

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

LCB File No. R063-02

June 11, 2002

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

AUTHORITY: §§1-20, NRS 449.037; §§21-24, NRS 449.050.

Section 1. Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 21, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 20, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Independent facility” means the owner or operator of a mobile unit who:*

- 1. Is not a parent facility;*
- 2. Uses the mobile unit to provide any service of a medical facility specified in subsections 1 to 13, inclusive, of NRS 449.0151;*
- 3. Is licensed to provide each service specified in subsection 2 pursuant to NRS 449.001 to 449.240, inclusive; and*
- 4. Maintains an office in this state.*

Sec. 4. *“Mobile unit” has the meaning ascribed to it in NRS 449.01515.*

Sec. 5. *“Parent facility” means a medical facility that is:*

- 1. Specified in subsections 1 to 13, inclusive, of NRS 449.0151; and*
- 2. Licensed pursuant to NRS 449.001 to 449.240, inclusive.*

Sec. 6. *“Service site” means the location where a mobile unit is parked when providing a service to a patient.*

Sec. 7. *“Staging area” means any location that serves as a base for maintaining a mobile unit.*

Sec. 8. 1. *The health division may issue a license to operate a mobile unit only to:*

(a) A parent facility; or

(b) An independent facility.

2. *A parent facility or independent facility shall obtain a license for each mobile unit that it operates.*

3. *In addition to the information required to be included in a license pursuant to NRS 449.085, each license to operate a mobile unit issued by the health division must set forth:*

(a) The name of the operator of the mobile unit;

(b) The address of the parent facility or independent facility that is issued the license; and

(c) Each staging area that the parent facility or independent facility designates for the mobile unit.

4. *A parent facility or independent facility that is issued a license to operate a mobile unit shall:*

(a) Maintain the original of the license in the mobile unit for which the license is issued;

and

(b) Post a copy of the license in a conspicuous location at the parent facility or independent facility.

Sec. 9. 1. *A hospital shall not operate a mobile unit as a primary source for providing a service specified in NRS 449.012 except during an emergency.*

2. A parent facility or independent facility that is issued a license to operate a mobile unit shall not use the mobile unit to provide any service for which the mobile unit is not licensed, regardless of whether the mobile unit is operated by a person other than the parent facility or independent facility.

3. An independent facility that is issued a license to operate a mobile unit shall:

(a) Ensure that the office of the independent facility remains open during normal business hours;

(b) Ensure that any schedule, record or other information that the independent facility or mobile unit is required to maintain pursuant to sections 2 to 20, inclusive, of this regulation is maintained at the office of the independent facility; and

(c) Not use the office of the independent facility to provide any service for which the mobile unit is licensed.

4. If a mobile unit is operated pursuant to a contract, the parent facility or independent facility of the mobile unit:

(a) Is liable for any failure by the operator of the mobile unit to comply with any provision of NRS 449.001 to 449.240, inclusive, or the standards and regulations adopted by the state board of health concerning the operation and maintenance of the mobile unit;

(b) Shall maintain on the premises of the parent facility or independent facility a record satisfactory to the health division setting forth the services provided by the mobile unit pursuant to the contract and the name of each person who is responsible for the provision of services at the mobile unit;

(c) Shall ensure that any procedure conducted or service provided by the mobile unit is conducted or provided in accordance with the standard of acceptable practice for the procedure or service; and

(d) Shall ensure that the owner or operator of the mobile unit makes the mobile unit available for inspection by the health division pursuant to NRS 449.150, 449.230 and 449.235.

Sec. 10. *The provisions of sections 2 to 20, inclusive, of this regulation do not apply to:*

1. A mobile unit that provides services only:

(a) Relating to conducting a mammography in accordance with a certificate of authorization to operate a radiation machine for mammography issued pursuant to NRS 457.185;

(b) Using a radiation machine which is registered in accordance with NAC 459.150; or

(c) For which a license is not required pursuant to NRS 449.001 to 449.240, inclusive; or

2. A motor vehicle that is designed and used solely for transportation by a medical facility.

Sec. 11. *A parent facility or independent facility which is issued a license to operate a mobile unit shall ensure that the mobile unit is operated in compliance with:*

1. Any applicable statute or regulation relating to the registration of the mobile unit as a motor vehicle and the licensing of each driver of the mobile unit;

2. Any applicable provision of chapter 461 or 489 of NRS; and

3. The provisions of NRS 449.001 to 449.240, inclusive, and the standards and regulations adopted pursuant to those provisions to the same extent as the parent facility or independent facility relating to any services provided by the mobile unit.

