

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

LCB File No. R076-01

August 3, 2001

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

AUTHORITY: §§1, 2, 4, 7-9 and 12, NRS 439.150, 449.037 and 449.050; §§3, 5, 6, 10, 11, 13 and 14, NRS 449.037.

Section 1. NAC 449.0165 is hereby amended to read as follows:

449.0165 *1.* An applicant for a license or the renewal 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 449.15359 or 449.4063 to have building plans for new construction or remodeling reviewed by the health division must:

- ~~1.]~~ *(a)* Submit to the health division ~~[the building plans and his]~~ *or have on file a current application for a license or renewal of a license; ~~[and~~*
- ~~—2.]~~ *(b)* Pay to the health division ~~[:~~
- ~~—(a) For the initial review of each plan submitted, a fee of \$360; and~~
- ~~—(b) For each subsequent review of a plan submitted, a fee of \$130.]~~ *any fees required for the issuance or renewal of a license pursuant to NAC 449.013 or 449.016; and*
- (c) Submit two complete sets of building plans for new construction or remodeling to the entity designated to review such plans by the health division.*

2. All costs incurred for the review of building plans and any changes or revisions made to the plans must be borne by the applicant and paid directly to the designee of the health division conducting the review of the plans.

3. The ~~fees~~ costs required to be paid pursuant to ~~this~~ subsection 2 are not refundable and are in addition to the fees charged for the issuance or renewal of the license pursuant to NAC 449.013 or 449.016.

Sec. 2. NAC 449.081 is hereby amended to read as follows:

449.081 1. Building plans for new construction or remodeling may be submitted to the *entity designated to review such plans by the* health division ~~for review~~ pursuant to the provisions of NAC 449.0165.

2. The health division shall not approve the plans for licensing until all construction has been completed and a survey is conducted at the site.

Sec. 3. NAC 449.15359 is hereby amended to read as follows:

449.15359 1. Before the construction of a facility or an alteration to an existing facility is begun:

(a) A copy of the building plans drawn to scale must be submitted to the *entity designated to review such plans by the* health division ~~for its review and approval;~~ *pursuant to the provisions of NAC 449.0165;* and

(b) The building plans must be ~~reviewed and~~ approved by the health division.

2. The health division shall not issue a license to operate a facility until all construction has been completed and the health division has conducted a survey at the site.

Sec. 4. NAC 449.179 is hereby amended to read as follows:

449.179 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]~~ *entity designated to review such plans by the health division pursuant to the provisions of NAC 449.0165* and the 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 449.2766, inclusive; 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, and NAC 449.156 to 449.2766, inclusive.

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. 5. NAC 449.3154 is hereby amended to read as follows:

449.3154 1. Except as otherwise provided in this section, newly constructed hospitals and existing hospitals shall comply with the current edition of *NFPA 101: Life Safety Code*, published by the National Fire Protection Association, which is hereby adopted by reference. A copy of the code may be obtained from the National Fire Protection Association, 11 Tracy Drive, Avon, Massachusetts 02322, or by telephone at (800) 344-3555, for the price of ~~[\$42.00]~~ **\$45.50**

for members of the National Fire Protection Association, or ~~[\$46.75]~~ **\$50.50** for nonmembers, plus ~~[\$5.95]~~ **\$6.95** for shipping and handling.

2. Except as otherwise provided in this section, newly constructed hospitals and existing hospitals shall comply with the current edition of *Guidelines for Design and Construction of Hospital and Health Care Facilities*, published by the American Institute of Architects, which is hereby adopted by reference, except that:

(a) Renovation Section 1.2 of the introduction to the guidelines does not apply; and

(b) The guidelines do not apply to the refurbishing of the hospital where the only changes being made are to the paint or the floor, window or wall coverings.

FLUSH A copy of the guidelines may be obtained from AIA Rizzoli Bookstore, 1735 New York Avenue, N.W., Washington, D.C. 20006, or by telephone at (888) 272-4115, for the price of \$60, plus \$5 for shipping and handling.

3. A hospital shall meet all applicable federal, state and local laws and comply with all applicable life safety, environmental, health, building and fire codes and zoning ordinances. If there are any differences between the state and local codes, the more restrictive standards apply.

4. ~~[The bureau shall review building plans for new construction and remodeling of a hospital.]~~ A complete copy of the *building* plans ~~[.]~~ *for new construction and remodeling of a hospital*, drawn to scale, must be ~~[brought]~~ *submitted* to the ~~[bureau of licensure and certification of]~~ *entity designated to review such plans by* the health division ~~[for a plan review]~~ pursuant to *the provisions of* NAC 449.0165.

