

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

LCB File No. R067-04

May 19, 2004

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

AUTHORITY: §§1-11, NRS 449.037.

A REGULATION relating to facilities for skilled nursing; adopting by reference certain construction and maintenance standards; requiring facilities for skilled nursing to comply with such construction and maintenance standards; requiring such facilities to pay certain costs relating to the review of building plans for the new construction or certain remodeling; establishing continuing education requirements for certain employees of facilities for skilled nursing concerning the care of persons with dementia; revising provisions relating to the sanitation inspection reports of, construction of, maintenance of and provision of closet space by a facility for skilled nursing; and providing other matters properly relating thereto.

Section 1. Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 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 at 11 Tracy Drive, Avon, Massachusetts 02322, at the Internet address <<http://www.nfpa.org>> or by telephone at 800.344.3555, for the price of \$55.80 for members or \$62.00 for nonmembers, plus \$7.95 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 at 11 Tracy Drive, Avon, Massachusetts 02322, at the Internet address <<http://www.nfpa.org>> or by telephone at 800.344.3555, for the price of \$41.63 for members or \$46.25 for nonmembers, plus \$7.95 for shipping and handling.

(c) Guidelines for Design and Construction of Hospital and Health Care 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 American Institute of Architects at the AIA Store, 1735 New York Avenue, NW, Washington, DC 20006-5292, at the Internet address <<http://www.aia.org>> or by telephone at 800.242.3837, for the price of \$52.50 for members or \$75.00 for nonmembers, plus \$9.00 for shipping and handling.

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

Sec. 3. 1. Except as otherwise provided in subsection 4, each person who is employed by a facility for skilled nursing which provides care to persons with any form of dementia, including, without limitation, dementia caused by Alzheimer's disease, who has direct contact

with and provides care to persons with any form of dementia and who is licensed or certified by an occupational licensing board must complete the following number of hours of continuing education specifically related to dementia:

(a) In his first year of employment with a facility for skilled nursing, 8 hours which must be completed within the first 30 days after the employee begins employment; and

(b) For every year after the first year of employment, 3 hours which must be completed on or before the anniversary date of the first day of employment.

2. The continuing education required to be completed pursuant to this section:

(a) Must be approved by the occupational licensing board which licensed or certified the person completing the continuing education; and

(b) May be used to satisfy any continuing education requirements of an occupational licensing board and do not constitute additional hours or units of required continuing education.

3. Each facility for skilled nursing shall maintain proof of completion of the hours of continuing education required pursuant to this section in the personnel file of each employee of the facility who is required to complete continuing education pursuant to this section.

4. A person employed by a facility for skilled nursing which provides care to persons with any form of dementia, including, without limitation, dementia caused by Alzheimer's disease, is not required to complete the hours of continuing education specifically related to dementia required pursuant to subsection 1 if he has completed that training within the previous 12 months.

5. As used in this section, "continuing education specifically related to dementia" includes, without limitation, instruction regarding:

(a) An overview of the disease of dementia, including, without limitation, dementia caused by Alzheimer's disease, which includes instruction on the symptoms, prognosis and treatment of the disease;

(b) Communicating with a person with dementia;

(c) Providing personal care to a person with dementia;

(d) Recreational and social activities for a person with dementia;

(e) Aggressive and other difficult behaviors of a person with dementia; and

(f) Advising family members of a person with dementia concerning interaction with the person with dementia.

Sec. 4. NAC 449.0115 is hereby amended to read as follows:

449.0115 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, ~~449.4063~~ *or 449.74543* to have building plans for new construction or remodeling reviewed by the Health Division must:

(a) Submit to the Health Division or have on file a current application for a license or renewal of a license;

(b) Pay to the Health Division 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 prepared by a registered architect, registered residential designer or licensed general contractor 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 costs required to be paid pursuant to 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. 5. NAC 449.744 is hereby amended to read as follows:

449.744 As used in NAC 449.744 to 449.74549, inclusive, *and section 3 of this regulation*, unless the context otherwise requires, “facility for skilled nursing” has the meaning ascribed to it in NRS 449.0039.

Sec. 6. NAC 449.74413 is hereby amended to read as follows:

449.74413 1. The owner of a facility for skilled nursing shall, at least 30 days before there is a change of ownership, change of use or change in the construction of the facility, notify the Bureau of that change. If the facility is not in compliance with the *Guidelines for Design and Construction of Hospital and ~~Healthcare~~ Health Care Facilities* adopted by reference pursuant to ~~[NAC 449.74541.]~~ *section 2 of this regulation*, the notice must identify those provisions of the guidelines with which the facility has failed to comply.

2. Upon a change in use or change in the construction of a facility, the facility must comply with the *Guidelines for Design and Construction of Hospital and ~~Healthcare~~ Health Care Facilities* before admitting patients to the area that is being changed or is under construction.

Sec. 7. NAC 449.74525 is hereby amended to read as follows:

449.74525 1. A facility for skilled nursing shall employ full time, part time or as a consultant, a person who is registered as a dietitian by the Commission on Dietetic Registration

of the American Dietetic Association. If a registered dietitian is not employed full time, the facility shall designate a person to serve as the director of food service who receives frequently scheduled consultations from a registered dietitian.

2. A facility shall employ an adequate number of qualified and competent personnel to provide food service to the patients in the facility.

3. Menus must be planned in advance and followed to meet the nutritional needs of the patients in the facility in accordance with the recommended dietary allowances of the Food and Nutrition Board of the ~~[National Research Council]~~ *Institute of Medicine* of the National Academy of Sciences.

4. A facility shall provide to each patient in the facility:

(a) Food that is prepared to conserve the nutritional value and flavor of the food.