Sec. 12. *An application for a license to operate a mobile unit must include:*

1. The information required by NRS 449.040 and NAC 449.011;

2. *A copy of the certificate of registration issued pursuant to chapter 482 of NRS for the mobile unit; and*

3. *A statement indicating:*

(a) *Whether the applicant is a parent facility or an independent facility;*

(b) *Each proposed service and procedure that the mobile unit will provide;*

(c) *Each proposed service site for the mobile unit; and*

(d) *The manufacturer of the mobile unit.*

Sec. 13. *Except as otherwise provided in NRS 449.230 and 449.235, before issuing a license to operate a mobile unit, the health division shall, in addition to any survey conducted pursuant to NAC 449.0112, conduct a survey of the mobile unit to ensure that it is in full compliance with the provisions of NRS 449.001 to 449.240, inclusive, and in substantial compliance with any applicable standard or regulation adopted pursuant to those provisions.*

Sec. 14. 1. *Except as otherwise provided in subsection 3, a parent facility or independent facility which is issued a license to operate a mobile unit shall ensure that the mobile unit complies with the provisions entitled “Mobile, Transportable and Relocatable Units” set forth in section 12 of the Guidelines for Design and Construction of Hospital and Health Care Facilities, 2001 edition, and any subsequent edition issued by the American Institute of Architects which the state board of health approves for use in this state and which is hereby adopted by reference. Each new edition that includes the provisions of that section shall be deemed approved by the state board of health unless the state board of health disapproves the edition within 60 days after the date of publication by the American Institute of Architects. The state board of health will review each edition issued after the 2001 edition to ensure its suitability for this state. A copy of the most recent edition may be obtained from the*

American Institute of Architects, 1735 New York Avenue, N.W., Washington, D.C. 20006, for the price of \$75, plus \$6 for shipping and handling.

2. Before the health division issues a license to operate a mobile unit, the parent facility or independent facility that applies for the license must submit to the bureau a copy of the building plans for the mobile unit. As soon as practicable after receiving the plans, the bureau shall review the plans in accordance with NAC 449.0115. The plans must be drawn to scale and include a statement indicating:

(a) The services and procedures that will be provided at the mobile unit; and

(b) Each staging area designated by the parent facility or independent facility for the mobile unit.

3. A parent facility or independent facility which is issued a license to operate a mobile facility shall ensure that the mobile unit for which the license is issued:

(a) Complies with any applicable zoning regulation for each staging area designated for the mobile unit;

(b) Is of sufficient size and is arranged in a manner that is appropriate to provide the services for which the mobile unit is licensed;

(c) Is furnished with the appropriate equipment to provide for the comfort and safety of each patient who receives services at the mobile unit;

(d) Is maintained in good repair and in a clean and sanitary manner; and

(e) During any period in which the operator of the mobile unit provides services at the mobile unit:

(1) Is located and illuminated in such a manner that each patient who receives services at the mobile unit may safely and comfortably enter and exit the mobile unit; and

(2) Complies with any applicable statute, ordinance or regulation relating to the parking of the mobile unit.

Sec. 15. *Each parent facility or independent facility shall designate at least one staging area for each mobile unit for which the parent facility or independent facility is issued a license. A staging area designated by a parent facility or independent facility pursuant to this section must:*

- 1. Be designed and maintained to provide for the disposal of any biohazard or any solid or liquid waste from the mobile unit;*
- 2. Provide for the cleaning and sanitizing of the mobile unit and its equipment before and after the mobile unit is used; and*
- 3. Include a clean and sanitary area for the storage of supplies used for the mobile unit.*

Sec. 16. *1. In addition to complying with the requirements set forth in NRS 449.700 to 449.730, inclusive, a parent facility or independent facility that is issued a license to operate a mobile unit shall ensure that each patient who receives services at the mobile unit is:*

- (a) Treated with respect, consideration and dignity;*
- (b) Provided appropriate privacy;*
- (c) Informed of:*
 - (1) His rights as a patient in accordance with NRS 449.730;*
 - (2) Upon admission to the mobile unit, each service that is available at the mobile unit and the estimated cost of the service; and*
 - (3) Any supplies, medication or equipment that the patient may require after receiving the service; and*

(d) Allowed to participate in any decision relating to any health care he receives at the mobile unit, unless he is unable to participate in that decision because of his medical condition.

2. If a patient of a mobile unit is unable to understand any information relating to his rights as a patient provided to him pursuant to subsection 1, the person who is responsible for the provision of services at the mobile unit shall provide that information to an appropriate person who is responsible for the patient. For each patient who is informed of his rights as a patient pursuant to this section, the person who is responsible for the provision of services at the mobile unit shall:

(a) Prepare a written statement indicating that he informed the patient of those rights; and

(b) Include the statement in the medical record of the patient that is maintained by the mobile unit.

