

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

LCB File No. R069-04

May 19, 2004

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

AUTHORITY: §§1-7, NRS 449.037.

A REGULATION relating to facilities for modified medical detoxification; adopting by reference construction and maintenance standards; requiring facilities for modified medical detoxification to comply with such construction and maintenance standards; revising certain provisions regarding the provision of dietary services at facilities for modified medical detoxification; revising provisions regarding sanitation requirements; requiring compliance with certain standards for the design, construction, equipment and maintenance of such facilities; revising provisions regarding fire safety and plans for disasters at such facilities; 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 449.15351 is hereby amended to read as follows:

449.15351 1. Facilities shall serve at least three meals or their equivalent daily, at regular times, with not more than 14 hours between a substantial evening meal and breakfast. A second serving must be provided for those clients who desire one.

2. Menus must be planned and followed to meet the nutritional needs of the clients in accordance with the recommended dietary allowances recommended by the Food and Nutrition Board of the National Research Council, National Academy of Sciences.

3. Therapeutic menus must be planned by a registered dietitian or must be reviewed and approved by the attending physician of the client or a staff physician.

4. Menus must be in writing, planned in advance, dated and posted, and kept on file at the facility for at least 90 days. Any substitution must be noted on the written menu so that the menu on file reflects what was actually served.

5. Adequate facilities and equipment for the preparation, serving, refrigeration and storage of food *in a sanitary manner* must be provided. ~~and must meet the regulations of the State Board of Health, including, without limitation, the regulations set forth in chapter 446 of NAC.~~

6. *A facility with more than 10 clients shall:*

(a) Comply with all applicable provisions of chapter 446 of NRS and the regulations adopted pursuant thereto;

(b) Obtain the necessary permits from the Bureau of Health Protection Services of the Health Division;

(c) Maintain a report of each inspection concerning the sanitation of the facility 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.

7. Clients needing special equipment, implements or utensils to assist them while eating must have such items provided.

~~[7.]~~ 8. If a facility operates on the cottage plan, provision must be made for food service that ensures hot, palatable meals.

~~[8.]~~ 9. A professional, qualified person must be used as a consultant on planning meals and serving food. At least 4 hours of consultation each month is required. A person is qualified only if he meets the requirements for registration with the Commission on Dietetic Registration as a dietitian or dietetic technician.

~~[9.]~~ 10. A facility that contracts with a food management company shall comply with all applicable regulations of the State Board of Health.

Sec. 3. NAC 449.15355 is hereby amended to read as follows:

449.15355 1. ~~[Each facility shall meet all state and local environmental health standards.~~
~~—2.— A facility that provides dietary services shall have food service equipment of appropriate quality and type for the type of food service program used by the facility. The equipment must comply with the regulations set forth in chapter 446 of NAC.~~
~~—3.— All environmental health inspection reports must be on file in each facility. Any deficiencies must be corrected within 90 days after they become apparent and must be documented in the file.~~
~~—4.]~~ The premises and equipment of each facility must be maintained in a *safe, functional and* sanitary condition. Each facility shall have the necessary cleaning and maintenance equipment with sufficient storage areas and appropriate procedures to maintain a clean and orderly establishment. Janitorial supplies, including, without limitation, aerosols, must be stored

in areas separate from clean linen, food and other supplies. The storage of dirty linen must be separate from the storage of clean linen, food and other supplies.

~~{5.}~~ 2. Items for personal use, including, without limitation, combs, toothbrushes, towels and bar soap , must not be shared by clients.

~~{6.}~~ 3. Restrooms or lavatories for the staff of a facility must be provided with soap dispensers and individual, disposable towels.

4. *Each facility shall ensure that the environment of the facility is free of hazards that may cause accidents.*

5. *Each facility shall maintain an effective program to control pests and rodents in order to ensure that the facility is free from pests and rodents.*

6. *Each facility shall provide safe and comfortable levels of temperature in the facility. The temperature of the facility must be maintained at a level that is not less than 71 degrees Fahrenheit and not more than 81 degrees Fahrenheit.*

Sec. 4. NAC 449.15359 is hereby amended to read as follows:

449.15359 1. ~~{Before the}~~ *Except as otherwise provided in subsection 4, before any new construction of a facility or ~~{an alteration to}~~ any remodeling of an existing facility is begun:*

(a) ~~{A}~~ *The facility must submit a* copy of the building plans ~~{drawn to scale must be submitted}~~ *for the new construction or remodeling* to the entity designated to review such plans by the Health Division pursuant to the provisions of NAC 449.0115 . ~~{; and}~~ *The entity's review of those plans is advisory only and does not constitute approval for licensure of the facility.*

(b) The building plans must be approved by the Health Division.

