate bed with a comfortable and clean mattress must be provided for each resident. The bed must be at least 36 inches wide and made with two clean sheets, pillow cases and a bedspread. Linens must be changed not less often than once each week and more often if the linens become dirty. Additional bedding, including rubber or other protective sheets, must be provided if necessary.

6. Upon the request of a resident, a residential facility may authorize the resident to use personal furniture and furnishings that comply with the requirements of subsection 5 if their use does not jeopardize the health and safety of any of the residents of the facility.

7. There must be a light outside the entrance to each bedroom to provide a resident with adequate lighting to reach safely a switch for turning on a light fixture inside the bedroom. Upon the request of a resident, bedside lighting must be provided.

Sec. 47. 1. *A bedroom door in a residential facility which is equipped with a lock must open with a single motion from the inside unless the lock provides security for the facility and can be operated without a key or any special knowledge.*

2. *A bedroom door must not be equipped with a deadbolt lock or chain stop unless the door opens directly to the outside of the facility. The doors of a bedroom and the doors of the closets in the bedroom may be equipped with locks for use by residents if:*

(a) *The doors may be unlocked from inside the bedroom or closet without the use of a key; and*

(b) *The doors of the bedroom may be unlocked from outside the room and the keys are readily available at all times.*

Sec. 48. *A hall, stairway, unfinished attic, garage, storage area or shed or other similar area of a residential facility must not be used as a bedroom. Any other room must not be used as a bedroom if it:*

1. *Can only be reached by passing through a bedroom occupied by another resident;*
or

2. *Is used for any other purpose.*

Sec. 49. 1. *The equipment in a kitchen of a residential facility and the size of the kitchen must be adequate for the number of residents in the facility. The kitchen and the equipment must be clean and must allow for the sanitary preparation of food. The equipment must be in good working condition.*

2. *Perishable foods must be refrigerated at a temperature of 40 degrees Fahrenheit or less. Frozen foods must be kept at a temperature of 0 degrees Fahrenheit or less.*

3. *Sufficient storage must be available for all food and equipment used for cooking and storing food.*

4. *The administrator of a residential facility shall ensure that there is at least a 2-day supply of fresh food and at least a 1-week supply of canned food in the facility at all times.*

5. *Pesticides and other toxic substances must not be stored in the kitchen or other areas in which food, kitchen equipment, utensils or paper products are stored. Soaps, detergents, cleaning compounds and similar substances must not be stored in the kitchen or other areas in which food is stored.*

6. *A residential facility with more than 10 residents must:*

(a) Comply with the standards prescribed in chapter 446 of NAC; and

(b) Obtain the necessary permits from the bureau of health protection services of the division.

7. *The equipment used for cooking and storing food and for washing dishes in a residential facility with more than 10 residents must be inspected and approved by the bureau of health protection services of the division and the state and local fire safety authorities.*

Sec. 50. *1. Bedrooms must be provided for any members of the staff of a residential facility and their families who live at a residential facility. The bedrooms must comply with*

the provisions of subsections 2 to 7, inclusive, of section 46 and sections 47 and 48 of this regulation.

2. Members of the staff of the facility and their families who live at the facility shall be deemed residents of the facility for the purposes of determining the number of toilets, lavatories and tubs or showers the facility is required to have pursuant to NAC 449.222. All toilets, lavatories and tubs or showers used by the members of the staff of the facility or their families must comply with the provisions of NAC 449.222.

Sec. 51. *1. A resident of a residential facility who is confined to a wheelchair or requires the use of a walker may not be required to use a bedroom on a floor other than the first floor of the facility that is entirely above the level of the ground, unless the facility has elevators or other equipment that can be used to move the resident between floors efficiently in an emergency.*

2. Stairways, inclines, ramps, open porches and other areas that are potentially hazardous for residents who have poor eyesight must be adequately lighted.

3. If a residential facility with a resident who is mentally or physically disabled has a fishpond, pool, hot tub, jacuzzi or other body of water on the premises of the facility, the body of water must be fenced, covered or blocked in some other manner at all times when it is not being used by the resident.

4. Each bathroom in a residential facility with 10 or more residents that was issued its initial license before January 14, 1997, must be equipped with an auditory system that is connected to the area around the central desk or an area in which a member of the staff of

the facility is available. The auditory system must be constructed so that a resident needing assistance can alert a member of the staff of the facility of that fact from the toilet or shower. Each bedroom in a residential facility with more than 10 residents that is licensed on or after January 14, 1997, must be equipped with an auditory system which is connected to the area around the central desk or an area in which a member of the staff is available.

5. Residential facilities must be easily accessible by vehicle in the case of an emergency.

Sec. 52. *1. A separate file must be maintained for each resident of a residential facility and retained for at least 5 years after he permanently leaves the facility. The file must be kept locked in a place that is resistant to fire and is protected against unauthorized use. The file must contain all records, letters, assessments, medical information and any other information related to the resident, including, without limitation:*

(a) The full name, address, date of birth and social security number of the resident.

(b) The address and telephone number of the resident's physician and the next of kin or guardian of the resident or any other person responsible for him.

(c) A statement of the resident's allergies, if any, and any special diet or medication he requires.

(d) A statement from the resident's physician concerning the mental and physical condition of the resident that includes:

(1) A description of any medical conditions which require the performance of medical services;

(2) The method in which those services must be performed; and

(3) A statement of whether the resident is capable of performing the required medical services.

(e) Evidence of compliance with the provisions of chapter 441A of NRS and the regulations adopted pursuant thereto.

(f) The types and amounts of protective supervision and personal services needed by the resident.

(g) An evaluation of the resident's ability to perform normal daily activities and a brief description of any assistance he needs to perform those activities.

(h) A list of the rules for the facility that is signed by the administrator of the facility and the resident.

(i) The name and telephone number of the vendors and medical professionals that provide services for the resident.

(j) A document signed by the administrator of the facility when the resident permanently leaves the facility.

2. The document required pursuant to paragraph (j) of subsection 1 must indicate the location to which resident was transferred or the person in whose care the resident was discharged. If the resident dies while a resident of the facility, the document must include

the time and date of the death and the dates on which the person responsible for the resident was contacted to inform him of the death.

3. Except as otherwise provided in this subsection, a resident's file must be kept confidential. A resident's file must be made available upon request at any time to an employee of the bureau who is acting in his capacity as an employee of the bureau.

Sec. 53. *1. A residential facility shall:*

- (a) Provide each resident with protective supervision as necessary;*
- (b) Inform all caregivers of the required supervision;*
- (c) Provide each resident with the opportunity to attend the religious service of his choice and participate in personal and private pastoral counseling;*
- (d) Permit a resident to rest in his room at any time;*
- (e) Permit a resident to enter or leave the facility at any time if the resident:*
 - (1) Is physically and mentally capable of leaving the facility; and*
 - (2) The resident complies with the rules established by the administrator of the facility for leaving the facility;*
- (f) Provide laundry services for each resident unless a resident elects in writing to make other arrangements;*
- (g) Ensure that each resident's clothes are clean, comfortable and presentable;*
- (h) Provide for the residents each week at least 10 hours of scheduled activities that are suited to their interests and capacities;*

(i) Encourage the residents to participate in the activities scheduled pursuant to paragraph (h);

(j) Post a calendar of activities for each month that is prepared at least 1 month in advance and notifies residents of the major activities that will occur in the facility; and

(k) Inform each resident or his representative of the actions that the resident should take to protect his valuables.

2. The administrator of a residential facility may require a resident who leaves the facility to inform a member of the staff of the facility upon his departure and return.

3. The calendar required pursuant to paragraph (j) of subsection 1 must be posted in a common area of the facility. A copy of the calendar must be maintained at the facility for at least 6 months after it expires.

4. The employees of a residential facility shall:

(a) Treat each resident in a kind and considerate manner; and

(b) Respect each resident's independence and ability to make decisions on his own, whenever possible.

Sec. 54. *1. The administrator of a residential facility shall ensure that residents are provided with or are assisted in obtaining dental and optical care, treatment for hearing and hearing impairment and social services. The employees of the facility shall maintain a record of the services or assistance provided pursuant to this subsection.*

2. If an employee of the facility suspects that a resident is being abused, neglected or exploited, the employee shall report that fact in the manner prescribed in NRS 200.5093.

3. *The members of the staff of a residential facility shall not:*

(a) Use restraints on any resident;

(b) Lock a resident in a room inside the facility; or

(c) Provide sedatives to a resident unless that sedative has been prescribed for that

resident by a physician to treat specific symptoms. An employee of the facility shall make a record of the behavior of a resident who has been prescribed a sedative.

Sec. 55. *1. The employees of a residential facility shall:*

(a) Ensure that the residents are afforded an opportunity to enjoy their privacy, relax and associate with other residents;

(b) Provide group activities that provide mental and physical stimulation and develop creative skills and interests;

(c) Plan recreational opportunities that are suited to the interests and capacities of the residents;

(d) Establish daily visiting hours to promote contact with persons who are not residents of the facility; and

(e) Provide each resident with a written program of activities.

2. *The administrator of a residential facility with at least 20 residents but less than 50 residents shall appoint a member of the staff of the facility who will be responsible for the organization, conduct and evaluation of activities for the residents. The person so appointed shall ensure that the activities are suited to the interests and capacities of the residents.*

3. *The administrator of a residential facility with 50 or more residents shall, in addition to appointing a member of the staff of the facility pursuant to subsection 2, appoint other members of the staff to assist the person who is responsible for conducting the activities as the administrator deems necessary.*

4. *A residential facility must have areas of sufficient size to conduct indoor and outdoor activities, including, without limitation:*

(a) A common area that complies with the provisions of NAC 449.216; and

(b) An outdoor activity area that is easily accessible for the residents and is safe from vehicular traffic.

