

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

NOTICE OF INTENT TO ADOPT A PROPOSED REGULATION

NOTICE OF PUBLIC WORKSHOPS

NOTICE IS HEREBY GIVEN that the State Health Division will hold public hearing and act on amendments to Nevada Administrative Code (NAC) 445A and 449. **There will be two workshops held on the following dates, times, and locations:**

<p>April 2, 2001 RENO NEVADA</p>	<p>April 3, 2001 LAS VEGAS NEVADA</p>
<p>Washoe County Health District South Auditorium Ninth and Wells Reno, NV</p>	<p>Clark County Health District Clemens Room 625 Shadow Lane Las Vegas, NV</p>
<p>Plan Review 8:30 a.m. – 9:00 a.m.</p>	<p>Facilities For The Treatment of Irreversible Renal Disease 9:30 a.m. – 10:00 a.m.</p>
<p>Certification of Environmental Testing Laboratories 9:00 a.m. - 9:30 a.m.</p>	<p>Certification of Environmental Testing Laboratories 10:00 a.m. –10:30 a.m.</p>
<p>Facility For The Treatment of Abuse of Alcohol or Drugs 9:30 a.m. - 10:00 a.m.</p>	<p>Facility For The Treatment of Abuse of Alcohol or Drugs 10:30 a.m. – 11:00 a.m.</p>
<p>Facilities For The Treatment of Irreversible Renal Disease 10:00 a.m. – 10:30 a.m.</p>	<p>Plan Review 11:30 a.m. – 12:00 a.m.</p>

These regulations will be presented at the June 15, 2001, Board of Health meeting. It will be held at Clark County Health District, Clemens Room, 625 Shadow Lane, Las Vegas, Nevada, at 9:00 a.m.

PROPOSED REGULATIONS FOR FACILITIES FOR THE TREATMENT OF IRREVERSIBLE RENAL DISEASE

Currently, there are no regulations for state licensure of Facilities for the Treatment of Irreversible Renal Disease. The proposed regulations will fill that gap. The proposed regulations will affect all areas of service in the Facility for the Treatment of Irreversible Renal Disease. They will incorporate patient rights, minimum standards for space, equipment, water treatment and reuse, and sanitary and hygienic conditions, patient care and treatment, home dialysis, qualifications of staff, training, clinical records, and evaluation of quality. The adoption of the proposed regulations should not create an economic or operational impact on licensed facilities because they parallel federal requirements that all facilities for the treatment of irreversible renal disease have been following. The proposed regulations will have a beneficial impact for the public by providing licensing standards for recipients of renal dialysis that are consistent with current standards of practice. The adoption of the proposed regulations will have no economic impact on the Bureau of Licensure and Certification because the proposed regulations parallel federal regulations that the agency has surveyed under contract with the Health Care Financing Administration. The proposed regulations do not duplicate the regulations of other state or local government entities. They parallel federal regulations of the Health Care financing Administration 42 C.F.R. 405.2102 through 405.2171, inclusive. The proposed regulations contain several sections that are more stringent than the federal regulations: Requirements for Tuberculosis testing for employees, fire protection, training curriculum, bacteriologic testing of product water, and water system requirements. The proposed regulations do not change existing fees or add additional fees.

PLAN REVIEW

The revised regulation is needed to allow payment for a review of architectural documents directly from a provider to the private Sector Company that will be conducting the review for new construction and remodeling of existing buildings. The Health Division pursuant to a recommendation from the State Board of Health has provided an "Intent to Award" notice to "P&D Consultants" in Las Vegas, Nevada to conduct the plan reviews. NAC 449.0165 was revised to require that providers submit two sets of architectural documents and specifications directly to the designated plan review agency of the Health Division. The regulation also states that the costs of the review and any subsequent reviews will be borne by the provider and paid directly to the designated plan review agency. The effects will be long term due to the intent of the Health Division to continue to have a private sector company conduct the plan reviews. The benefit to providers is a faster turn around time for the completion of the plan review and qualified architects and engineers will conduct the review. No anticipated effects on the public. The estimated cost to the agency would include the expenses associated with the request for proposal process every few years. Bureau staff that are currently responsible for completing the plan reviews and life safety code/physical environment surveys will be utilized for monitoring and answering questions for the private sector company. At this time we do not anticipate increased personnel costs associated with this regulation modification. Other local county government agencies also require submittal of architectural documents for review as a condition of receiving a building permit. For example, Clark and Washoe Counties. The State Fire Marshal's office and the Bureau of Health Protection Services require submittal of architectural documents. These agencies all have a fee associated with the review and with the building permit. There is no overlap of a Federal regulation. The Federal regulations do not require a review of architectural documents. The current fee for plan review is \$360.00 and \$130.00 to review any changes or revisions to the plans. This language has been revised to state the following: "All costs incurred for the review of architectural documents and any changes or revisions made to the documents must be borne by the applicant and paid directly to the health division's designee conducting the plan review". The fees will increase, however, they will be equitably based on the size of the building project

