

LCB File No. R123-01

**PROPOSED REGULATION OF
THE HEALTH DIVISION OF THE
DEPARTMENT OF HUMAN RESOURCES**

**PROPOSED REGULATIONS FOR
HALFWAY HOUSE FOR ALCOHOL AND DRUG ABUSERS**

Italicized Text = New Text

Section 1. Definitions

“Administrator” defined. “Administrator” means a person:

- 1. Whose name appears on a license issued by the bureau as the administrator of record for the halfway house for recovering alcohol and drug abusers; and*
- 2. Who is legally responsible for implementing the facility’s program of services.*

Section 2. Administrator Qualifications

The administrator of a halfway house for alcohol and drug abusers must:

- 1. Be at least 21 years of age.*
- 2. Obtain the health certifications required pursuant to NAC 441A of NAC.*
- 3. The administrator must maintain evidence that he satisfies these requirements in a file that is maintained on the facility premises.*

Section 3. Administrator Responsibilities

The administrator of a halfway house for alcohol and drug abusers must:

- 1. Post the license issued by the bureau in a conspicuous place within the facility.*
- 2. Organize and manage the facility and establish policies, procedures, facility rules and ensure compliance with applicable state and local statutes, regulations and ordinances.*
- 3. Ensure that records are maintained in accordance with these requirements.*
- 4. Ensure clients are afforded the opportunity to exercise their individual rights within the rules of the facility.*
- 5. Ensure the facility is maintained in a safe and clean condition.*
- 6. Maintain acceptable standards for provision of services and for integrity of the program of services.*
- 7. Review and approve changes in the policies and procedures of the program of services at least annually. This review must be documented with a signature and date.*

Section 4. Limitation on number of residents

- 1. A facility must not accept clients in excess of the number of beds specified on the license.*

Section 5. Health and sanitation

1. A 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 applicable local ordinances and state and federal laws and regulations relating to zoning, sanitation, accessibility to persons with disabilities 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. 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 clients within and outside the facility;*
 - (c) Insects and rodents; and*
 - (d) Accumulations of dirt, garbage and other refuse.*
- 4. The administrator of a facility shall ensure that the premises are clean and that the interior, exterior and landscaping of the facility are well maintained.*
- 5. All windows that are capable of being opened in the facility and all doors that are left open to provide ventilation for the facility must be screened to prevent the entry of insects.*
- 6. The facility must maintain electrical lighting as necessary to ensure the comfort and safety of the clients of the facility.*
- 7. 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.*

Section 6. Laundry

- 1. Laundry facilities must be provided commensurate with the number of clients in the facility.*
- 2. A minimum of one washer and one dryer must be provided. All dryers must be vented to the outside of the building. All equipment must be maintained in good working condition.*
- 3. The laundry area in a facility must be maintained in a sanitary manner.*

Section 7. Kitchens, storage of food

- 1. 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. Food must be stored separate from cleaning and pest control products.*

Section 8. Bedrooms

- 1. A bedroom in a facility that is utilized by more than one client must have at least 45 square feet of floor space for each client who resides in the bedroom. A bedroom that is occupied by only one client must have at least 80 square feet of floor space.*
- 2. The arrangement of the beds and other furniture in the bedroom must allow for the safety and comfort of the clients occupying the bedroom.*
- 3. A bed with a comfortable and clean mattress must be provided for each client. The bed must be made with two clean sheets, a blanket, a pillow and a bedspread. Linens must be changed at least once each week and more often if the linens become dirty.*

Section 9. Use of certain areas in facility as bedroom prohibited

A hall, stairway, unfinished attic, garage, storage area, shed or other similar area of a facility must not be used as a bedroom and a room must not be used as a bedroom if it is used for any other purpose.

Section 10. Bathrooms and hygiene

1. All bathrooms and toilet facilities must be sufficiently lighted.
2. Each client must have 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 or liquid soap may be used instead of individual bars of soap.

Section 11. Accommodations for clients who require the use of assistive devices for mobility

If a facility admits or retains a client who uses a wheelchair or a walker, the facility 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.

Section 12. First Aid kit, medication

1. A first-aid kit 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.
2. Except for first aid in an emergency, no treatment or medication may be administered to a client.
3. Administrators and clients must not administer or assist in the administration medication to another client.
4. All medications for self-administration must be disposed of immediately when they expire or when a physician orders the medication to be discontinued.
5. All medications for self-administration must be stored, controlled and protected from unauthorized use by the client for whom it is ordered or a person in charge of the facility.
6. Medications must not be stored for common or shared use.
7. Over the counter medications must be protected and stored in accordance with paragraphs (5) and (6).

Section 13. Telephone

1. A facility must have at least one functional telephone in the facility.
2. The telephone number of the facility must be listed in the local telephone directory.