Sec. 56. *1. The administrator of a residential facility shall ensure that:*

(a) The residents are not abused, neglected or exploited by a member of the staff of the facility, another resident of the facility or any person who is visiting the facility;

(b) A resident is not prohibited from speaking to any person who advocates for the rights of the residents of the facility;

(c) The residents are treated with respect and dignity;

(d) The facility is a safe and comfortable environment;

(e) Residents are not prohibited from interacting socially;

(f) Residents are allowed to make their own decisions whenever possible;

(g) Residents are aware that they may file a complaint or grievance with the administrator and that a resident who files such a complaint receives a response in a timely manner;

(h) A resident is informed as soon as practicable that he is being moved to a new room or that he is receiving a new roommate; and

(i) Residents are afforded the opportunity to initiate an advance directive or power of attorney for health care and the employees of the facility comply with the wishes contained in such a document.

2. The administrator of a residential facility shall provide a procedure to respond immediately to grievances, incidents and complaints. The procedure must include a method for ensuring that the administrator or a person designated by the administrator is notified of the grievance, incident or complaint. The administrator or a person designated by the administrator shall personally investigate the matter. A resident who files a grievance or complaint or reports an incident pursuant to this subsection must be notified of the action taken in response to the grievance, complaint or report or be given a reason why no action needs to be taken.

3. The employees of the facility shall comply with the procedures adopted pursuant to subsection 2.

Sec. 57. *A residential facility with a resident who is confined to a wheelchair or uses a walker must:*

1. Have hallways, doorways and exits wide enough to accommodate a wheelchair or walker;

2. Have ramps at all primary exits; and

3. *Provide assistance to such a resident at all other exits and at any steps located inside the facility on the first floor that is entirely above grade.*

Sec. 58. 1. *A resident of a residential facility shall not be segregated or restricted in the enjoyment of any advantage or privilege enjoyed by other residents, or provided with any assistance, service or other benefit which is different or provided in a different manner from that provided to other residents, on the ground of race, color, religion, national origin or disability.*

2. *The facility's policy regarding nondiscrimination must be posted in a public area of the facility.*

Sec. 59. 1. *A resident may be discharged from a residential facility without his approval if:*

(a) *He fails to pay his bill within 5 days after it is due;*

(b) *He fails to comply with the rules or policies of the facility or any other portion of the agreement signed by the resident pursuant to section NAC 449.247; or*

(c) *The administrator of the facility or the bureau determines that the facility is unable to provide the necessary care for the resident.*

2. *Before a resident may be discharged from a residential facility without his approval pursuant to this section, the facility must provide the resident, his representative and the person who pays the bill on behalf of the resident, if any, with written notice that the resident will be discharged.*

3. *If the resident or any of his visitors are engaging in behavior which is a threat to the mental or physical health or safety of the resident or other persons in the facility, the facility may issue a notice to quit to the resident. The notice to quit must include:*

(a) The reasons for its issuance, with specific facts relating to the date, time and place of the incidents that posed a threat to the physical or mental health or safety of the resident or other persons in the facility; and

(b) The names of persons who witnessed the incidents and the circumstances under which the incidents occurred.

If the resident or his visitors do not comply with the notice to quit, the resident may be discharged from the facility without his approval pursuant to subsection 2.

Sec. 60. *1. A residential facility that provides hospice care for a resident must obtain a copy of the plan of care required pursuant to NAC 449.0186 for that resident.*

2. The members of the staff of the facility shall:

(a) Maintain at the facility a written record of the care and services provided to a resident who receives hospice care; and

(b) Report any deviation from the established plan of care to the resident's physician within 24 hours after the deviation occurs.

Sec. 61. *1. Upon the request of the administrator of a residential facility or any other member of the staff of the facility, a person who is conducting an investigation of the facility pursuant to NRS 449.150 shall:*

(a) Identify himself and provide the name and telephone number of his supervisor; and

(b) Inform the administrator or other member of the staff of the facility of the reason for the investigation.

2. The person who is conducting the investigation shall:

(a) Treat the members of the staff of the facility in a professional and respectful manner;

(b) Conduct an unbiased investigation; and

(c) Provide to the administrator of the facility an accurate report of the findings of the investigation, including a description of each deficiency found and a citation to the section of this chapter or chapter 449 of NRS which has been violated.

3. After the investigation has been completed, the person conducting the investigation shall, upon the request of a member of the staff of the facility:

(a) Provide the member of the staff of the facility with the opportunity to:

(1) Ask questions concerning the findings of the investigation; and

(2) Review with the person who conducted the investigation the provisions of this chapter and chapter 449 of NRS that the investigator believes were violated; and

(b) Provide to the member of the staff of the facility the details of any complaints received by the division concerning the facility, other than details that may reveal the identity of the person who submitted the complaint.

Sec. 62. *1. A residential facility that provides care to females during pregnancy must not be located more than 15 minutes away from a hospital or obstetric center.*

2. *Within 60 days after being employed by such a facility, a caregiver must receive not less than 4 hours of training related to the normal course of pregnancy.*

Sec. 63. 1. *Within 60 days after being employed by a residential facility for mentally retarded adults, a caregiver must receive not less than 4 hours of training related to the care of mentally retarded persons.*

2. *If a resident who is mentally retarded is referred to the facility by a referring agency, the members of the staff of the facility may conduct a program to modify the behavior of the resident if that program is developed by the agency that referred the resident to the facility.*

3. *As used in this section, “residential facility for mentally retarded adults” means a residential facility that provides care and protective supervision for three or more persons with mental retardation or related disorders, including, without limitation, birth trauma, anoxia, brain trauma or other genetic or developmental disorders.*

Sec. 64. 1. *A residential facility that offers or provides care for residents with Alzheimer's Disease or related dementia must obtain an endorsement on its license authorizing it to operate as a residential facility which provides care to persons with Alzheimer's disease.*

2. *If a residential facility is authorized to operate as a residential facility which provides care to persons with Alzheimer's disease and as another type of facility, the entire facility must comply with the requirements of this section or the residents who suffer from*

Alzheimer's disease must be located in a separate portion of the facility that complies with the provisions of this section.

3. A residential facility which provides care to persons with Alzheimer's disease must be administered by a person who:

(a) Has not less than 3 years of experience in caring for residents with Alzheimer's disease or related dementia in a licensed facility; or

(b) Has a combination of education and training that the bureau determines is equivalent to the experience required pursuant to paragraph (a).

4. The administrator of such a facility shall prescribe and maintain on the premises of the facility a written statement which includes:

(a) The facility's policies and procedures for providing care to its residents;

(b) Evidence that the facility has established interaction groups within the facility which consist of not more than six residents for each caregiver during those hours when the residents are awake;

(c) A description of:

(1) The basic services provided for the needs of residents who suffer from dementia;

(2) The activities developed for the residents by the members of the staff of the facility;

(3) The manner in which the behavioral problems will be managed;

(4) The manner in which the medication for residents will be managed;

(5) The activities that will be developed by the members of the staff of the facility to encourage the involvement of family members in the lives of the residents; and

(6) The steps the members of the staff of the facility will take to control residents who attempt to wander from the facility; and

(d) The criteria for admission to and discharge and transfer from the facility.

5. The written statement required pursuant to subsection 4 must be available for review by members of the staff of the facility, visitors to the facility and the bureau.

6. The administrator shall ensure that the facility complies with the provisions of the statement required pursuant to subsection 4.

7. The members of the staff of the facility shall develop a program of activities that promotes the mental and physical enhancement of the residents. The following activities must be conducted at least weekly:

(a) Activities to enhance the gross motor skills of the residents;

(b) Social activities;

(c) Activities to enhance the sensory abilities of the residents; and

(d) Outdoor activities.

Sec. 65. *1. The administrator of a residential facility which provides care to persons with Alzheimer's disease shall ensure that:*

(a) Swimming pools and other bodies of water are fenced or protected by other acceptable means.

(b) Operational alarms, buzzers, horns or other audible devices which are activated when a door is opened are installed on all doors that may be used to exit the facility.

(c) At least one member of the staff is awake and on duty at the facility at all times.

(d) Within 3 months after an employee is first employed at the facility, the employee successfully completes at least 8 hours of training in providing care, including emergency care, to a resident who suffers from Alzheimer's disease or related dementia and providing support for the members of the resident's family.

(e) Knives, matches, firearms, tools, other than tools ordinarily used in the kitchen, and other items that could constitute a danger to the residents of the facility are inaccessible to the residents.

(f) The grounds outside the facility are completely fenced with gates that have locking devices and are free from obstructions or conditions that may pose a safety hazard. Keys for gates and fences must be readily available to the members of the staff of the facility at all times.

(g) All toxic substances are not accessible to the residents of the facility.

2. The training required pursuant to paragraph (d) of subsection 1 must be provided pursuant to a curriculum approved by the bureau, the board or the board of examiners for long-term care administrators. Such training may be used to satisfy the requirement of paragraph (f) of subsection 1 of section 21 of this regulation for the year in which the training is received.

Sec. 66. *1. An employee of a residential facility for persons with chronic illnesses facility who cares for a resident with a diminished immune system must obtain at least 8 hours of in-service training relating to the care provided to such persons and in the precautions that should be taken to ensure that diseases are not transmitted to those persons.*

2. Evidence of training received pursuant to subsection 1 must be included in the employee's personnel file.

3. As used in this section, "residential facility for persons with chronic illnesses" means a residential facility that provides care and protective supervision for three or more persons with chronic illnesses or progressively debilitating diseases, including, without limitation, acquired immunodeficiency syndrome or cancer.

Sec. 67. *1. A person who provides care for a resident of a residential facility for persons with mental illnesses must, within 60 days after he becomes employed at the facility, attend not less than 8 hours of education concerning care for residents who are suffering from mental illnesses.*

2. As used in this section, "residential facility for persons with mental illnesses" means a residential facility that provides care and protective supervision for three or more persons with mental illnesses, including, without limitation, schizophrenia, bipolar disorder, psychosis and other related disorders.