5. The bureau shall not approve the licensure of a hospital until all construction has been completed and a survey is conducted at the site. The plan review is only advisory and does not constitute prelicensing approval.

6. Notwithstanding any provision of this section to the contrary, a hospital which was licensed on January 1, 1999, shall be deemed to be in compliance with this section if the use of the physical space in the hospital does not change and the existing construction of the hospital does not have any deficiencies which are likely to cause serious injury, serious harm or impairment to public health and welfare.

Sec. 6. NAC 449.4063 is hereby amended to read as follows:

449.4063 1. An applicant for a license to operate a new facility shall inform 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 will 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 *any plans for new construction or remodeling* to the *entity designated to review such plans by the health* division ~~[any plans for new construction or remodeling;]~~ *pursuant to the provisions of NAC 449.0165;* 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 will, upon request, furnish the applicant with a written statement of the results of its inspection of the facility.

~~[5.—The division will review any plans for new construction or remodeling of a facility and furnish the applicant with a statement of its findings.]~~

Sec. 7. NAC 449.6114 is hereby amended to read as follows:

449.6114 Before the construction of a facility or alteration to an existing obstetric center is begun, the ~~[architectural plans and specifications]~~ *building plans* for the construction may be submitted to the *entity designated to review such plans by the* health division ~~[for review]~~ pursuant to the provisions of NAC 449.0165.

Sec. 8. NAC 449.6135 is hereby amended to read as follows:

449.6135 A person may submit ~~[architectural plans and specifications of]~~ *building plans for* new construction or remodeling of an independent center for emergency medical care to the *entity designated to review such plans by the* health division pursuant to the provisions of NAC 449.0165 to determine whether the *building* plans ~~[and specifications]~~ comply with the provisions of NAC 449.61302 to 449.61384, inclusive. The health division may make recommendations for compliance with those provisions.

Sec. 9. NAC 449.686 is hereby amended to read as follows:

449.686 1. An applicant for a license to operate an intermediate care facility must contact the health division before opening, constructing, leasing or purchasing a building.

2. Upon a change of operating ownership, a building must meet current regulations, building and life safety codes. The health division will furnish to a prospective buyer or lessee information about changes needed and a history of past deficiencies with the written permission of the current owner or lessee.

3. Building plans for new construction or remodeling may be submitted to the *entity designated to review such plans by the* health division ~~[for review]~~ pursuant to the provisions of NAC 449.0165.

4. The health division shall not approve the plans for licensing until all construction has been completed and a survey is conducted at the site.

Sec. 10. NAC 449.74541 is hereby amended to read as follows:

449.74541 1. The state board of health hereby adopts by reference:

(a) *NFPA 101: Life Safety Code*, in the form most recently published by the National Fire Protection Association, unless the board gives notice that the most recent revision is not suitable for this state pursuant to subsection 2. A copy of the code may be obtained from the National Fire Protection Association, 11 Tracy Drive, Avon, Massachusetts 02322, or by telephone at (800) 344-3555, for the price of ~~[\$42.00]~~ \$45.50 for members or ~~[\$46.75]~~ \$50.50 for nonmembers, plus ~~[\$5.95]~~ \$6.95 for shipping and handling.

(b) *NFPA 99: Standard for Health Care Facilities*, in the form most recently published by the National Fire Protection Association, unless the board gives notice that the most recent revision is not suitable for this state pursuant to subsection 2. A copy of the standard may be obtained from the National Fire Protection Association, 11 Tracy Drive, Avon, Massachusetts 02322, or by telephone at (800) 344-3555, for the price of \$33.50 for members or \$37.25 for nonmembers, plus \$5.95 for shipping and handling.

(c) *Guidelines for Design and Construction of Hospital and Healthcare Facilities*, in the form most recently published by the American Institute of Architects, unless the board gives notice that the most recent revision is not suitable for this state pursuant to subsection 2. A copy of the guidelines may be obtained from the AIA Rizzoli Bookstore, 1735 New York Avenue, N.W., Washington, D.C. 20006, or by telephone at (888) 272-4115, for the price of \$60, plus \$5 for shipping and handling.

2. The state board of health shall review each revision of the publications adopted by reference pursuant to subsection 1 to ensure its suitability for the state. If the board determines that the revision is not suitable for this state, it will hold a public hearing to review its

determination and give notice of that hearing within 6 months after the date of the publication of the revision. If, after the hearing, the board does not revise its determination, the board will give notice that the revision is not suitable for this state within 30 days after the hearing. If the board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1.

