

LCB File No. T014-98

TEMPORARY REGULATION OF THE STATE BOARD OF HEALTH

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the State Health Division will hold public hearing and act on amendments to Nevada Administrative Code (NAC) 445A, 449, and 652. **The hearing is scheduled to begin at 9:00 a.m. on Friday, December 11, 1998, at the Washoe County District Health Department, Ninth and Wells Street, Reno, Nevada.**

RESIDENTIAL FACILITIES FOR GROUPS - FEES

In September of 1997 the Temporary Regulations for Residential Facilities for Groups were presented to the Board of Health as a Legislative Counsel Bureau file, for permanent adoption. Between the changes bureau staff proposed to the temporary regulations (after using them for almost 1 year) and changes that LCB made to the temporary regulations (during their preparation for permanent adoption) it was identified that some language modification was required in the general provisions section of NAC Chapter 449. The bureau decided it would wait until the regulations were codified by LCB before attempting to change any language.

In July the bureau received a copy of the codified regulations. The bureau subsequently drafted proposed changes to the regulations and will present these changes before the December BOH meeting.

We have established new language and modifications to existing language in the following areas:

NAC 449.0168

The changes are designed to establish standards for processing applications to change license endorsements, whereas currently there is no authority nor mechanism for the bureau to receive applications for the changes discussed. If the language is modified as presented the industry will benefit from the ability to apply for changes through the formal application process, rather than the current informal process.

The changes present no anticipated effect to the public. There is no anticipated additional cost to the agency for enforcement of the proposed regulation changes.

The regulations proposed for change will not effect changes to other governmental agencies and do not overlap/duplicate other regulations.

The regulations proposed for change do not overlap/duplicate federal regulations.

The regulations do not have a counterpart in the code of federal regulations.

The regulations will add two new fees to the fee schedule at NAC 449.0168.1, 1) a fee for addition or change of facility type endorsements on a license and 2) a fee for change to the category indicated on a license.

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RESIDENTIAL FACILITIES FOR GROUPS/FEEES

EXPLANATION – Underlined material is new; material in brackets [] is to be deleted

NOTE: Only those sections being changed are provided in this document.

NAC 449.0168 Fees for modification of certain licenses. (NRS 439.150, 449.037, 449.050)

1. Except as otherwise provided in subsection 2, a holder of a license to operate a medical facility, facility for the dependent or program of hospice care who wishes or is required pursuant to NAC 449.190, 449.307, 449.7473 or 449.758 to modify his license to reflect:

- (a) A change in the name of the facility or program;
- (b) A change of the administrator of the facility or program, [; or]
- (c) A change in the number of beds in the facility,
- (d) A change or addition of type of facility; or
- (e) A change in category of residents who may reside in the facility,

must submit an application for a new license to the health division and pay to the health division a fee of \$160.

2. An applicant who applies for a license pursuant to paragraph (c) of subsection 1 because of an increase in the number of beds in the facility must pay to the health division:

- (a) A fee of \$160; and
- (b) A fee of \$50 for each additional bed in the facility.

3. If the address of the home office of a home health agency has not changed, a holder of a license to operate a subunit agency or branch office of the home health agency who wishes or is required pursuant to NAC 449.758 to modify his license to reflect a change in the address of the subunit agency or branch office of the home health agency must:

(a) Submit an application for a new license to the health division; and

(b) Pay to the health division a fee of \$160.

4. A fee paid pursuant to this section is nonrefundable.

5. As used in this section, "administrator" means the person who is responsible for the daily management of a medical facility, facility for the dependent or program of hospice care.

(Added to NAC by Bd. of Health by R035-97, eff. 10-30-97)

INFORMATION STATEMENT

HEALTH DIVISION

Bureau of Licensure and Certification

Residential Facilities for Groups

LCB File No. T014-98 Temporary

Information Statement per NRS 233B.066

1. DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION OF HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Workshops were held on October 27, 1998, in Las Vegas and October 28, 1998, in Reno. Notice of the public workshops was published in the Las Vegas Review Journal, Reno Gazette Journal, and the Elko Daily Free Press on or before October 14, 1998. The notice public workshops, and proposed regulations were mailed to all county libraries in Nevada, residential facilities for groups, and all interested parties on October 9, 1998.

Notice of public hearing regarding adoption of the amendments to NAC 449 was published in the Las Vegas Review Journal, Reno Gazette Journal, and the Elko Daily Free Press on or before November 11, 1998. The notice public hearing, and proposed regulations were mailed to all county libraries in Nevada, residential facilities for groups, and all interested parties on November 6, 1998.

In addition, copies of the proposed regulations were available during normal office hours at:

Bureau of Licensure and Certification - Carson City
Bureau of Licensure and Certification - Las Vegas
Bureau of Licensure and Certification - Reno
Nevada State Library
Emergency Medical Services - Elko
Emergency Medical Services - Tonopah

2. THE NUMBER OF PERSONS WHO:

(A) ATTENDED THE HEARING;

Approximately 85 people attended the December 11, 1998, Board of Health hearing.

(B) TESTIFIED AT EACH HEARING; AND

There was nobody present to testify at the hearing.

(C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

No written statement were submitted at the Board of Health meeting.

3. A DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY

Comment was solicited from affected or potentially affected businesses by mailing residential facilities for groups and all interested parties the proposed regulations and notice for the workshops and Board of Health hearing. There was no public response.

4. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

None

5. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:

- (A) BOTH ADVERSE AND BENEFICIAL EFFECTS; AND**
- (B) BOTH IMMEDIATE AND LONG TERM EFFECTS.**

These new fees will not have a substantial effect on the industry, because the fees are only for businesses which want to change an endorsement on their license and are very minimal. There will not be any substantial immediate nor long-term effect.

6. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

These fees will help to cover the actual cost of providing the service to those facilities that wish to change an endorsement on their license.

7. A DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATION OVERLAPS OR DUPLICATES AND A STATEMENT EXPLAINING WHY THE DUPLICATION OR OVERLAPPING IS NECESSARY. IF THE REGULATION OVERLAPS OR DUPLICATES A FEDERAL REGULATION, NAME THE REGULATING FEDERAL AGENCY.

None.

8. IF THE REGULATION INCLUDES PROVISION WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISION.

None.

9. IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL ANNUAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.

\$3,840.00 annually, to be used to offset the actual cost of making changes to licenses.