Sec. 68. NAC 449.156 is hereby amended to read as follows:

449.156 As used in NAC [449.159 to 449.276, inclusive,] 449.160 to 449.270, *inclusive, and sections 2 to 67, inclusive of this regulation*, unless the context otherwise requires, the words and terms defined in NAC [449.159 to 449.174, inclusive,] 449.160 *and sections 2 to 12, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 69. NAC 449.180 is hereby amended to read as follows:

449.180 [1. An applicant for a license to operate a new facility shall contact the division before making any commitment to purchase or lease a facility.

2.] If an applicant for a license to operate a residential facility desires to purchase a currently licensed facility, the facility must [meet] *comply with all* current state and local requirements relating to *health and* safety. [With the written permission of the current owner or lessee, the division shall provide to the applicant information about any changes needed for that facility and a history of any past deficiencies.

3. The applicant shall:

(a) Submit to the division any plan for new construction or remodeling; and

(b) Notify the division of a tentative date for the completion of the construction or remodeling.]

Sec. 70. NAC 449.204 is hereby amended to read as follows:

449.204 1. A *residential* facility must:

(a) [Have a plan for financing which assures sufficient funds to provide proper care for residents and to carry out the stated purposes, programs and services of the facility;

(b) If it is a new facility, have a reasonable expectation of sufficient **[funds]** *money* to carry it through the first 3 months of operation and furnish evidence to that effect;

[(c)] (b) Maintain a recognized system of financial accounting; and

[(d)] (c) Maintain a contract of insurance for protection against liability to third persons in amounts appropriate for the protection of residents, employees, volunteers and visitors to the facility.

2. *The facility must not include money held on behalf of a resident of the facility in determining the money required pursuant to paragraph (a) of subsection 1.*

3. A certificate of insurance must be furnished to the division as evidence that the contract pursuant to paragraph **[(d)] (c)** of subsection 1 is in force and a license must not be issued until that certificate is furnished. Each contract of insurance must contain an endorsement providing for a notice of 30 days to the **[division]** *bureau* before the effective date of a cancellation or nonrenewal of the policy.

Sec. 71. NAC 449.205 is hereby amended to read as follows:

449.205 Advertising and promotional materials for a *residential* facility must be accurate and not misrepresent accommodations, services or programs offered by the facility.

Sec. 72. NAC 449.213 is hereby amended to read as follows:

449.213 1. *A residential facility shall:*

(a) Provide laundry and linen services on the premises of the facility; or

(b) Contract with a commercial laundry for the provision of those services.

2. A [facility which maintains] *residential facility that provides* its own laundry *and linen services* must have accommodations which are adequate for the proper and sanitary washing and finishing of linen and other washable goods.

[2.] 3. The laundry *room in a residential facility* must be situated in an area which is separate from an area where food is stored, prepared or served. The laundry must be adequate in size for the needs of the facility and maintained in a sanitary manner. *The laundry room must contain at least one washer and at least one dryer.* All the equipment must be kept in good repair. *All dryers must be ventilated to outside the building.*

4. *Laundry may be sanitized by the use of heat or chemicals. If the laundry of a residential facility is sanitized by the use of heat, precautions must be taken to ensure that a resident, member of the staff or other person in the facility is not burned by the laundry. Delicate clothing may be washed in a sink or bathtub. The sink or bathtub in which the clothes are washed must be sanitized immediately after it is used for that purpose.*

Sec. 73. NAC 449.216 is hereby amended to read as follows:

449.216 1. [There must be] *A residential facility must have at least one centrally located [living room for the free and informal use of the residents.*

2. *Living rooms] common area in which residents may socialize and participate in recreational activities. A common area may include, without limitation, a living room, dining room, enclosed porch or solarium.*

2. *The common areas* must be large enough to accommodate those to be served without [crowding.

3. A quiet area for reading, sewing, crafts or other sedentary activities must be provided. This area must be equipped with tables, chairs and bookshelves with a variety of reading materials.] *overcrowding the areas. A minimum area of 15 square feet of total common area space per person must be provided.*

3. *All common areas must be furnished and equipped with comfortable furniture.*

4. The dining room must be of sufficient size to accommodate all the residents comfortably. A minimum area of [15] 10 square feet per person must be provided.

5. The dining room must be conveniently located near the kitchen to ensure the rapid and efficient serving of food.

[6. Meals on a tray may be served, usually for not more than 2 weeks, to a temporarily indisposed resident in his bedroom.]

Sec. 74. NAC 449.222 is hereby amended to read as follows:

449.222 1. Each *residential* facility *with less than seven residents that was issued an initial license before January 14, 1997*, must have bathroom facilities in sufficient number to accommodate the residents, *the members of the staff of the facility* and [family.] *other persons at the facility.*

2. *Each residential facility with seven or more residents and each residential facility with less than seven residents that is issued an initial license on or after January 14, 1997, must have:*

(a) A flush toilet and lavatory [must be provided] for each four residents [.]; *and*

(b) A tub or shower [must be provided] for each six residents.

[2.] 3. The bottoms of tubs and showers must have [nonskid surfaces. Handrails] *surfaces that inhibit falling and slipping. Cabinets that are attached to the floor* or grab bars must be adjacent to the tubs, toilets and showers.

[3.] 4. All bathrooms and toilet facilities must be [properly lighted, vented directly to the outside and] located convenient to sleeping, recreational and living areas.

[4.] *A bathroom must have a window that can be opened or a vent to outside the facility.*

5. Provision must be made for privacy in all bathrooms and toilet facilities in rooms intended for [multiple use, each toilet and shower must be enclosed in a cubicle or protected by a door or curtain.

5. Toilet facilities and bathrooms for patients and personnel must not open directly into any room in which food, drink or utensils are handled or stored and must not be located so that the kitchen or other rooms where food is cooked, stored or served are used as a thoroughfare.

6. The administrator of a facility other than a residence for mentally retarded persons shall equip each bathroom in the facility with an auditory system which is connected to the area around the central desk or an area in which a member of the staff is available. The system must be constructed so that a resident needing assistance can work the auditory system and alert the staff without difficulty.

7.] *use by more than one person.*

6. *Bathroom doors that are equipped with locks must open with a single motion from the inside without the use of a key. If a key is required to open a lock from outside the bathroom, the key must be readily available at all times.*

7. Each resident must have his own toilet articles and must be provided with *toilet paper*, individual towels and wash cloths. *Paper towels may be used for hand towels*. The towels and wash cloths must be changed as often as is necessary to maintain cleanliness [.] *, but in no event less often than once each week*. A soap dispenser may be used instead of individual bars of soap.

8. *All bathrooms and toilet facilities must be sufficiently lighted and night lights must be provided in hallways that lead from the bedrooms to the bathrooms and toilet facilities.*

Sec. 75. NAC 449.231 is hereby amended to read as follows:

449.231 1. [At least one person on duty at the facility] *The administrator and caregivers of a residential facility* must be trained in first aid [.] *and cardiopulmonary resuscitation*. The advanced certificate in first aid *and adult cardiopulmonary resuscitation* issued by the American Red Cross or an equivalent certification will be accepted as proof of that training.

2. A first-aid kit [which includes items commonly used in first aid] must be available at the facility. *The first-aid kit must include, without limitation:*

(a) *A germicide safe for use by humans;*

(b) *Sterile gauze pads;*

(c) *Adhesive bandages, rolls of gauze and adhesive tape;*

(d) *Disposable gloves;*

(e) *A shield or mask to be used by a person who is administering cardiopulmonary resuscitation; and*

(f) *A thermometer or other device that may be used to determine the bodily temperature of a person.*

3. Except for first aid [.] *in an emergency*, no treatment or medication may be administered to a resident without [a **physician's approval.**] *the approval of a physician.*

Sec. 76. NAC 449.232 is hereby amended to read as follows:

449.232 [A] 1. *Each residential facility must have a telephone [.] that the residents may use to make local calls.*

2. A list of *telephone numbers to be called in case of an emergency for each resident* must be located near the telephone. *The list must include the telephone number of the resident's physician and the telephone number of a friend of the resident or one of the members of the resident's family.*

3. The *telephone* number of [at least one telephone in the] *the facility* must be listed in the telephone directory.

Sec. 77. NAC 449.241 is hereby amended to read as follows:

449.241 1. Volunteers may be used to supplement the services and programs of a *residential facility* [.] , *but may not be used to replace members of the staff of the facility.*

2. *A resident may volunteer to help the employees of the facility in a manner that does not create an unsafe condition for the resident, other residents or the members of the staff of the facility.*

3. *A resident must not be required to perform duties normally performed by the staff of the facility. If a resident volunteers to perform such duties, the administrator of the facility shall ensure that the resident's records include a statement that the resident has volunteered to perform those duties.*

4. *A resident who is performing duties pursuant to this section must not be allowed access to confidential files.*

Sec. 78. NAC 449.246 is hereby amended to read as follows:

449.246 1. Each *residential* facility must have a written policy on admissions which includes:

(a) A statement of nondiscrimination regarding admission to the facility and treatment after admission; and

(b) The requirements for eligibility as a resident [.

Copies of the policy must be made available to the public.