Sec. 17. 1. *A parent facility or independent facility which is issued a license to operate a mobile unit must, before operating the mobile unit, establish written policies for the operation of the mobile unit. The written policies must be established in consultation with any other appropriate provider of health care as determined by the parent facility or independent facility and must include, without limitation, provisions relating to:*

(a) The care of patients;

(b) The orientation, training and supervision of employees;

(c) The scope of services and the evaluation of the quality of those services;

(d) The criteria for selecting patients to receive services at the mobile unit;

(e) The procedure for:

(1) Performing each service provided at the mobile unit;

- (2) Storing and handling any medication provided to a patient of the mobile unit; and*
- (3) Collecting, storing and disposing of any biohazard or liquid or solid waste from the mobile unit;*
- (f) The control of any infectious disease or organism in the mobile unit;*
- (g) The preparation and maintenance of any statement, log, document or other record relating to any service provided to a patient of the mobile unit;*
- (h) The transportation of a patient of the mobile unit, including, without limitation:
 - (1) The manner in which the patient must be transported;*
 - (2) Any equipment that must be used to transport the patient; and*
 - (3) The appropriate protection required for the patient during inclement weather;**
- (i) The manner in which the mobile unit must be evacuated during an emergency and the services that the mobile unit must provide during the emergency, including, without limitation, a plan for coordinating the evacuation and the provision of those services with the parent facility or independent facility of the mobile unit; and*
- (j) The identification of any specific requirements for the mobile unit necessary to provide any service at a service site for the mobile unit.*

2. A parent facility or independent facility that establishes written policies for the operation of a mobile unit which include the provisions required by paragraph (i) of subsection 1 shall ensure that each employee and patient of the mobile unit understands those provisions.

3. Each parent facility or independent facility specified in subsection 1 shall maintain a written agreement with at least one hospital or other medical facility for the transfer of the

patients of a mobile unit of the parent facility or independent facility during an emergency.

The written agreement must include, without limitation, provisions relating to:

(a) The manner in which the hospital or medical facility must communicate with the mobile unit during the emergency;

(b) The transfer of each patient of the mobile unit to or from the hospital or medical facility;

(c) The number of persons required to assist in the transfer of a patient; and

(d) Any requirements of the mobile unit or a patient of the mobile unit to conduct the transfer of a patient.

4. A parent facility or independent facility that establishes written policies for the operation of a mobile unit pursuant to this section shall ensure that the written policy is consistent with any other policy or procedure of the parent facility or independent facility relating to the provision of services to a patient of the mobile unit.

Sec. 18. *A parent facility or independent facility which is issued a license to operate a mobile unit shall:*

1. Ensure that the mobile unit complies with any regulation which applies to the parent facility or independent facility relating to the evaluation of the quality of services provided by the mobile unit; and

2. Review each service provided by the mobile unit to ensure compliance with subsection 1.

Sec. 19. *1. A parent facility or independent facility which is issued a license to operate a mobile unit shall:*

(a) On or before the first day of each month, prepare and maintain a schedule setting forth the proposed dates of use for each service site for the mobile unit for that month;

(b) Prepare and maintain a record of each service provided to a patient of the mobile unit, including, without limitation:

(1) The name, age and sex of the patient;

(2) The chart or identification number of the patient;

(3) The date, time and service site where the service was provided to the patient; and

(4) The duration of any procedure performed for the patient at the mobile unit;

(c) In addition to the record of services required by paragraph (b), prepare and maintain a clinical record of each patient who receives any service at the mobile unit in accordance with the requirements of the parent facility or independent facility of the mobile unit; and

(d) Ensure that a sufficient amount of supplies and equipment is available at the mobile unit to provide services to each patient of the mobile unit.

2. If a diagnostic radiological service is required to provide services for a patient of a mobile unit, the parent facility or independent facility shall ensure that the diagnostic radiological service is provided:

(a) In accordance with the requirements prescribed by the parent facility or independent facility; and

(b) Using equipment that is registered pursuant to NAC 459.150.

3. If a laboratory service is required to provide services for a patient of a mobile unit, the parent facility or independent facility shall ensure that the laboratory service is provided:

(a) In accordance with chapters 652 of NRS and 652 of NAC and any applicable federal law; and

(b) In the manner prescribed by the parent facility or independent facility for providing the laboratory service.