Section 14. Written policies and procedures

- 1. A manual of policies, procedures and rules must be maintained and available on the premises at all times.***
- 2. Written policies and procedures must be developed concerning:***
 - (a) How client records will be maintained and protected against unauthorized use;***
 - (b) Release of confidential information about clients;***
 - (c) The criteria the facility will use to determine whether to:***
 - (1) Admit a client to the facility;***
 - (2) Discharge a client from the facility;***
 - (d) Discharge of a client for violation of facility rules;***
 - (e) Discharge of a client for the use of alcohol or drugs;***
 - (f) Client rights and responsibilities;***
 - (g) A fire safety and evacuation plan.***

Section 15. Operational requirements

- 1. A facility must not allow alcohol or drugs on the premises.***
- 2. The administrator must ensure implementation of the policies, procedures and rules.***
- 3. The administrator must ensure that clients comply with policies, procedures and rules.***
- 4. The administrator must provide an environment that will facilitate clients with reintegration into the community.***
- 5. The administrator must ensure the facility's overall program is protected from compromise by a non-compliant individual or non-compliant group.***

Section 16. Reports

- 1. A facility must notify the bureau within 24 hours after the occurrence of an incident that involved significant harm requiring medical treatment or upon identifying a condition that may cause imminent danger to the health or safety of clients at the facility.***
- 2. A facility must notify the bureau within 24 hours of an incident that potentially jeopardizes the integrity of the facility's program of services.***

Section 17. Rights of clients

- 1. The administrator of a facility shall ensure that:***
 - (a) The clients are not abused, neglected or exploited by a person in charge of the facility, another client of the facility or any person who is visiting the facility;***
 - (b) A client is not prohibited from speaking to any person who advocates for the rights of the clients of the facility;***
 - (c) The clients are treated with respect and dignity;***
 - (d) The facility is a safe and comfortable environment;***
 - (e) Clients are not prohibited from interacting socially within the rules of the facility;***
 - (f) To the extent practicable within the rules of the facility, clients are allowed to make their own decisions;***
- 2. The facility must post conspicuously the telephone number of the local office of the bureau and the name and phone number of the facility's administrator.***

Section 18. Separate file of information concerning each client

- 1. A separate file must be maintained for each client of a facility and retained for at least 5 years after he permanently leaves the facility. The file must be kept locked in a place that will keep it protected against unauthorized use. The file must contain all information related to the resident, including, without limitation:***

- (a) The full name, date of birth and social security number of the client;*
 - (b) The address and telephone number of the client's physician and the next of kin or guardian of the client, if any;*
 - (c) A statement of the client's allergies, if any, and any special diet or medication he requires;*
 - (d) Evidence of compliance with the provisions of chapter 441A of NRS and the regulations adopted pursuant thereto;*
 - (e) A list of the rules for the facility that is signed by the client.*
 - (f) The name and telephone number of any vendors and medical professionals that will be providing services for the client.*
- 2. A client's file must be kept confidential.*
 - 3. A client'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.*

Section 19. Protection from fire, plans for evacuation

- 1. The administrator of a facility shall ensure that the facility complies with the regulations adopted by the state fire marshal pursuant to chapter 477 of NRS and any applicable local ordinances relating to safety from fire. The facility must be approved for occupancy by the state fire marshal.*
- 2. A 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 clients;*
 - (b) Posted in a common area of the facility; and*
 - (c) Discussed with each client at the time of his admission.*
- 3. At least one portable fire extinguisher must be available in the facility. Portable fire extinguishers must be inspected, recharged and tagged at least once each year by a person certified by the state fire marshal to conduct such inspections.*
- 4. The administrator shall ensure that a written policy on smoking is developed and carried out by the facility. The policy must be:*
 - (a) Developed with the purpose of preventing a fire caused by smoking in the facility; and*
 - (b) Posted in a common area of the facility.*
- 5. If smoke detectors are installed in a facility, they 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.*
- 6. If a fire sprinkler system is installed in a facility, the system must be maintained in proper operating condition at all times and must be inspected not less than one each year by a person who is licensed to inspect such a system pursuant to the provisions of chapter 477 of NAC.*

Proposed Changes to Fees Regulations

FEES

Italicized Text = New Text

NAC 449.016

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

- ...
- (j) A halfway house for alcohol and drug abusers.....500*

A halfway house for alcohol and drug abusers is not required to pay the \$50 per bed fee as described in paragraph (1) above.

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:

...

*(k) A halfway house for alcohol and drug abusers.....300
A halfway house for alcohol and drug abusers is not required to pay the \$35 per bed fee as described in paragraph (2) above.*

...

Note: Not all subparagraph text is represented here due to modifications that will be presented at the October '01 BOH meeting and in order to eliminate confusion. The ellipses "...” indicate text that is not shown.