(b) Food that is nourishing, palatable, attractive and served at the proper temperature.

(c) A well-balanced diet that meets the daily nutritional and special dietary needs of the patient.

(d) Who refuses the food that is regularly served by the facility, a substitute of similar nutritional value.

5. A therapeutic diet served to a patient by a facility must be prescribed by the attending physician of the patient.

6. A facility shall serve to each patient in the facility at least three meals daily, at such times as are comparable to regular mealtimes within the community in which the facility is located. A snack must be offered to each patient daily at bedtime. Except as otherwise provided in this subsection, breakfast must be served not more than 14 hours after the previous evening meal. If a

nourishing snack is served at bedtime, breakfast may be served not more than 16 hours after the previous evening meal if approved by a group of patients organized pursuant to NAC 449.74499.

7. A facility shall provide special eating equipment and utensils to each patient who requires them.

8. A facility shall:

(a) Comply with the applicable provisions of chapter 446 of NRS and the regulations adopted pursuant thereto and obtain such permits as are necessary from the Bureau of Health Protection Services of the Health Division ~~[of the Department of Human Resources]~~ for the preparation and service of food;

(b) *Maintain a report of each inspection concerning the sanitation of the hospital for at least 1 year after the date of the inspection;*

(c) *Maintain a report of each corrective action taken to address a deficiency noted in a report described in paragraph (b) for at least 1 year after the date of the corrective action;*

(d) Procure food from sources that are approved or considered satisfactory by federal, state and local authorities;

~~[(e)]~~ (e) Store, prepare and serve food under sanitary conditions; and

~~[(d)]~~ (f) Dispose of refuse and garbage properly.

Sec. 8. 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 *NFPA 101: Life Safety Code*, adopted by reference pursuant to ~~[NAC 449.74541.]~~ *section 2 of this regulation*.

(b) Any *new* construction, ~~[or]~~ remodeling *or change in use* of a facility for skilled nursing must comply with the *Guidelines for Design and Construction of Hospital and ~~[Healthcare]~~ Health Care 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~~ *section 2 of this regulation, 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]~~ *Except as otherwise provided in subsection 5, 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, *fire and local* building ~~[and fire]~~ codes,

↳ 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 which is inspected and approved by the State Public Works Board in accordance with the provisions set forth in chapter 341 of NRS and chapter 341 of NAC is not required to comply with any applicable local building codes related to the construction and maintenance of the facility.*

6. A facility for skilled nursing ~~[may]~~ *shall* submit building plans for new construction or remodeling to the entity designated to review such plans by the Health Division pursuant to NAC 449.0115. The entity's review of those plans is advisory only and does not constitute approval for the licensing of the facility. *Before the construction or remodeling may begin, the plans for the construction or remodeling must be approved by the Health Division.* 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. 9. NAC 449.74549 is hereby amended to read as follows:

449.74549 1. A patient's room within a facility for skilled nursing must be designed and equipped in a manner that allows adequate nursing care to be provided and provides comfort and privacy for the patient.

2. A facility for skilled nursing shall provide to each patient in the facility:

- (a) A separate bed of proper size and height for the convenience of the patient;
- (b) A clean, comfortable mattress;

- (c) Bedding that is appropriate for the weather and climate;
- (d) Clean linens for his bed and bath that are in good condition; *and*
- (e) Furniture that is appropriate for the patient's needs . ~~}; and~~

~~—(f) Individual closet space in the patient's room with clothes racks and shelves that are accessible to the patient.]~~

Sec. 10. NAC 449.74541, 449.74545 and 449.74547 are hereby repealed.

Sec. 11. 1. Each person who on the effective date of this regulation is employed by a facility for skilled nursing which provides care to persons with any form of dementia, including, without limitation, dementia caused by Alzheimer's disease, and who is required to complete the hours of continuing education specifically related to dementia required pursuant to section 3 of this regulation, shall complete at least 8 hours of continuing education specifically related to dementia within 12 months after the effective date of this regulation unless the person has completed the training within the 12 months before the effective date of this regulation.

2. Evidence that such a person has completed the training required pursuant to subsection 1 must be included in his personnel file and must be kept at the facility.

TEXT OF REPEALED SECTIONS

449.74541 Adoption by reference of standards for construction. (NRS 449.037)

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 \$45.50 for members or \$50.50 for nonmembers, plus \$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.

449.74545 Emergency electrical power. (NRS 449.037)

1. A facility for skilled nursing shall have an adequate supply of emergency electrical power to ensure that there is power to:

- (a) Light all entrances and exits;
- (b) Maintain all fire alarms and systems to detect and extinguish fires; and
- (c) Maintain life support systems,

↪ if there is an interruption in the normal supply of electrical power.

2. If life support systems are used by a facility for skilled nursing, emergency electrical power must be provided by an emergency generator that is located on the premises of the facility.

3. As used in this section, “emergency generator” has the meaning ascribed to it in NFPA 99: Standard for Health Care Facilities, adopted by reference pursuant to NAC 449.74541.

449.74547 Space and equipment for certain activities. (NRS 449.037) A facility for skilled nursing shall:

1. Provide sufficient space and equipment for dining, health care and recreational services and areas for patients’ activities to ensure that each patient in the facility receives the services required by his plan of care.

2. Provide at least one room designated for dining and patients’ activities. The room must:
- (a) Be well lighted;

- (b) Be well ventilated, with nonsmoking areas identified;
 - (c) Be adequately furnished; and
 - (d) Have sufficient space to accommodate all activities.
3. Maintain all equipment used at the facility in a safe operating condition.