2. *An ambulatory person who requests admission] of that type of facility.*
2. *A person who wishes to reside in a residential facility with residents that require a higher category of care than he requires may reside in the facility if he is not otherwise prohibited from residing in the facility.*
3. *Except as otherwise provided in subsection 4, a person who is admitted to a residential facility must be at least 18 years of age . [and shall demonstrate a:*
 - (a) *Need for protective supervision; and*
 - (b) *Desire to live as a member of a group.*
3. *An ambulatory person who uses a cane may be admitted only if he is given a room with a direct exit to the outside in case of fire or is placed in a room on the ground floor which is within a reasonable distance from an exit to the outside.]*
4. *A person who is less than 18 years of age may be admitted to a residential facility that provides care to females during pregnancy.*
5. *A residential facility , other than a residential facility which provides care to persons with Alzheimer's disease, shall not admit any person who:*
 - (a) *[Has active communicable tuberculosis or other contagious or infectious disease;*
 - (b) *] Requires restraint or confinement in locked quarters;*
 - (c) *Is subject to attacks of epilepsy which are not medically controllable;*
 - (d) *Requires treatment for addiction to alcohol or drugs; or*
 - (e) *Requires] or*
 - (b) *Is bedfast or requires treatment or special care [for mental illness,*

unless the illness is controlled by self-administered medication.

5. Except as otherwise provided in subsection 6, a person seeking admission to a facility must present a statement from his physician to the administrator of the facility stating that the resident is:

- (a) Ambulatory;
- (b) Capable of average judgment and can protect himself in an emergency; and
- (c) Free from active communicable tuberculosis and other contagious and infectious diseases.

6. The following may be accepted in place of the physician's statement required in subsection 5:

(a) If a person enters the facility directly from a medical facility or another facility for the dependent, a current summary of the resident's medical condition from that facility.

(b) If a resident receives assistance from the welfare division, Form 2-213 in the division's records.

7. As used in this section, "contagious or infectious disease" means a disease that is not easily transmitted through ordinary household contact. The term does not include HIV and Hepatitis B infections.] *and is not receiving hospice care.*

6. The determination of whether a person who wishes to reside in a residential facility complies with the requirements for eligibility must be made by the person's physician or, if the person's physician does not make the determination, by the bureau.

7. As used in this section:

(a) “Bedfast” means a condition in which a person is:

(1) Incapable of changing his position in bed without the assistance of another person;

(2) Immobile; or

(3) Incapable of moving himself once he has been placed in a wheelchair or other device that is capable of being moved.

(b) “Restraint” means:

(1) A psychopharmacologic drug that is used for discipline or convenience and is not required to treat medical symptoms; or

(2) A method, a device, material or equipment used to restrict a resident’s ability to move or otherwise limit his ability to harm himself or other persons.

Sec. 79. NAC 449.247 is hereby amended to read as follows:

449.247 1. An agreement must be signed by the administrator of [the] *a residential facility* and *each* resident stating the:

(a) Basic rate [;] *for the services provided by the facility;*

(b) Schedule for payment;

(c) *Services included in the basic rate;*

(d) Charges for optional services which are not included in the basic rate; and

[(d) Facility’s]

(e) *Residential facility’s* policy on refunds of amounts paid but not used.

2. [This agreement must not grant the operator of the facility the right to act on behalf of the resident or a general power of attorney.] *The administrator may remove the rates and charges from any copies of the agreement to which the employees of the facility have direct access. The original agreement may be kept in a locked cabinet to which only the administrator has access. The administrator shall provide the bureau with the original agreement within 72 hours after the bureau requests it.*

3. *The agreement must be included in the file maintained pursuant to section 52 of this regulation.*

Sec. 80. NAC 449.252 is hereby amended to read as follows:

449.252 1. [Each resident shall designate a physician to be called in case of emergency. The facility must make all necessary arrangements to secure the services of a licensed physician if the resident's own physician is not available.

2. In the event of an illness or the injury of a resident,] *If a resident of a residential facility becomes ill or is injured, the resident's physician and a member of the resident's family must be notified at the onset of illness or at the time of the [accident or] injury.*

[3. A temporary illness] *The facility must:*

(a) *Make all necessary arrangements to secure the services of a licensed physician to treat the resident if the resident's physician is not available; and*

(b) *Request emergency services if the caregiver responsible for the resident determines that such services are necessary.*

2. *A resident who is suffering from an illness or injury from which the resident is expected to recover within 14 days after the onset of the illness or the time of the injury may be cared for in the facility. The decision as to the [temporary nature of the illness] period within which the resident is expected to recover from the illness or injury and the needs of the resident must be made by the resident's physician or, if he is unavailable, by another licensed physician.*

[4.] 3. A written record of all accidents, injuries and illnesses of the resident which occur in the facility must be [kept in the resident's file.] *made by the caregiver who first discovers the accident, injury or illness. The record must include:*

(a) *The date and time of the accident or injury or the date and time that the illness was discovered;*

(b) *A description of the manner in which the accident or injury occurred or the manner in which the illness was discovered; and*

(c) *A description of the manner in which the members of the staff of the facility responded to the accident, injury or illness and the care provided to the resident.*

This record must accompany the resident if he is transferred to another facility.

[5. Each]

4. *The facility shall ensure that appropriate medical care is provided to the resident by an employee of the facility who is trained to provide that care or by an independent contractor who has agreed to provide medical services for the facility.*

5. *Before admission and each year after admission, or more frequently if there is a significant change in [his] the physical condition [, each resident shall submit to the facility] of a resident, the facility shall obtain the results of a general physical examination of the resident by his physician. [The examination must include an evaluation of his ambulatory status and an examination for tuberculosis and contagious and infectious diseases. The physician's statement must be placed in the resident's file.] The resident must be cared for pursuant to any instructions provided by the resident's physician.*

6. *The members of the staff of the facility shall:*

(a) *Ensure that the resident receives the personal care that he requires.*

(b) *Monitor the ability of the resident to care for his own health conditions and shall document in writing any significant change in his ability to care for those conditions.*

7. *This section does not prohibit a resident from rejecting medical care. If a resident rejects medical care, an employee of the facility shall record the rejection in writing and shall request that the resident sign that record as a conformation of his rejection of medical care. If the resident rejects medical care that a physician has directed the facility to provide, the facility shall inform the resident's physician of that fact within 72 hours after the care is rejected. The facility shall maintain a record of the notice provided to the physician pursuant to this subsection.*

8. *As used in this section, "significant change" means a change in a resident's condition for which a member of the staff of a residential facility determines it is necessary to transfer the resident so that he may receive a higher level of care.*

Sec. 81. NAC 449.258 is hereby amended to read as follows:

449.258 1. Written [rules for the] *policies for a residential facility that comply with the provisions of NAC 449.156 to 449.270, inclusive, and sections 2 to 67, inclusive, of this regulation* must be developed . [and cover the topics in this section. All facilities must post these rules in a conspicuous place. These rules must be included in the written admission policies.]

2. If visiting hours are established, the policy regarding visits must be flexible, to ensure that every resident has the opportunity to retain and strengthen ties with family and friends.

3. [Policies relating to leaving the grounds must be flexible and reflect a trust in and respect for the person served. Certain limitations may be desirable to ensure an orderly process of group living. Rules may require that residents advise members of the staff of their departure and return. Limitations with respect to the usual hours of absence may be desirable.

4.] Assurances must be provided that incoming and outgoing mail *for a resident* will not be interfered with in any way [.

5. Certain events in daily living must be scheduled. Provisions must be made for modification when special events occur.

6. The schedule must provide a framework for daily living in which the following events constitute the basic structure:

(a) Meals at regular hours;

- (b) Hour for rising;
- (c) Hour for retiring;
- (d) Work assignments;
- (e) Religious activities; and
- (f) Group activities.

7. Restrictions essential to group living and to proper compliance with fire, safety and sanitation regulations must be clearly stated. The rules must define for residents the areas of individual freedom permitted, as well as the limitations necessary to protect the rights of others.

8. A smoking policy commensurate with good fire safety practice must be developed.]
, unless written permission is obtained from the resident or his representative. Permission obtained from the resident or his representative may specifically state the type of mail that may be interfered with by the members of the staff of the facility. Permission granted by a resident or his representative pursuant to this subsection may be revoked by the resident at any time.

4. The employees of the facility shall comply with the policies developed pursuant to this section.

Sec. 82. NAC 449.267 is hereby amended to read as follows:

449.267 1. An employee of a *residential* facility shall not handle a resident's money without first being requested to do so in writing by the resident or his [agent.]
representative.

2. An accurate record must be kept of all money deposited with the facility for use by the resident, including withdrawals. *The record must include:*

- (a) A separate accounting of the money held by the facility on behalf of the resident;*
- (b) Receipts for expenditures made by the facility on behalf of the resident; and*
- (c) A written acknowledgment by the resident for each withdrawal of his money.*

3. All money *in excess of \$100* held by the facility on behalf of [residents] *a resident* must be maintained in a financial institution in [a trust] *an* account separate from the facility's operating accounts and must be clearly designated as such. [Small amounts may be kept at the facility for a resident's incidental personal use.

4. The facility must provide temporary safe storage on the premises for a resident's valuables and take appropriate measures to protect those valuables. The resident must be encouraged to store the valuables off the premises, such as in a safe-deposit box.

5.] 4. *Each resident must have access to not less than \$50 of his money during normal business hours on each business day. The resident must be able to receive the remainder of his money within 2 business days after making a request for that money.*

5. *If a resident requests to make a withdrawal of more than \$2,000 for any reason other than for the payment of his normal monthly expenses, the member of the staff of the facility who receives the request shall report the transaction to:*

- (a) If the resident is 60 years of age or older:*
 - (1) The aging services division of the department of human resources; or*
 - (2) The welfare division of the department of human resources; or*

(b) If the resident is less than 60 years of age:

(1) The office for protective services for the county in which the facility is located if that county has such an office; or

(2) The local law enforcement agency if the county in which the facility is located does not have an office for protective services.

6. Except as *otherwise* provided in subsection [6.] 7, an operator or employee of a *residential* facility shall not accept appointment as a guardian or conservator of the estate of any resident, become a substitute payee for any payments made to any resident or accept [a power of attorney on behalf of] *an appointment as an attorney in fact* for any resident.