Sec. 11. NAC 449.74543 is hereby amended to read as follows:

449.74543 1. A facility for skilled nursing must be designed, constructed, equipped and maintained in a manner that protects the health and safety of the patients and personnel of the facility and members of the general public.

2. Except as otherwise provided in this section:

(a) A facility for skilled nursing shall comply with the provisions of the *NFPA 101: Life Safety Code*, adopted by reference pursuant to NAC 449.74541.

(b) Any construction or remodeling of a facility for skilled nursing must comply with *Guidelines for Design and Construction of Hospital and Healthcare Facilities*, adopted by reference pursuant to NAC 449.74541:

(1) Except for section 1.2 of the introduction to the guidelines governing renovations; and

(2) Unless the remodeling is limited to refurbishing an area within the facility, including, without limitation, painting the area, replacing the flooring, repairing windows, or replacing window and wall coverings.

3. A facility for skilled nursing shall be deemed to be in compliance with the provisions of subsection 2 if:

(a) The facility is licensed on January 1, 1999, the use of the physical space in the facility is not changed and there are no deficiencies in the construction of the facility that are likely to cause serious injury, harm or impairment to the public health and welfare; or

(b) The facility has submitted building plans to the bureau before February 1, 1999, and:

(1) The bureau determines that the plans comply with standards for construction in effect before December 11, 1998;

(2) The facility is constructed in accordance with those standards;

(3) Construction of the facility is begun before August 1, 1999; and

(4) There are no deficiencies in the construction of the facility that are likely to cause serious injury, harm or impairment to the public health and welfare.

4. A facility for skilled nursing shall comply with all applicable:

(a) Federal and state laws;

(b) Local ordinances, including, without limitation, zoning ordinances; and

(c) Life safety, environmental, health, building and fire codes,

FLUSH related to the construction and maintenance of the facility. If there is a difference between state and local requirements, the more stringent requirements apply.

5. A facility for skilled nursing may submit building plans for new construction or remodeling to the **[bureau] entity designated to review such plans by the health division** pursuant to NAC 449.0165. The **[bureau's] entity's** review of those plans is advisory only and does not constitute approval for the licensing of the facility. The bureau shall not approve a facility for licensure until all construction is completed and a survey is conducted at the site of the facility.

Sec. 12. NAC 449.833 is hereby amended to read as follows:

449.833 1. The state board of health hereby adopts by reference ~~the~~:

(a) *The Uniform Building Code*, 1994 edition. A copy of the code may be obtained from the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, for the price of ~~[\$173.75.]~~ \$173.90.

(b) *NFPA 101: Life Safety Code, in the form most recently published by the National Fire Protection Association, unless the board gives notice that the most recent version is not suitable for this state pursuant to this paragraph. A copy of the code may be obtained from the National Fire Protection Association, 11 Tracy Drive, Avon, Massachusetts 02322, or by telephone at (800) 344-3555, for the price of \$45.50 for members of the National Fire Protection Association, or \$50.50 for nonmembers, plus \$6.95 for shipping and handling. The state board of health shall review each revision of NFPA 101: Life Safety Code adopted by reference pursuant to this paragraph to ensure its suitability for the state. If the board determines that the revision is not suitable for this state, it will hold a public hearing to review its determination and give notice of that hearing within 6 months after the date of the publication of the revision. If, after the hearing, the board does not revise its determination, the board will give notice that the revision is not suitable for this state within 30 days after the hearing. If the board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to this paragraph.*

2. The construction of a new facility must be in accordance with the *Uniform Building Code*, 1994 edition, and the *current edition of NFPA 101: Life Safety Code* . ~~[101, 1994 edition.]~~

3. Fire alarms must be manually operated and connected to an electrically supervised system. Each alarm signal must be coded to indicate the location of the station of origin.

4. The facility must contain a device for emergency radio communications to be prepared for disasters.

5. The radio system must be self-sufficient in an emergency and be capable of operation without reliance on the building's service or the emergency power system. The radio system must be linked with state and community communication networks.

6. Building plans for the construction of a new facility or for remodeling an existing facility may be submitted to the *entity designated to review such plans by the* health division ~~for review~~ pursuant to the provisions of NAC 449.0165.

7. The health division shall not approve the plans for licensing until all construction has been completed and a survey is conducted at the site.

