

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

LCB File No. R131-99

October 4, 1999

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

AUTHORITY: §§2 and 14-16, NRS 449.050 and 449.249; §§3 and 17, NRS 449.037 and 449.163; §§4-13, NRS 449.249; §18, NRS 449.037 and 449.249.

Section 1. Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this regulation.

Sec. 2. *“Home for individual residential care” has the meaning ascribed to it in NRS 449.0105.*

Sec. 3. *“Facility” means a medical facility or facility for the dependent.*

Sec. 4. *As used in sections 4 to 13, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 5 to 8, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 5. *“Caregiver” means a person who provides care, assistance and protective supervision to a resident of a home.*

Sec. 6. *“Director” means a person:*

1. Whose name appears on a license issued by the bureau as the director of record for a home; and

2. Who is legally responsible for the care of the residents and the daily operation of the home.

Sec. 7. *“Home” means a home for individual residential care.*

Sec. 8. *“Protective supervision” means supervision that protects the residents of a home from potential danger to their physical and mental well-being.*

Sec. 9. *The director of a home must:*

1. Be at least 21 years of age and have a high school diploma or its equivalent. A person who proposes to act as the director of a home must provide the bureau with evidence that he satisfies the requirements of this subsection.

2. Possess the appropriate knowledge, skills and abilities to meet the needs of the residents of the home.

Sec. 10. *The director of a home shall:*

1. Post the license to operate the home in a conspicuous place within the home.

2. Ensure that the needs of each resident of the home are assessed upon admission of the resident to the home, and that the assessment is updated as the needs of the resident change.

Such an assessment must include:

(a) Documentation of the abilities of the resident to function independently; and

(b) A complete list of the matters for which the resident requires assistance.

3. Ensure that the residents of the home:

(a) Are treated with dignity and respect and are not abused, neglected or exploited; and

(b) Receive:

(1) The personal care they require;

(2) A balanced daily diet that meets their nutritional needs;

(3) Protective supervision and adequate services to maintain and enhance their

physical, mental and emotional well-being; and

(4) The names of, and the telephone numbers for the registration of complaints with, the bureau and the aging services division of the department of human resources.

4. Ensure that a caregiver, who is capable of meeting the needs of the residents and has been trained in first aid and cardiopulmonary resuscitation, is on the premises of the home at all times when a resident is present.

5. Ensure that appropriate sanitary procedures are carried out for the handling, cleaning and storage of linens and personal laundry in the home.

Sec. 11. *1. The interior and exterior of a home must be clean and free of hazards and offensive odors.*

2. A home must contain:

(a) Appropriate and well-maintained furnishings;

(b) At least one functional, portable fire extinguisher;

(c) A first-aid kit;

(d) Equipment that is sufficiently clean and adequate for the preparation, service and storage of food; and

(e) Adequate areas and equipment to carry out appropriate sanitary procedures for the handling, cleaning and storage of linens and personal laundry.

3. The temperature of a home must be maintained at levels that are comfortable and safe. Portable heaters are prohibited in a home.

Sec. 12. *The operator of a home shall:*

1. Enter into a written agreement with each resident of the home that sets forth the basic rate for the services of the home and the charges for any optional services.

2. Maintain a separate, organized file for each resident of the home and retain the file for 5 years after the resident permanently leaves the home. Each file must include:

(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 a person who is responsible for the resident;

(c) A copy of the results of a general physical examination of the resident conducted by his physician; and

(d) A current copy of the assessment of the needs of the resident conducted pursuant to section 10 of this regulation.

Sec. 13. *The bureau shall conduct:*

1. An initial on-site survey of a home:

(a) After the bureau receives a completed application for a license to operate the home and the fee required pursuant to NAC 449.016; and

(b) Before the issuance of a license to operate the home.

2. Additional on-site surveys of a home not less than once every 3 years after conducting the survey of the home pursuant to subsection 1.

Sec. 14. NAC 449.002 is hereby amended to read as follows:

449.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 449.0022 to 449.0074, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 15. NAC 449.0034 is hereby amended to read as follows:

449.0034 "Facility" means a medical facility, ~~or~~ facility for the dependent ~~or~~ *or home for individual residential care.*

Sec. 16. NAC 449.016 is hereby amended to read as follows:

449.016 1. Except as otherwise provided in NAC 449.0168, an applicant for a license to operate any of the following ~~[medical facilities or facilities for the dependent]~~ *facilities* must pay to the health division a nonrefundable fee of \$50 for each bed in the facility and the following nonrefundable fees:

- (a) A skilled nursing facility\$1,200
- (b) A hospital1,200
- (c) An intermediate care facility for the mentally retarded or persons with developmental disabilities750
- (d) An intermediate care facility, other than an intermediate care facility for the mentally retarded or persons with developmental disabilities1,200
- (e) A residential facility for groups.....500
- (f) A facility for the treatment of abuse of alcohol or drugs500
- (g) A ~~[freestanding]~~ facility for hospice care.....1,200
- (h) A home for individual residential care100*

2. An applicant for the renewal of such a license must pay to the health division a nonrefundable fee of \$35 for each bed in the facility and the following nonrefundable fees:

- (a) A skilled nursing facility\$1,100
- (b) A hospital1,100
- (c) A rural hospital600
- (d) An intermediate care facility for the mentally retarded or persons with developmental disabilities600

(e) An intermediate care facility, other than an intermediate care facility for the mentally retarded or persons with developmental disabilities600

(f) A residential facility for groups300

(g) A facility for the treatment of abuse of alcohol or drugs300

(h) A ~~freestanding~~ facility for hospice care.....600

(i) A home for individual residential care100

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

Sec. 17. NAC 449.9982 is hereby amended to read as follows:

449.9982 As used in NAC 449.9982 to 449.99939, inclusive, *and section 3 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 449.99821 to 449.99842, inclusive, *and section 3 of this regulation* have the meanings ascribed to them in those sections.

Sec. 18. NAC 449.163, 449.184 and 449.187 are hereby repealed.

TEXT OF REPEALED SECTIONS

449.163 “Home for individual residential care” defined. (NRS 449.037) “Home for individual residential care” has the meaning ascribed to it in NRS 449.0105.

449.184 Applicant may operate home for individual residential care in certain circumstances while application for residential facility is pending. (NRS 449.037)

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 two residents are admitted to the home; and

(b) The home registers with the bureau as a home for individual residential care pursuant to NAC 449.187.

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.

449.187 Annual registration of home for individual residential care. (NRS 449.037)

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 of a home for individual residential care expires annually. Upon expiration of the registration, the operator of the home must reapply for registration pursuant to subsection 1.