[6.] 7. If a resident whose only source of income is in the form of monthly checks is legally determined to be unable to manage his money and documentary evidence can be produced showing that efforts to obtain a legal guardian have failed, the facility may be the substitute payee on the checks. *Records of all checks received, deposited or dispersed by the facility must be maintained in the resident's file.*

8. *Money that is held by a residential facility on behalf of a resident must be returned to the resident or his representative within 30 days after the resident is discharged from the facility.*

9. *An employee of a residential facility shall not borrow money from a resident.*

Sec. 83. NAC 449.270 is hereby amended to read as follows:

449.270 1. [Adequate] *A residential facility must have adequate facilities and equipment for the preparation, service and storage of food . [must be provided. Copies of*

reports of inspections for sanitation must be on file at the facility and indicate the date and correction of each problem noted. Food served must meet the standards provided for food and drink establishments in chapter 446 of NAC.

2. The dining area must be separated from the area used to prepare food.

3.] 2. Tables and chairs must be of proper height and of sufficient number to provide seating for the number of residents authorized for the facility. They must be sturdy and have easily washable surfaces. Chairs must be constructed so that they do not overturn easily.

[4. Meals must be served by members of the dietary staff who have received training in the sanitary preparation and service of food.

5.] 3. Menus must be in writing, planned a week in advance, dated, posted and kept on file for 90 days.

[6.] 4. *A resident who has been placed on a special diet by a physician or dietitian must be provided a meal that complies with the diet. The administrator of the facility shall ensure that records of any modifications to the menu to accommodate for special diets prescribed by a physician or dietitian are kept on file for at least 90 days.*

5. Any substitution for an item on the menu must be indicated on the written menu and kept on file.

[7.] 6. Each meal must provide a reasonable portion of the daily dietary allowances recommended by the Food and Nutrition Board, National Academy of Sciences, National Research Council.

[8.] 7. Meals must be nutritious, served in an appropriate manner, suitable for the residents and prepared with regard for individual preferences and religious requirements. At least three meals a day must be served at regular intervals. *The times at which meals will be served must be posted.* Not more than 14 hours may elapse between the meal in the evening and breakfast the next day. [Special diets and nourishment must be provided as ordered by the resident's physician.] *Snacks must be made available in between meals for the residents who are not prohibited by their physicians from eating between meals.*

8. *A resident must be served meals in his bedroom for not more than 14 consecutive days if he is temporarily unable to eat in the dining room because of an injury or illness. The facility may serve meals to other residents in their rooms upon request. If a meal is served to resident in his room because the resident is unable to eat in the dining room, the facility must maintain a record of the times and reasons for serving meals to the resident in his room.*

9. [The facility] *A residential facility with more than 10 residents* must employ *or otherwise obtain the services of* a person to serve as a consultant for the planning and serving of meals who:

(a) [Meets the requirements for registration of the American Dietetic Association;] *Is registered as a dietitian by the Commission on Dietetic Registration;* or

(b) Is a graduate from an accredited college with a major in food and nutrition and has 2 years of supervisory experience in a medical facility or facility for the dependent or has participated in a course of training for a supervisor of the service of food.

10. [If a facility consists of separate cottages or other structures, the facility shall serve hot, palatable meals through the use of portable steam tables or an approved equivalent. If the facility has a central dining area, covered walkways to the area must be provided.] *The person providing services pursuant to subsection 9 must provide those services not less than once each calendar quarter. The administrator of the facility shall keep a written record of the consultations on file at the facility. The consultations must include:*

- (a) The development and review of weekly menus;*
- (b) Training for the employees who work in the kitchen; and*
- (c) Advice regarding compliance with the nutritional program of the facility.*

Sec. 84. NAC 449.155, 449.1551, 449.1552, 449.1553, 449.1554, 449.1555, 449.159, 449.162, 449.165, 449.174, 449.177, 449.183, 449.186, 449.189, 449.198, 449.201, 449.207, 449.210, 449.219, 449.225, 449.228, 449.233, 449.234, 449.237, 449.240, 449.243, 449.249, 449.255, 449.261, 449.264, 449.273, 449.276, 449.277, 449.27705, 449.2771, 449.27715, 449.2772, 449.27725, 449.2773, 449.27735, 449.2774, 449.27745, 449.2775, 449.27755, 449.2776, 449.27765, 449.2777, 449.27775, 449.2778, 449.27785, 449.2779, 449.27795, 449.278, 449.27805, 449.2781, 449.27815, 449.2782, 449.27825, 449.2783, 449.27835 and 449.2784 are hereby repealed.

TEXT OF REPEALED SECTIONS

449.155 Definitions. As used in NAC 449.155 to 449.1555, inclusive, unless the context otherwise requires:

1. “Board” means the state board of health.
2. “Facility” means a residential facility for groups, as defined in NRS 449.017, which provides care to persons with Alzheimer’s disease.

449.1551 Adoption of safety codes by reference. The board hereby adopts by reference:

1. The “National Fire Protection Association Life Safety Code 13,” 1987 edition, which may be obtained by sending \$19.85 plus shipping costs to the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

2. The “National Fire Protection Association Life Safety Code 13D,” 1984 edition, which may be obtained by sending \$14.95 plus shipping costs to the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

449.1552 Standards for safety.

1. A facility must meet the following fire protection standards:

(a) All rooms and corridors must comply with the provisions of either the National Fire Protection Association Life Safety Code 13, 1987 edition, or the National Fire Protection Association Life Safety Code 13D, 1984 edition.

(b) Flow and tamper switches must be installed.

(c) Local audible alarming units must be installed.

(d) Smoke detection units must be installed in all sleeping areas and corridors.

2. A facility must meet the following building construction standards:

(a) If normal locking doors are provided, they must be able to be opened from the inside.

(b) Alarms or time-delay locks must be provided on exit doors.

3. A facility must meet the following operational standards:

- (a) There must be an emergency evacuation procedure plan for the residents and the members of the staff of the facility.
- (b) Monthly fire drills for members of the staff must be conducted and recorded.
- (c) Weekly inspections of fire detectors must be performed and recorded by members of the staff.
- (d) Fire sprinklers must be inspected by a licensed contractor every 3 months. The results of the inspections must be recorded. Fire sprinklers must be tested by a licensed contractor every 6 months. The results of the tests must be reported to the appropriate fire department.

449.1553 Personnel required; failure to comply.

- 1. A licensee operating a facility shall have:
 - (a) At least one member of the staff awake 24 hours per day.
 - (b) Sufficient personnel to meet the needs of the residents 24 hours a day and to assure the evacuation of the residents within 2 minutes after discovering an emergency.
- 2. If a facility fails to comply with the provisions of subsection 1, the board will:
 - (a) Upon the first offense within a licensing period, give to the facility a notice of the offense and information on the appeal process.
 - (b) Upon the second offense within a licensing period, order the facility to comply with the provisions of subsection 1.

(c) Upon the third offense within a licensing period, revoke the facility's license endorsement to provide care to persons with Alzheimer's disease.

449.1554 Training of personnel Each employee, caregiver or volunteer at a facility shall successfully complete each year they provide services at the facility at least 8 hours of training in rendering care, emergency procedures and family support services to people with Alzheimer's disease. The training must be from a curriculum approved by the board. An employee's file must contain proof of the satisfactory completion of the required training.

449.1555 Eligibility for care. A person with Alzheimer's disease is eligible to receive care at a facility if he:

1. Suffers from dementia;
2. Is able to ambulate;
3. Is able to transfer to primary form of ambulation with prompting; and
4. Is able to be evacuated from the facility within 2 minutes.

449.159 "Ambulatory person" defined "Ambulatory person" means any person, including one who uses a cane, who is physically and mentally capable, under emergency conditions, of finding a way to safety without assistance. If questioned, a final decision will be made by the resident's physician and the health division.

449.162 "Facility" defined. "Facility" means a residential facility for groups, as defined in NRS 449.017, which has seven or more residents.

449.165 “Health authority” defined. “Health authority” means the officers and agents of the health division of the department of human resources or the local board of health.

449.174 “Unrelated person” defined. “Unrelated person” means any person not related by blood, adoption or marriage to the person furnishing care to ambulatory, aged, infirm or handicapped adults or pregnant women.

449.177 Application for license.

1. Any person or governmental entity desiring to operate a facility shall submit a notarized application for a license to the Health Division, Carson City, Nevada 89710. A facility must include, as part of its designation, an additional prefatory term which denotes the level of care rendered.

2. Evidence submitted as to the character of the applicant or person in charge of the facility must include personal references and information on his business activities and associations during the preceding 3 years.

3. Upon receipt of an application for a license, the division shall conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation and policies of any person or governmental entity proposing to operate a facility.

4. Satisfactory assurances must be given that the facility complies with all applicable state and local requirements relating to safety from fire and the protection of health.

449.183 Results of inspection; new construction or remodeling.

1. If a proposed facility is not currently licensed, the division shall, upon request, furnish the applicant with a written statement of the results of its inspection of the facility.
2. The division shall review any plan for new construction or remodeling of a facility and furnish the applicant with a statement of its findings.
3. A license must not be issued until all construction has been completed and a survey at the site has been conducted.

449.186 Contents and display of license; transfer of real property.

1. The license must specify the name of the person authorized to operate the facility, the name and address of the facility and the maximum number of residents authorized for the facility.
2. The license must be prominently displayed in a public area at the facility.
3. The division must be notified in writing within 10 days after any transfer of the real property of the facility if there is no change in the operator. A copy of any lease related to the transfer must be furnished to the division.

449.189 Consultation with representative of division; notice of nonconformity.

1. A representative of the division shall be available upon request for consultation with a facility to assure compliance with applicable regulations.
2. If a licensed facility does not conform to any requirement for licensing, the division may issue a written notice specifying the nature of the nonconformity and set a time within which the facility must conform.