Sec. 13. NAC 449.9841 is hereby amended to read as follows:

449.9841 1. The state board of health hereby adopts by reference:

(a) *NFPA 101: Life Safety Code*, in the form most recently published by the National Fire Protection Association, unless the board gives notice that the most recent revision is not suitable for this state pursuant to subsection 2. A copy of the code may be obtained from the National Fire Protection Association, 11 Tracy Drive, Avon, Massachusetts 02322, or by telephone at (800) 344-3555, for the price of ~~[\$42.00]~~ *\$45.50* for members or ~~[\$46.75]~~ *\$50.50* for nonmembers, plus ~~[\$5.95]~~ *\$6.95* for shipping and handling.

(b) *NFPA 99: Standard for Health Care Facilities*, in the form most recently published by the National Fire Protection Association, unless the board gives notice that the most recent revision is not suitable for this state pursuant to subsection 2. A copy of the standard may be obtained from the National Fire Protection Association, 11 Tracy Drive, Avon, Massachusetts

02322, or by telephone at (800) 344-3555, for the price of \$33.50 for members or \$37.25 for nonmembers, plus \$5.95 for shipping and handling.

(c) *Guidelines for Design and Construction of Hospital and Healthcare Facilities*, in the form most recently published by the American Institute of Architects, unless the board gives notice that the most recent revision is not suitable for this state pursuant to subsection 2. A copy of the guidelines may be obtained from the AIA Rizzoli Bookstore, 1735 New York Avenue, N.W., Washington, D.C. 20006, or by telephone at (888) 272-4115, for the price of \$60, plus \$5 for shipping and handling.

(d) *Standard 9.5F2*, governing the construction of rooms for the use of lasers, in the form most recently published by the American Institute of Architects, unless the board gives notice that the most recent revision is not suitable for this state pursuant to subsection 2. A copy of the standard may be obtained from the AIA Rizzoli Bookstore, 1735 New York Avenue, N.W., Washington, D.C. 20006, or by telephone at (888) 272-4115, for the price of \$60, plus \$5 for shipping and handling.

2. The state board of health shall review each revision of the publications adopted by reference pursuant to subsection 1 to ensure its suitability for the state. If the board determines that the revision is not suitable for this state, it will hold a public hearing to review its determination and give notice of that hearing within 6 months after the date of the publication of the revision. If, after the hearing, the board does not revise its determination, the board will give notice that the revision is not suitable for this state within 30 days after the hearing. If the board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1.

Sec. 14. NAC 449.9843 is hereby amended to read as follows:

449.9843 1. Except as otherwise provided in this section:

(a) An ambulatory surgical center shall comply with the provisions of the *NFPA 101: Life Safety Code*, adopted by reference pursuant to NAC 449.9841.

(b) Any construction or remodeling of an ambulatory surgical center must comply with *Guidelines for Design and Construction of Hospital and Healthcare Facilities*, adopted by reference pursuant to NAC 449.9841:

(1) Except for section 1.2 of the introduction to the guidelines governing renovations;

(2) Unless the remodeling is limited to refurbishing an area within the center, including, without limitation, painting the area, replacing flooring, repairing windows, or replacing window or wall coverings; and

(3) Except for those provisions of the guidelines related to rooms for the use of lasers.

(c) Any construction or remodeling of a room for the use of lasers in an ambulatory surgical center must comply with the provisions of *Standard 9.5F2* of the American Institute of Architects, adopted by reference pursuant to NAC 449.9841.

2. An ambulatory surgical center shall be deemed to be in compliance with the provisions of subsection 1 if:

(a) The center is licensed on February 1, 1999, the use of the physical space in the center is not changed and there are no deficiencies in the construction of the center that are likely to cause serious injury, harm or impairment to the public health and welfare; or

(b) The center has submitted building plans to the bureau before February 1, 1999, and:

(1) The bureau determines that the plans comply with standards for construction in effect before December 11, 1998;

(2) The center is constructed in accordance with those standards;

(3) Construction of the center is begun before August 1, 1999; and

(4) There are no deficiencies in the construction of the center that are likely to cause serious injury, harm or impairment to the public health and welfare.

3. An ambulatory surgical center shall comply with all applicable:

(a) Federal and state laws;

(b) Local ordinances, including, without limitation, zoning ordinances; and

(c) Life safety, environmental, health, building and fire codes.

FLUSH If there is a difference between state and local requirements, the more stringent requirements apply.

4. An ambulatory surgical center may submit building plans for new construction or remodeling to the ~~[bureau]~~ *entity designated to review such plans by the health division* pursuant to NAC 449.0165. The ~~[bureau's]~~ *entity's* review of those plans is advisory only and does not constitute approval for the licensing of the center. The bureau shall not approve a center for licensure until all construction is completed and a survey is conducted at the site of the center.