CERTIFICATION OF ENVIRONMENTAL TESTING LABORATORIES

The Administrative Code Chapter 445A pertaining to Certification of Environmental Laboratories analyzing drinking water in accordance with the Federal Safe Drinking Water Act as presently constituted has some defects that require resolution. The United States Environmental Protection Agency, along with stakeholders throughout the nation, has developed a consensus standard called the National Environmental Laboratory Accreditation Conference (NELAC) standard. The Bureau of Licensure and Certification has participated in the development of this standard. A program for laboratories to certify according to this nationally accepted standard has been put forth. It is called the National Environmental Laboratory Accreditation Program (NELAP). States may adopt the standard and they may participate in NELAP if they so choose. Participation in NELAP necessitates subscribing to the NELAC standard which is organized in four distinct tiers, namely: 1.) Legal Identity and Mission; 2.) Testing Capability; 3.) Regulatory Program; 4.) Test Methods. Each of these “tiers” are addressed in the current NAC but are not organized efficiently and items referenced therein create areas of confusion due to conflicting instructions or protocols. At one juncture the authority to revoke or downgrade certification based upon information obtained from site surveys was denied the Bureau because not all of the pertinent chapters of the referenced standard were included. Some of the material included in the current NAC, though important, does not apply to laboratory certification. It should be separated from the certification portion of the code. It is proposed that a completely new version of Chapter 445A pertaining to Environmental Laboratory Certification be adopted in accordance with a template provided by NELAC. This code follows the organizational pattern established by the NELAC standard and includes changes that are required for NELAP participation. Standards that are unique to Nevada will be retained. Since this version is new, the section identification numbers will not coincide with or relate to those of the current code. It is proposed to eliminate the current code and replace it with the new wording. Section numbers can be changed to fit into the surrounding code. Anticipated effects on the environmental laboratory business are beneficial and immediate. Adoption of this revision will affect environmentally sensitive businesses in the following ways:

1. EPA involvement with the Performance Testing program has been changed. The NAC will reflect these changes.
2. Nevada will be able to participate in the NELAP program if it elects to do so.
3. Ambiguous language will be replaced so consistency in agency action will be assured.
4. Laboratories electing to participate in NELAP accreditation may do so with Nevada as their sponsoring authority.
5. NELAP accredited laboratories will have automatic reciprocity among all NELAP participation states. (So far twenty states have applied for NELAP participation and several more have committed.) ***Nevada laboratory certification officers recommend that Nevada participate.***
6. NELAP participating laboratories will be held to a common standard.
7. NELAP participating laboratories will be able to participate in Federal contracts.
8. NELAP participating laboratories will not suffer a competitive disadvantage relative to participants.
9. NELAP participating laboratories will be assured a level playing field nationally.
10. NELAP participating laboratories will produce data of known, consistent and comparable quality.
11. Laboratories not electing NELAP accreditation will not be required to do so, but will be held to the NELAC standard in so far as it is appropriate.
12. Agencies and businesses requiring analyses of regulated parameters will be assured that data meet a rigorous nationally accepted standard.

Anticipated effects on the public are beneficial and long-term. The changes will assist in maintaining quality laboratory analytical capacity to ensure that measurements that affect the public health will be trustworthy. The estimated cost to the agency for enforcement of the proposed regulation will not be any different than for the current regulation. In the event Nevada elects to have Bureau of Licensure and Certification Laboratory Certification Officers trained to become NELAP assessors, the cost will be limited to the training expense. The training is required every four years. The regulations do not overlap or duplicate any federal regulations. The regulations will maintain the existing fee structure.

FACILITY FOR THE TREATMENT OF ABUSE OF ALCOHOL OR DRUGS

The proposed revised regulations for a Facility for the Treatment of Abuse for Alcohol and Drugs have had no major revisions since 1976. The revised regulations incorporate current standards for treatment of Abuse for Alcohol and Drugs and allow for a program of Social Model Detoxification. The regulations allow for a 24-hour residential treatment facility to provide treatment for abuse of alcohol or drugs. If the facility chooses, it may have a special designation for a Social Model detoxification program. A social model detoxification program will be a social model with no requirements for medical professionals except for the initial physical assessment. The clients must have a physical assessment and review of their medical and drug history by a physician, nurse practitioner, registered nurse or physician assistant within 24 hours after the client is admitted to assure the clients are appropriate for a psychosocial detoxification program. Case management services are provided rather than social services; thus allowing for certified or licensed Alcohol and Drug Abuse counselors to provide the services. It is anticipated that the revision will have beneficial effects on the business by allowing for greater access for individuals with alcohol and drug addiction problems. It will allow licensed or certified Alcohol and Drug Abuse counselors to provide case management services rather than social services by a licensed social worker. It is anticipated that the revision of these regulations will be beneficial for the public by allowing for a greater number of individuals with alcohol and drug additions access to rehabilitative services/programs. There will be no increase in cost for the Bureau of Licensure and Certification to enforce the proposed regulations. Sections that may overlap other state agencies are outlined below. These overlap with the Bureau of Alcohol and Drug Abuse certification regulations.