449.198 Renewal of license. An application to the division for the renewal of a license must be made at least 45 days before the expiration of the license.

449.201 Appeals.

1. An aggrieved person may file notice of an appeal with the division within 10 days after receipt of the notice of the action of the division relating to licensing.

2. Within 20 days after the receipt of the notice of appeal, the division shall hold a hearing.

3. Notice of the hearing must be given no less than 5 days before the date set for the hearing.

449.207 Location of facility.

1. No facility may be located where surrounding conditions are hazardous to the physical or mental well-being of residents.

2. No other business which is detrimental to the facility may be conducted on the premises.

3. No facility may be located in a private family residence unless that portion of the building to which residents have access is used exclusively for the residents or is distinctly separate from the usual living quarters of the family. Living arrangements must be approved by the health division.

4. The facility must be located in an area which ensures safe and sufficient water, adequate drainage, sewage disposal and good fire protection.

5. The grounds must be large enough to provide some space for outdoor living and for appropriate group activities in addition to the necessary service area.

449.210 Use of building.

1. Except as provided in subsection 2, activities for residents must be confined to the first floor of the facility that is entirely above the level of the ground.

2. An attic or basement may not be used as a bedroom for a resident. It may be used as a living or recreational area if it is finished and separated from the furnace, water heater and pipes by partitions resistant to fire. The area must be adequately heated and ventilated and conform to requirements for sanitation and safety from fire.

3. A facility must provide:

(a) A system of communication which allows a resident to communicate with another person in any other part of the facility; and

(b) Protected access to a common dining room and recreational area.

449.219 Bedrooms.

1. The number of bedrooms must be sufficient for each resident to have comfortable and attractive quarters that assure a large degree of privacy. A resident may share a room with not more than three other persons.

2. There must be at least 80 square feet of floor space and 640 cubic feet of air space per bed in rooms with more than one bed.

3. Every bedroom must have an outside window at least one- eighth of the floor space in size. If the window cannot be opened from the inside without the use of tools, then a door to the outside which can be opened from the inside must be provided.

4. Each resident must be provided space for storage of at least 12 square feet of shelves per bed in one concentrated area and 24 inches of space in a closet for hanging garments.

5. Doors of bedrooms may be equipped with locks for use by residents if the doors may be unlocked from the corridor and keys are readily available.

6. A room must not be used as a bedroom if it can only be reached by passing through another resident's bedroom.

7. Bedrooms must not open into any room in which food is prepared, served or stored.

8. Bedrooms must be located near a lavatory, bath and toilet.

9. A separate bed with a comfortable and clean mattress must be provided for each resident. The bed must be at least 36 inches wide, made with two clean sheets, pillow cases and bedspread. Linens must be changed as necessary but at least once per week. Additional bedding, including rubber or other protective sheets must be provided if necessary.

449.225 Housing for members of staff.

1. Bedrooms for resident members of the staff must meet the requirements for sleeping rooms of residents except that resident members of the staff may be housed in finished basements with the approval of the fire authority. Private bath and toilet facilities reserved

for the use of resident members of the staff must be provided adjacent to or near their bedrooms.

2. Facilities for members of the resident staff must afford privacy.

3. Rooms provided for resident members of the staff on call must be in close proximity to the rooms of the residents or have an approved intercom system installed.

449.228 Protection from fire.

1. The division may withhold the issuance of a license pending compliance by the facility with any local requirements relating to safety from fire.

2. A facility must conform to the requirements for safety stated in chapter 10 of the National Fire Protection Association's Life Safety Code of 1973, which is hereby adopted by reference. A copy of the National Fire Protection Association's Life Safety Code of 1973 may be purchased from N.F.P.A., Batterymarch Park, Quincy, Mass. 02269, attention: Publication Sales Division, order #NFPA-101 LSC-1973, for the price of \$7.

3. Facilities must be maintained and operated to minimize the possibility of a fire.

4. A facility with 30 or more beds must have a system approved by the division for exits and lighting to be used in an emergency.

5. Portable fire extinguishers must be provided and inspected at least once per year.

6. Any hazardous area at the facility must be made safe to prevent accidents.

7. The stove, furnace, air conditioner, equipment for ventilation and other similar equipment must be of a type approved by the division. A portable heater is prohibited.

449.233 Evacuation.

1. Every facility must have a plan for the removal of residents in case of fire or other emergency. The plan must be:

- (a) Understood by all employees;
- (b) Posted in a conspicuous place; and
- (c) Discussed with each resident at the time of his admission.

A new resident must be conducted through the entire procedure and shown the location of all exits during his first day in the facility.

2. A drill for evacuation must be performed every month on an irregular schedule and a written record of each drill must be kept on file at the facility.

449.234 Health and sanitation.

1. The division may withhold the issuance of a license pending compliance by the facility with any local requirement relating to sanitation and the protection of health.

2. Each facility must have an adequate system for the disposal of sewage, which has been approved by the division.

3. Each facility must obtain water from a system approved by the division, or the water used must be approved by the division as safe.

4. A tightly covered container must be used by a facility to store garbage.

5. Each facility must be maintained in a clean and sanitary condition. Special attention must be given to ensure that:

(a) There are no sliding rugs or highly waxed floors. Floors must be treated to prevent skidding.

(b) The premises are clean and free from debris which harbors insects and rodents or which interferes with the free movement of residents.

449.237 Employees: General policies.

1. Personnel must be sufficient in number and competence to provide a quality of service which will meet the needs of the residents on a 24-hour basis and assure adequate and speedy evacuation of residents in case of an emergency. The number and kind of employees required is dependent upon the physical plant, the number of residents served and the services provided.

2. As a minimum, sufficient staff must be employed to provide effective administration, food service, housekeeping and maintenance in the facility. Outside consultants, services and volunteers must be utilized to provide for the medical, social, dietary, religious and recreational needs of residents that the employed staff of the facility is not able to provide.

3. Written personnel policies appropriate for the program and operation of the facility must be developed and made available for the use of employees.

4. Personnel policies must include the following:

(a) Hours of duty;

(b) Salary schedules;

(c) Sick leave;

- (d) Vacations;
- (e) Holidays;
- (f) Insurance and retirement;
- (g) Job descriptions;
- (h) Probationary periods;
- (i) Termination of employment; and
- (j) Health requirements.

5. A separate personnel file must be kept current on each employee. The file must include:

- (a) Name, address and telephone number of the employee;
- (b) Social security number;
- (c) Date of birth;
- (d) Date of employment;
- (e) Emergency notification;
- (f) Educational qualifications;
- (g) Experience records;
- (h) Periodic evaluation;
- (i) All health certifications as required;
- (j) All illnesses causing the employee to miss work;
- (k) All accidents occurring on the job; and
- (l) Date of and reasons for discharge or resignation.

449.240 Employees: Physical and mental health.

1. Each employee of the facility must be in good physical and mental health and be free from any illness or disease which may be detrimental to the health and well-being of the residents.

2. Every employee of the facility shall provide the division, upon his initial employment, with:

(a) The results of a physical examination conducted within the preceding 6 months or his medical records for the preceding 3 years, certified by a physician; and

(b) A negative report of an X-ray film of his chest or a tuberculin test completed within the preceding 6 months. Thereafter, an X-ray film of his chest or tuberculin test must be completed every year. If the results of a tuberculin test are positive, he shall have an X-ray of his chest completed.

449.243 Administrator: Qualifications and duties.

1. The administrator of a facility:

(a) Must be responsible and mature and have personal qualifications which enable him to understand the problems of the aged and disabled;

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

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

(d) Must have a minimum of 3 years of experience in the care of groups or a closely related field;

(e) Shall furnish evidence that he is of responsible and reputable character; and

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

2. The administrator is responsible for the selection, direction and dismissal of employees in accordance with established policies and for compliance with the provisions of NAC 449.156 to 449.276, inclusive.

449.249 Transfer or release.

1. A resident must be transferred to an appropriate medical facility at any time his physical and mental condition reaches the point that he cannot meet the standards of health described in NAC 449.246.

2. A resident, his next of kin and the responsible agency, if any, must be consulted and adequate arrangements must be made to meet the resident's needs through other means before he permanently leaves the facility.

3. A resident may permanently leave the facility upon his own responsibility. A document must be signed by the administrator of the facility and the resident when the resident so leaves.

449.255 Medication.

1. Medication prescribed by the resident's physician must be stored in a cool, dry place under lock and key. Except as otherwise provided in subsection 3, an employee of the facility may only make the medication available to the resident in the original container at the time directed on the label, oversee the taking of the medication and return the

original container to the locked area for storage. Medication must be given only to the resident for whom it is prescribed and it must be of a type that can be self-administered.

2. Medication stored in a refrigerator must be kept in a locked metal box unless the refrigerator is located in a locked area. All medication must be plainly labeled as to contents and the name of the resident and physician. Medications for external use only must be kept in a separate locked area.

3. Only a registered or licensed practical nurse licensed in this state may remove a resident's medication from its original container and give it to him for self-administration. A medication must be given to the resident only at the time it is to be self-administered.

4. All medications, both internal and external, must be destroyed promptly upon discontinuance of use by flushing the contents of vials, bottles or other containers into a toilet. The destruction must be accomplished by the administrator and one witness. A notation must be made in the resident's records and must be signed by the administrator and the witness.

5. The employee who provides assistance with medication must be qualified by education, experience, or both, to perform that duty.

449.261 Daily programs.

1. The program for daily living must be planned to ensure that each resident has an opportunity for:

(a) Privacy, relaxation and personal activities.

(b) Group activities which provide group acceptance and recognition and the development of creative skills and interests during leisure time.

(c) Planned recreational opportunities suited to the interests and capacities of each resident.

(d) Contacts with outside interests and friends with open daily visiting hours established for family and friends.

2. The assignment of residents to household duties must:

(a) Never be used as a substitute for adequate financing in lieu of an adequate staff.

