

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

LCB File No. R068-04

May 19, 2004

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

AUTHORITY: §§1-5, NRS 449.037.

A REGULATION relating to hospitals; adopting by reference certain construction and maintenance standards; requiring hospitals to comply with such construction and maintenance standards; requiring a hospital to obtain approval of building plans for new construction or remodeling from the Health Division; revising provisions relating to the sanitation inspection reports of and the dietetic services provided by a hospital; and providing other matters properly relating thereto.

Section 1. Chapter 449 of NAC is hereby amended by adding thereto a new section to read as follows:

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. 2. 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~~ *a hospital* shall comply with the ~~current edition~~ *provisions* 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 \$45.50 for members of the National Fire Protection Association, or \$50.50 for nonmembers, plus \$6.95 for shipping and handling.]~~ **pursuant to section 1 of this regulation.**

2. Except as otherwise provided in this section, ~~[newly constructed hospitals and existing hospitals shall]~~ **any new construction, remodeling or change in the use of a hospital must** 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]~~ **pursuant to section 1 of this regulation, unless the**

remodeling is limited to refurbishing **an area** of the hospital ~~[where the only changes being made are to the paint or the floor, window or]~~, **including, without limitation, painting the area, replacing the flooring in the area, repairing windows in the area and replacing window or wall coverings** ~~[.~~

~~→ 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]~~ **in the area.**

3. **Except as otherwise provided in subsection 4, a** hospital shall meet all applicable ~~[federal,]~~ :

(a) **Federal and** state laws;

(b) Local ordinances, including, without limitation, zoning ordinances; and ~~local laws and~~
~~comply with all applicable life~~

(c) Life safety, environmental, health, *fire and local* building ~~and fire codes and zoning~~
~~ordinances.] codes,~~

↳ *related to the construction and maintenance of the hospital.* If there are any differences between the state and local codes, the more restrictive standards apply.

4. *A hospital 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 hospital.*

5. A complete copy of the building plans for new construction and remodeling of a hospital, drawn to scale, must be submitted to the entity designated to review such plans by the Health Division pursuant to the provisions of NAC 449.0115.

~~5.]~~ *Before the construction or remodeling may begin, plans for the construction or remodeling must be approved by the Health Division.*

6. 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.]~~ 7. 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. 3. NAC 449.3156 is hereby amended to read as follows:

449.3156 1. Notwithstanding any provision of NAC 449.3154 to the contrary, a hospital shall be deemed to be in compliance with ~~[NAC 449.3154]~~ *the provisions of the Guidelines for Design and Construction of Hospital and Health Care Facilities, adopted by reference pursuant to section 1 of this regulation*, if:

(a) The hospital submitted architectural plans to the Bureau ~~[of Licensure and Certification of the Health Division of the Department of Human Resources]~~ on or before February 1, 1999;

(b) The hospital began construction on or before August 1, 1999;

(c) The plans were determined by the Bureau ~~[of Licensure and Certification]~~ to be in compliance with the provisions of *this* chapter ~~[449 of NAC]~~ that were in effect on December 1, 1998; ~~[and]~~

(d) The hospital is built in accordance with those provisions ;

(e) The use of the physical space in the hospital has not changed; and ~~[does not have any]~~

(f) There are no deficiencies *in the construction of the hospital* which are likely to cause serious injury, serious harm or impairment to public health and welfare.

2. If there are deficiencies that are likely to cause serious injury, serious harm or impairment to public health and welfare, the hospital shall take immediate action to correct the deficiencies or the hospital will not be allowed to continue to operate.

Sec. 4. NAC 449.338 is hereby amended to read as follows:

449.338 1. A hospital shall provide for the general dietary needs of its patients, including the preparation of modified special diets.

2. Adequate space for the preparation and service of food must be provided. Equipment for the preparation and service of food must be placed to provide aisles of sufficient width to permit easy movement of personnel, mobile equipment and supplies.

3. Well-ventilated food storage areas of adequate size must be provided.

4. Adequate space must be maintained to accommodate equipment, personnel and procedures necessary for the proper cleaning and sanitizing of dishes and other utensils.

5. Office or other suitable space must be provided for the dietitian and dietetic service supervisor.

6. In providing for the preparation and serving of food, a hospital shall:

(a) Comply with the standards prescribed in chapter 446 of NRS and the regulations adopted pursuant thereto; ~~and~~

(b) Obtain the necessary permits from the Bureau of Health Protection Services of the Health Division ~~[of the Department of Human Resources.]~~ ;

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

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

Sec. 5. NAC 449.3385 is hereby amended to read as follows:

449.3385 1. A hospital shall maintain an organized dietary service that is staffed by an adequate number of personnel. The hospital shall ensure that personnel are on duty to provide dietary services for at least 12 hours each day and that the personnel are competent to perform their duties as outlined in their job descriptions. The dietary service must be integrated with the other departments, units and services within the hospital.

2. The dietary service must be under the direction of a registered dietitian or other professional person who ~~is~~:

(a) *Is qualified in the field of institutional management, ~~or~~ nutritional sciences ~~or~~ hotel restaurant management;*

(b) *Has completed an academic program in culinary arts; or*

(c) *Is certified as a dietary manager by the Dietary Managers Association and has additional work experience with medical and therapeutic diets.*

3. The director of the dietary service may be employed on a full-time or part-time basis, or as a consultant.

~~3.~~ 4. A hospital shall have on staff a dietitian manager or consultant who shall provide in-service training for all dietetic service personnel and maintain a record of the in-service training provided which includes a description of the subjects covered by the training, the date that the training was given, the duration of the training and a list of the persons who attended the training.

~~4.~~ 5. Personnel of the dietary service must:

(a) Be trained in basic techniques of food sanitation;

(b) While working in the dietary service, be clean and wear clean clothing, including a cap or hairnet, or both; and

(c) Be excluded from duty when affected by a skin infection or communicable disease.

~~5.~~ 6. If an employee of the dietary service has a beard or moustache, or both, which is not closely cropped, the employee shall cover the beard or moustache, or both, while he is on duty.