- Section 18 NAC 449.088 Policies and Procedures
- Section 24 NAC 449.108 Residential program
- Section 25 NAC 449.111 Administrator: Qualification and duties
- Section 26 NAC 449.114 Employees: General Provisions
- Section 36 NAC 449.150 Records of clients
- Section 37 NAC 449.153 Discrimination prohibited.

The regulations do not overlap or duplicate any federal regulation. The proposed regulations do not have provisions which are more stringent than a federal regulation that regulates the same activity. The proposed regulations do not establish any new fee or increasing an existing fee.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8-1/2" x 11" pages must submit the material to Shirley A. Rains, Management Assistant IV, no later than March 22, 2001, at the following address:

Bureau of Licensure and Certification
1550 E. College Parkway, Suite #158
Carson City, Nevada 89706

Members of the public who are disabled and require special accommodations or assistance at the workshop are to notify Shirley A. Rains, Management Assistant IV, in writing at the Bureau of Licensure and Certification, 1550 E. College Parkway, Suite 158, Carson City, Nevada 89706, no later than March 22, 2001.

A copy of this notice and the proposed regulation amendments are on file for inspection at the following locations during normal business hours:

Bureau of Licensure and Certification, 1550 E. College Pkwy, Suite 158, Carson City, Nevada (775) 687-4475).

Bureau of Licensure and Certification, 4220 S. Maryland Parkway, Suite 810, Las Vegas, Nevada (702) 486-6515.

Bureau of Licensure and Certification, 1755 E. Plumb Lane, Suite 241, Reno, Nevada (775) 688-2888

Emergency Medical Services, 850 Elm Street, Elko, Nevada (775) 753-1154.

Emergency Medical Services, 100 Frankie, Tonopah, Nevada (775) 482-3722.

Copies may be obtained in person, by mail, or by calling (775) 687-4475. Copies are also available for review at all physical locations of program offices (see above) or the following main public libraries in each county:

Carson City Library, 900 North Roop St. Carson City, NV 89701

Churchill County Library, 533 S. Main St. Fallon, NV 89406

Clark County Library, 4020 Maryland Parkway, Las Vegas, NV 89119

Douglas County Library, 1625 Library Lane, (PO Box 337) Minden, NV 89423

Elko County Library, 720 Court St. Elko, NV 89801

Goldfield Public Library (Esmeralda Co.), Corner of Crook and Ramsey, (PO Box 430) Goldfield, NV 89013

Eureka Branch Library, 10190 Monroe St., Eureka, NV 89316

Humboldt County Library, 85 East 5th St., Winnemucca, NV 89445

Battle Mountain Branch Library (Lander Co.), 6255 Broad St., Battle Mountain, NV 89820

Lincoln County Library, 63 Maine St., (PO Box 330) Pioche, NV 89043

Lyon County Library, 20 Nevin Way, Yerington, NV 89447

Mineral County Library, 125 A St., (PO Box 1390) Hawthorne, NV 89415

Pershing County Library, 125 Central, (PO Box 781) Lovelock, NV 89419

Storey County Library, 95 South R St., (PO Box 14) Virginia City, NV 89440

Tonopah Public Library (Nye Co.), 171 Central, (PO Box 449) Tonopah, NV 89049

Washoe County Library, 301 South Center St., (PO Box 2151) Reno, NV 89505

White Pine County Library, 950 Campton St., Ely, NV 89301

Per NRS 233B.064(2), upon adoption of any regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

LCB File No. T034-01

**PROPOSED TEMPORARY REGULATION OF THE
HEALTH DIVISION**

FEES

EXPLANATION – Underlined material is new; material in ~~{}~~ is to be deleted.

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

Section 1 NAC 449.0165 Additional license and renewal fees for review of building plans related to new construction or remodeling at certain facilities. (NRS 439.150, 449.037, 449.050) An applicant for a license or the renewal of a license to operate a medical facility, facility for the dependant 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. Submit to the health division the building plans and his application for a license or renewal of a license; and~~

~~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.]~~

1. Submit to the health division or have on file a current application for a license and the fees pursuant to 449.050.

2. Submit two sets of complete architectural documents and specifications to the designated plan review agency of the Health Division. All costs incurred for the review of architectural documents and any changes or revisions made to the documents must be borne by the applicant and paid directly to the health division's designee conducting the plan review.

The fees required to be paid pursuant to this subsection 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.