(b) Be geared to the physical health and abilities of the resident.

(c) Be rotated among all residents who are capable of the duty except under extenuating circumstances.

(d) Be at the risk of the facility. The facility is responsible for the actions of a resident who is rendering a service to the facility or another resident in the same way that it is responsible for the actions of an employee.

(e) Not give the resident access to confidential information.

3. The traditional right to freedom of worship must be maintained. Each resident must be provided the opportunity for participation in the religious service of his choice and there must be opportunity for personal and private pastoral counseling as desired by the resident.

4. If a facility sponsored by a church requires a resident to participate in religious services conducted under its auspices, this must be stated in the written admission policies and the prospective resident must be informed of the policy before admission.

449.264 Supervision of residents.

1. Services to assist residents in dealing with social and related problems must be available to all residents through one or more qualified persons.
2. Each resident must receive adequate personal care to the full extent that he needs these services. The types and amounts of protection and personal service needed by each resident of the facility must be a matter of record and known to all members of the staff having personal contact with the resident. Each resident must be given kind, considerate treatment.
3. Residents must be allowed to rest in their rooms at their discretion. Residents must have the freedom to enter and leave the facility as they prefer if their physical and mental health permits and they observe the rules established by the facility. Residents must be provided with services for laundry unless they elect in writing to make their own arrangements. Special efforts must be made to see that the clothes worn by residents are clean and presentable.
4. The next of kin or the resident's physician must be notified immediately following an accident, injury or illness of a resident.
5. No form of restraint may be used in caring for any resident. No sedative may be given in lieu of restraint, except in an emergency, under the direction of a licensed physician for a temporary period.

449.273 Records and reports.

1. Each facility must maintain records and make reports which are necessary for proper administration and as the health division may prescribe.
2. Each facility must report immediately to the health division any unusual occurrence, such as an unusual death, serious injury or accident to a resident, major fire or other emergency.
3. Written admission policies with criteria for the selection of the residents must be maintained and available to the public.
4. A record for each employee must be maintained and contain the information outlined in NAC 449.237.
5. A record of all meals served in the facility must be maintained for 90 days.
6. The facility must establish and maintain an adequate record in individual folders for each resident.
7. Records of residents accepted for service must include the following information:
 - (a) Identifying information including full name, address, race, religion, education, occupation, names and addresses of relatives, names of any referring agency and the person to notify in an emergency.
 - (b) Selective recording of significant information obtained or observed by members of the staff in their contacts with residents, including incident reports.
 - (c) Reports of initial and subsequent physical examinations which include statements as to the mental competence and ambulatory status of the person, including transfer summaries.

(d) Correspondence of permanent value, referral summaries, financial and other agreements.

8. Records must be kept in a locked file which is resistant to fires and must be available only to authorized personnel. The records must be kept confidential.

449.276 Discrimination prohibited.

1. A resident shall not be segregated or restricted in the enjoyment of any advantage or privilege enjoyed by other residents or provided with any assistance, service or other benefit which is different or provided in a different manner from that provided to others, on the grounds of race, color or national origin.

2. The facility's policy regarding discrimination must be posted in a public area of the facility.

449.277 Definitions. As used in NAC 449.277 to 449.2784, inclusive, unless the context otherwise requires, the words and terms defined in NAC 449.27705, 449.2771 and 449.27715 have the meanings ascribed to them in those sections.

449.27705 “Ambulatory person” defined. “Ambulatory person” means any person who is physically and mentally capable, under emergency conditions, of finding a way to safety without assistance.

449.2771 “Division” defined. “Division” means the health division of the department of human resources.

449.27715 “Facility” defined. “Facility” means a residential facility for groups, as defined in NRS 449.017, which has less than seven residents.

449.2772 Application for license.

1. Any person or governmental entity desiring to operate a facility must submit a notarized application for a license to the Health Division, 505 East King Street, Room 202, Carson City, Nevada 89710.

2. Evidence submitted as to the character of the applicant or person in charge of the facility must include personal references and information on business activities and associations during the preceding 3 years.

3. Upon receipt of an application for a license, the division shall conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation and policies of any persons proposing to operate a facility.

4. Satisfactory assurances must be given that the facility complies with all applicable state and local codes relating to safety from fire and the protection of health.

449.27725 Procedure for licensing.

1. An applicant for a license to operate a new facility shall contact the division before making any commitment to purchase or lease a facility.

2. If an applicant desires to purchase a currently licensed facility, the facility must meet current state and local regulations relating to safety. With the written permission of the current owner or lessee, the division shall provide to the applicant information about any changes needed for that facility and a history of any past deficiencies.

3. The applicant shall:

(a) Submit to the division any plans for new construction or remodeling; and

(b) Notify the division of a tentative date for the completion of the construction or remodeling.

4. If a proposed facility is not currently licensed, the division shall, upon request, furnish the applicant with a written statement of the results of its inspection of the facility.

5. The division shall review any plans for new construction or remodeling of a facility and furnish the applicant with a statement of its findings.

449.2773 Contents and display of license; transfer of real property.

1. The license must specify the name of the person authorized to operate the facility, the name and address of the facility and the maximum number of residents authorized for the facility.

2. The license must be prominently displayed in a public area at the facility.

3. The division must be notified in writing within 10 days after any transfer of the real property of the facility if there is no change in the operator. A copy of any lease related to the transfer must be furnished to the division.

449.27735 Consultation with representative of division; notice of nonconformity

1. A representative of the division shall be available upon request for consultation with a facility to ensure compliance with applicable regulations.

2. If a licensed facility does not conform to any requirement for licensing, the division shall issue a written notice specifying the nature of the nonconformity and set a time within which the facility must conform.

449.2774 Renewal of license. An application to the division for the renewal of a license must be made at least 45 days before the expiration of the license. An inspection before renewal of the license must not be scheduled until the application and fee are received.

449.27745 Administrator; employees.

1. The administrator of a facility:
 - (a) Must be responsible and mature and have the personal qualities which will enable him to understand the problems of the aged and disabled;
 - (b) Must be at least 21 years of age;
 - (c) Must have a high school diploma or its equivalent;
 - (d) Shall furnish evidence that he is of responsible and reputable character; and

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

2. Every employee of the facility:

(a) Must be in good physical and mental health; and

(b) Must be of good character and personal integrity.

The division may request a local law enforcement agency to conduct an investigation into the background of an employee or potential employee.

3. Each employee shall provide the division:

(a) Upon his initial employment, with the results of a physical examination conducted within the preceding 6 months or his medical records for the preceding 3 years, certified by a physician.

(b) Upon his initial employment, with a negative report of an X-ray film of his chest or a tuberculin test completed within the preceding 6 months. Thereafter, an X-ray film of his chest or tuberculin test must be completed every 2 years.

(c) With the results of additional examinations and tests as indicated by his medical record.

449.2775 Financing; insurance.

1. A facility must:

(a) Have a plan for financing which assures sufficient funds to provide proper care for residents and to carry out the stated purposes, programs and services of the facility;

- (b) If it is a new facility, have a reasonable expectation of sufficient funds to carry it through the first 3 months of operation and furnish evidence to that effect;
- (c) Maintain a recognized system of financial accounting; and
- (d) Maintain a contract of insurance for protection against liability to third persons in amounts appropriate for the protection of residents, employees and visitors to the facility.

2. A certificate of insurance must be furnished to the division as evidence that the contract, pursuant to paragraph (d) of subsection 1, is in force, and a license must not be issued until that certificate is furnished. Each contract of insurance must contain an endorsement providing for a notice of 30 days to the division before the effective date of a cancellation or nonrenewal of the policy.

449.27755 Health and sanitation.

- 1. The division may withhold the issuance of a license pending compliance by the facility with any local regulation relating to sanitation and the protection of health.
- 2. A tightly covered container must be used by a facility to store garbage.
- 3. Each facility must be maintained in a clean and sanitary condition. Special attention must be given to ensure that:
 - (a) There are no sliding rugs or highly waxed floors.
 - (b) The premises are clean and free from debris which harbors insects and rodents or which interferes with the free movement of residents.

4. All rooms, including hallways and areas for maintenance and other incidental services, must be properly heated, lighted and ventilated. Windows and doors must be screened, during the warm months, against insects.

5. A toilet or bathroom must not open directly into any room in which food or utensils for eating are handled or stored and must not be located so that a kitchen or other room where food is cooked, stored or served is used as a thoroughfare to the toilet or bathroom.

449.2776 Protection from fire.

1. Smoke detectors must be located in each bedroom, room for a boiler or furnace, laundry, attached garage or common room.

2. Every facility must have a plan for the removal of residents in case of fire or other emergency. The plan must be:

- (a) Understood by all employees;
- (b) Posted in a conspicuous place; and
- (c) Discussed with each resident at the time of his admission.

3. A drill for evacuation must be performed every month on an irregular schedule, and a written record of each drill must be kept on file at the facility.

4. Portable fire extinguishers must be provided and inspected at least once per year.

5. The stove, furnace, air conditioner, equipment for ventilation and other similar equipment must be of a type approved by the division. Portable heaters are prohibited.

6. A policy on smoking commensurate with practices to prevent fires must be developed.

449.27765 First aid.

1. A first-aid kit must be available at the facility, and include, at a minimum:

- (a) A germicide safe for use by humans;
- (b) Adhesive and other bandages;
- (c) Adhesive tape; and
- (d) A thermometer.

2. Except for first aid in an emergency, no treatment or medication may be administered to a resident without a physician's approval.

3. At least one person on duty at the facility must be trained in first aid. The advanced certificate in first aid issued by the American Red Cross or an equivalent certification will be accepted as proof of that training.

449.2777 Medical care for residents.

1. Each resident shall designate a physician to be called in case of emergency. The facility must make all necessary arrangements to secure the services of a licensed physician if the resident's own physician is not available.