2. *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.*

3. The Health Division shall not issue a license to operate a facility until ~~[all construction has been completed and the Health Division has conducted a survey at the site.]~~ *the Bureau has approved the construction of the facility.*

4. *The provisions of subsection 1 do not apply to plans for remodeling a facility if the remodeling is limited to refurbishing an area within the facility, including, without limitation, painting in the area, replacing flooring in the area, repairing windows in the area or replacing window and wall coverings in the area.*

Sec. 5. NAC 449.15361 is hereby amended to read as follows:

449.15361 1. ~~[The State Board of Health hereby adopts by reference:~~

~~—(a) NFPA 101: Life Safety Code, 1994 edition, published by the National Fire Protection Association. A copy of the code may be obtained from the National Fire Protection Association, 11 Tracy Drive, Avon, Massachusetts 02322, for the price of \$42.00 for members of the National Fire Protection Association, or \$46.75 for nonmembers, plus \$5.95 for handling.~~

~~—(b) NFPA 96: Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, in the form most recently published by the National Fire Protection Association. A copy of the code may be obtained from the National Fire Protection Association, 11 Tracy Drive, Avon, Massachusetts 02322, for the price of \$21.75 for members of the National Fire Protection Association, or \$24.25 for nonmembers, plus \$5.95 for shipping and handling.~~

~~—2.]~~ *Each facility must be designed, constructed, equipped and maintained in a manner that protects the health and safety of the clients and personnel of the facility and members of the general public.*

2. Each facility shall comply with all ~~[currently adopted]~~ *applicable:*

(a) *Federal and state laws;*

(b) *Local ordinances, including, without limitation, zoning ordinances; and*

(c) *Environmental, life safety, fire, health and ~~[zoning codes.]~~ local building codes,*

↪ related to the construction and maintenance of the facility. If there is a difference between state and local ~~[codes,]~~ *requirements*, the more stringent ~~[standards]~~ *requirements* apply.

3. *Each facility shall comply with the provisions of NFPA 101: Life Safety Code, as adopted by reference pursuant to section 1 of this regulation.* Facilities housing 17 *or more* clients ~~[or more]~~ shall meet the requirements of *the* chapter ~~[16,]~~ *entitled* “Hotel and Dormitories,” of *the edition of NFPA 101: Life Safety Code* ~~[, 1994 edition. Facilities]~~ *adopted by reference pursuant to section 1 of this regulation.* *Those facilities* housing *not more than* 16 clients ~~[or less]~~ shall meet the requirements of *the* chapter ~~[20,]~~ *entitled* “Lodging or Rooming Houses,” of *the edition of NFPA 101: Life Safety Code* ~~[1994 edition.]~~

~~—4.— New and remodeled facilities shall comply with all currently adopted building, electrical and plumbing codes.] adopted by reference pursuant to section 1 of this regulation.~~

Sec. 6. NAC 449.15365 is hereby amended to read as follows:

449.15365 1. Devices for the detection of combustion other than heat detectors must be installed on the ceiling of each story of a facility, in front of doors to stairways in a facility, and at not more than 30 feet apart in the corridors of all floors of a facility, including, without limitation, the center. Smoke detectors must also be installed in the center of any lounge or recreational area of a facility. The smoke detectors may be single station units with an integral alarm.

2. Portable fire extinguishers must be installed throughout each facility at the direction of the fire authority having jurisdiction.

~~{3. Any facility with a kitchen range with an upper surface of not more than 15 square feet must provide the range with an exhaust hood having an automatic fire protection system in accordance with NFPA 96: Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, in the form most recently published by the National Fire Protection Association.~~

~~—4. Portable room heating devices are prohibited in facilities. Any heating device other than a central heating plant must be so designed and installed that combustible material will not be ignited by it or its appurtenance.~~

~~—5.] Each portable fire extinguisher available at a facility must be inspected, recharged and tagged at least once each year by a person certified by the State Fire Marshal to conduct such inspections.~~

3. A portable room-heating device may be used if the device:

(a) Is located 2 feet or more from any combustible material;

(b) Is plugged directly into a wall socket;

(c) Turns off automatically if tipped over; and

(d) Has no exposed heating elements.

4. Receptacles or outlets serviced by extension cords are prohibited in facilities.

~~{6.} 5. Rooms in which smoking is allowed by direction of the facility or the fire authority must be provided with plainly visible “Smoking Area” signs.~~

~~{7.} 6. Each facility shall conduct fire drills at least monthly , and a written record of each drill conducted must be retained in the facility ~~{}~~ *for not less than 12 months after the drill is conducted.*~~

Sec. 7. NAC 449.15367 is hereby amended to read as follows:

449.15367 1. Each facility shall develop a written plan for disasters that outlines procedures for members of the staff and clients to follow in case of fire or another emergency and provides for meeting the needs of clients if the facility must be evacuated or is destroyed.

2. A simple floor plan showing the routes for evacuating must be posted in prominent locations on each floor of the facility.

3. The facility shall notify the Bureau ~~if~~ *of the occurrence of* a fire or disaster ~~causes damage to the physical structure of~~ *in* the facility ~~if~~ *within 24 hours after the facility becomes aware of the fire or disaster.*

4. Each facility shall conduct a disaster drill at least annually and retain a written record of the drill in the facility ~~if~~ *for not less than 12 months after the drill is conducted.*

5. *Each facility shall adopt procedures to ensure that water is available to the essential areas of the facility if there is an interruption in the facility's normal supply of water.*