4. A parent facility or independent facility which is issued a license to operate a mobile unit shall ensure that each record of a patient of the mobile unit which is maintained by the parent facility or independent facility is available for use by the mobile unit. If the patient ceases to receive services at the mobile unit, the parent facility or independent facility shall maintain the records of the patient at the parent facility or independent facility.

Sec. 20. A parent facility or independent facility which is issued a license to operate a mobile unit shall:

1. Limit the occupancy of patients in the mobile unit to not more than five patients at any time;

2. Equip the mobile unit with at least two fire extinguishers having a minimum rating of 2A-20BC, and provide any other equipment for fire safety for the mobile unit that is required by the fire authority having jurisdiction;

3. Ensure that the mobile unit has at least two exits from the mobile unit, at least two of which must be doors if the mobile unit provides a service to a patient at the mobile unit who is unable to exit the mobile unit without assistance;

4. Ensure the existence of a corridor for each exit from the mobile unit that is of sufficient size to provide access to that exit;

5. Ensure that the equipment in the mobile unit is used and maintained in accordance with the instructions of the manufacturer of the equipment;

6. Prepare and maintain a record of any maintenance or procedure for calibration of the equipment that is performed in accordance with the instructions of the manufacturer of the equipment pursuant to subsection 5; and

7. Provide a telecommunications device for the mobile unit.

Sec. 21. *“Mobile unit” has the meaning ascribed to it in NRS 449.01515.*

Sec. 22. NAC 449.012 is hereby amended to read as follows:

449.012 As used in NAC 449.012 to 449.0168, inclusive, *and section 21 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 449.0121 to 449.0127, inclusive, *and section 21 of this regulation*, have the meanings ascribed to them in those sections.

Sec. 23. NAC 449.013 is hereby amended to read as follows:

449.013 1. Except as otherwise provided in NAC 449.0168, an applicant for a license to operate any of the following facilities, programs of hospice care or agencies must pay to the health division the following nonrefundable fees:

- (a) An ambulatory surgical center.....\$1,200
- (b) A facility for the treatment of irreversible renal disease1,200
- (c) A home office or subunit agency of a home health agency.....1,200
- (d) A branch office of a home health agency500
- (e) A rural clinic1,200
- (f) An obstetric center1,200
- (g) A program of hospice care1,200
- (h) An independent center for emergency medical care1,200
- (i) A nursing pool750

(j) A facility for treatment with narcotics	750
(k) A medication unit	500
(l) A referral agency	750
(m) A halfway house for recovering alcohol and drug abusers	500
(n) A mobile unit	1,500

2. An applicant for the renewal of such a license must pay to the health division the

following nonrefundable fees:

(a) An ambulatory surgical center.....	\$600
(b) A facility for the treatment of irreversible renal disease	600
(c) A home office or subunit agency of a home health agency.....	600
(d) A branch office of a home health agency	100
(e) A rural clinic	600
(f) An obstetric center	600
(g) A program of hospice care	600
(h) An independent center for emergency medical care	600
(i) A nursing pool	600
(j) A facility for treatment with narcotics	600
(k) A medication unit	100
(l) A referral agency	600
(m) A halfway house for recovering alcohol and drug abusers	300
(n) A mobile unit	750

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. 24. NAC 449.0168 is hereby amended to read as follows:

449.0168 1. Except as otherwise provided in subsection 2, a holder of a license to operate a medical facility, facility for the dependent, program of hospice care or referral agency 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, program or agency;
- (b) A change of the administrator of the facility, program or agency;
- (c) A change in the number of beds in the facility;
- (d) A change in the type of facility licensed or the addition of another type of facility to be licensed; ~~or~~
- (e) A change in the category of residents who may reside at the facility ~~or~~; *or*

(f) A change in the designation of a staging area for a mobile unit or, if the mobile unit is operated by an independent facility, a change in the address of the independent facility,
FLUSH 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 for each additional bed in the facility of:

(1) If the facility is an intermediate care facility for the mentally retarded or persons with developmental disabilities, a residential facility for groups, a facility for the treatment of abuse of alcohol or drugs, a facility for hospice care, a home for individual residential care or a facility for modified medical detoxification.....\$50

(2) If the facility is a hospital77

(3) If the facility is a rural hospital.....45

(4) If the facility is a skilled nursing facility or an intermediate care facility, other than an intermediate care facility for the mentally retarded or persons with developmental disabilities75

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”]~~ :

(a) “Administrator” means the person who is responsible for the daily management of a medical facility, facility for the dependent or program of hospice care.

(b) “Independent facility” has the meaning ascribed to it in section 3 of this regulation.

(c) “Staging area” has the meaning ascribed to it in section 7 of this regulation.