2. In the event of an illness or the injury of a resident, the resident's physician must be notified at the onset of illness or at the time of the accident or injury.

3. A temporary illness may be cared for in the facility. The decision as to the temporary nature of the illness and the needs of the resident must be made by the resident's physician or, if he is unavailable, by another licensed physician.

4. A written record of all accidents, injuries and illnesses of a resident which occur in the facility must be kept in the resident's file. This record must accompany the resident if he is transferred to another facility.

449.27775 Medication.

1. Employees of the facility may only oversee the taking of a medication prescribed by the resident's physician for self-administration. The medication must be given only to the resident for whom it is prescribed and it must be kept in the original container. The lid may be removed by an employee.

2. The administrator of the facility shall ensure that any medication which could be misused or appropriated by another resident or other unauthorized person is protected.

3. Medication stored in a refrigerator must be kept in a locked metal box. All medication must be plainly labeled as to contents and the name of the resident and physician. Medications for external use only must be kept in a separate locked area.

4. All medications, both internal and external, must be destroyed promptly upon discontinuance of use by flushing the contents of vials, bottles or other containers into a toilet. The destruction must be accomplished by the administrator and one witness. A notation must be made in the resident's records and signed by the administrator and witness.

449.2778 Telephone. Each facility must have a telephone. A list of numbers to be called in case of an emergency must be located near the telephone. The number of at least one telephone in the facility must be listed in the directory.

449.27785 Service of food; tables and chairs.

1. Adequate facilities and equipment for the preparation, service and storage of food must be provided.

2. Meals must be nutritious, served in an appropriate manner, suitable for the residents and prepared with regard for individual preferences and religious requirements. At least three meals a day must be served at regular intervals. Not more than 14 hours may elapse between the meal in the evening and breakfast the next day. Special diets and nourishment must be provided as ordered by the resident's physician.

3. Meals on a tray may be served, for not more than 2 weeks, to a temporarily indisposed resident in his bedroom.

4. Tables and chairs must be of proper height and of sufficient number to provide seating for the number of residents authorized for the facility. They must be sturdy and

have easily washable surfaces. Chairs must be constructed so that they do not overturn easily.

449.2779 Bedrooms.

1. Two residents may share a bedroom if there is at least 60 square feet per resident. Single bedrooms must have a minimum of 80 square feet.
2. Every bedroom must have an outside window. If the window cannot be opened from the inside without the use of tools, then a door to the outside, which is at least 36 inches wide and can be opened from the inside, must be provided.
3. All doors which are equipped with locks must open with a single motion from the inside unless the lock provides security for the facility and can be operated without a key or any special knowledge.
4. Doors of bedrooms may be equipped with locks for use by residents if the doors may be unlocked from the corridor and keys are readily available.
5. Each resident must be provided space for storage of at least 10 square feet of shelves per bed in the bedroom and 24 inches of space in a closet for hanging garments.
6. A room must not be used as a bedroom if it can only be reached by passing through another resident's bedroom.
7. Bedrooms must not open into any room in which food is prepared, served or stored.
8. A separate bed with a comfortable and clean mattress must be provided for each resident. The bed must be at least 36 inches wide, made with two clean sheets, pillow cases

and bedspread. Linens must be changed as necessary but at least once per week. Additional bedding, including rubber or other protective sheets, must be provided if necessary.

449.27795 Living area; dining room.

1. There must be at least one centrally located living area for free and informal use by the residents, without crowding.

2. The dining room must be of sufficient size to accommodate all residents comfortably and be conveniently located near the kitchen to ensure the rapid and efficient serving of food.

449.278 Kitchen.

1. The size of the kitchen and its equipment must be adequate for the number of residents in the facility. It must be clean and allow for the sanitary preparation of food.

2. Perishable foods must be refrigerated, and sufficient storage must be available for all food and equipment.

449.27805 Bathrooms; toilet articles.

1. Each facility must have bathrooms and toilets in sufficient number to accommodate residents, employees and other persons at the facility.

2. The bottoms of tubs and showers must have surfaces which inhibit falling or slipping. Handrails or bars must be adjacent to tubs, toilets and showers.

3. All bathrooms and toilets must be properly lighted, vented directly to the outside and located convenient to living areas and areas for sleeping and recreation.

4. Provision must be made for privacy in all bathrooms and for all toilets located in bedrooms for use by more than one resident.

5. Each resident must have his own toiletries and be provided with individual towels and wash cloths. Towels and wash cloths must be changed as necessary but not less than once per week to maintain cleanliness. A dispenser of liquid soap may be used instead of individual bars of soap.

449.2781 Laundry.

1. A facility which maintains its own laundry must have accommodations which are adequate for the proper and sanitary washing and finishing of linen and other washable goods.

2. The laundry must be situated in an area which is separate from any area where food is stored, prepared or served. The laundry must be adequate in size for the needs of the facility and maintained in a sanitary manner. All the equipment must be kept in good repair.

449.27815 Use of building.

1. Except as otherwise provided in subsection 2, activities for residents must be confined to the first floor of the facility that is entirely above the level of the ground.

2. An attic or basement must not be used as a bedroom for a resident. It may be used as a living or recreational area if it is finished and separated from the furnace, water heater and pipes by partitions resistant to fire. The area must be adequately heated and ventilated and conform to regulations for sanitation and safety from fire.

3. A facility must not permit any resident who is confined to a wheelchair or required to use a walker to use any room on a floor higher than the first floor of the facility that is entirely above the level of the ground.

449.2782 Records.

1. An individual file must be maintained for each resident and retained for 5 years after he permanently leaves the facility. The file must be kept locked in a place which is resistant to fire and must be available only to authorized personnel. The file must contain all records, letters and other information related to the resident, including:

(a) The full name, address, race, religion, occupation, date of birth and social security number of the resident.

(b) The home address and telephone number of the resident's:

(1) Next of kin, guardian or other person responsible for him; and

(2) Physician.

(c) A statement of the resident's allergies, if any, and any special diet or medication he may require.

(d) A statement from the resident's physician that the resident is:

(1) Ambulatory;

(2) Capable of average judgment and protecting himself in an emergency; and

(3) Free from active communicable tuberculosis and other contagious and infectious diseases.

If the resident enters a facility directly from a medical facility or another facility for the dependent, a summary of the resident's medical condition from that facility may be accepted as the physician's statement, if it is current.

(e) An agreement, signed by the administrator of the facility and the resident, which states the:

- (1) Basic rate;
- (2) Schedule for payment; and
- (3) Charges for optional services which are not included in the basic rate.

This agreement must not grant the operator of the facility the right to act on behalf of the resident or a general power of attorney.

(f) A list of the general rules of the facility and its policy on refunds of amounts paid but not used, which is signed by the administrator of the facility and the resident.

(g) A document signed by the administrator of the facility and the resident when the resident permanently leaves the facility.

(h) An accurate record of all money deposited with the facility for use by the resident, including withdrawals.

2. The record of the resident's money on deposit with the facility may be examined by the division at any time.

449.27825 Policies and procedures for admissions.

1. A facility must have a written policy on admissions which includes:

(a) A statement of nondiscrimination regarding admission to the facility and treatment after admission; and

(b) The requirements for eligibility as a resident.

2. An ambulatory person who requests admission to a facility must be at least 18 years of age and shall demonstrate a:

(a) Need for protective supervision; and

(b) Desire to live as a member of a group.

3. A facility shall not admit any person who:

(a) Cannot get himself in and out of a wheelchair, or who cannot move with a walker, without assistance;

(b) Requires restraint or confinement in locked quarters; or

(c) Requires nursing under daily medical supervision.

4. The decision as to whether a person is ambulatory must be made by the person's physician and the division.

449.2783 Supervision of residents; required services; prohibited acts.

1. The facility must:

(a) Provide each resident with such protective supervision as necessary;

- (b) Record the type and amount of supervision needed by the resident in his file and inform all persons who have contact with the residents of the required supervision;
- (c) Provide each resident with the opportunity to attend the religious service of his choice and participate in personal and private pastoral counseling;
- (d) Permit a resident to rest in his room at any time;
- (e) Permit a resident to enter or leave the facility at any time, within the limits of his physical and mental health and the rules of the facility;
- (f) Provide services for laundering, unless the resident elects in writing to make other arrangements;
- (g) Ensure that each resident's clothes are clean, comfortable and presentable;
- (h) Provide activities for the residents which are suited to their interests and capacities and encourage each resident to participate; and
- (i) Provide temporary safe storage on the premises for a resident's valuables and take appropriate measures to protect those valuables.

2. The facility may not:

- (a) Interfere with a resident's mail; or
- (b) Use restraints or sedatives in lieu of restraints on any resident, except that a sedative may be administered by a physician in an emergency for a limited period.

3. The facility may assign a resident, at his own request, to a chore which is commensurate with his physical and mental abilities, and thereby assumes the liability for any damages caused by the resident in performing that chore. The facility may not:

- (a) Use residents in lieu of adequate and permanent services for housekeeping; or
- (b) Permit a resident to have access to confidential information.

449.27835 Admission of person who uses wheelchair or walker. Facilities that admit ambulatory persons who are confined to a wheelchair or use a walker must:

- 1. Have hallways, doorways and exits wide enough to accommodate a wheelchair or walker;
- 2. Have ramps for wheelchairs at all exits used by the residents; and
- 3. Admit only one resident at any given time who is confined to a wheelchair or required to use a walker.

449.2784 Discrimination prohibited.

- 1. A resident shall not be segregated or restricted in the enjoyment of any advantage or privilege enjoyed by other residents, or provided with any assistance, service or other benefit which is different or provided in a different manner from that provided to others, on the grounds of race, color or national origin.
- 2. The facility's policy regarding nondiscrimination must be posted in a public area of the facility.