

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

LCB File No. R071-04

May 19, 2004

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

AUTHORITY: §§1-5 and 7-10, NRS 449.037; §6, NRS 449.0357 and 449.037.

A REGULATION relating to residential facilities for groups; defining certain terms relating to residential facilities for groups; requiring that residential facilities for groups that claim to provide “assisted living services” meet certain standards; requiring training of certain employees in providing care to residents of such facilities who suffer from dementia; requiring residential facilities for groups to obtain approval of building plans for new construction or remodeling from the Health Division; 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 to 6, inclusive, of this regulation.

Sec. 2. *“Discharge” means the release of a resident from a residential facility which does not involve a transfer.*

Sec. 3. *“Transfer” means the movement of a resident from a residential facility to another facility for inpatient or residential care.*

Sec. 4. *The transfer of a resident from a residential facility occurs:*

1. Except as otherwise provided in subsection 2, on the date that the resident is admitted to the facility to which he is moved; or

2. If the resident is moved to a unit or department of a hospital, other than the emergency department of the hospital, on the date that the resident is accepted at the hospital for care or observation.

Sec. 5. A residential facility shall not claim that it provides “assisted living services”

unless:

1. The facility has obtained an endorsement on its license that authorizes it to operate as a residential facility which provides assisted living services.

2. Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident’s stay at the facility.

3. The residents of the facility reside in their own living units which:

(a) Contain toilet facilities and a sleeping area or bedroom; and

(b) Are shared with another occupant only upon consent of both occupants.

4. The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(a) The facility is designed to create a residential environment that actively supports and promotes each resident’s quality of life and right to privacy;

(b) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident’s individual needs;

(c) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and his personal choice of lifestyle;

(d) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident’s need for autonomy and the right to make decisions regarding his own life;

(e) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(f) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(g) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

5. The facility provides the services required pursuant to NAC 449.271 to 449.2734, inclusive, to enable a resident who has a medical need or condition described in NAC 449.271 to 449.2734, inclusive, to be permitted to remain a resident of the facility.

Sec. 6. 1. *Except as otherwise provided in subsection 2, the administrator of a residential facility which provides care to persons with any form of dementia shall ensure that:*

(a) Each employee of the facility who has direct contact with and provides care to residents with any form of dementia, including, without limitation, dementia caused by Alzheimer's disease, successfully completes:

(1) Within the first 40 hours that such an employee works at the facility after he is initially employed at the facility, at least 2 hours of training in providing care, including emergency care, to a resident with any form of dementia, including, without limitation, Alzheimer's disease, and providing support for the members of the resident's family.

(2) In addition to the training requirements set forth in subparagraph (1), within 3 months after such an employee is initially employed at the facility, at least 8 hours of training

in providing care to a resident with any form of dementia, including, without limitation, Alzheimer's disease.

(3) If such an employee is licensed or certified by an occupational licensing board, at least 3 hours of continuing education in providing care to a resident with dementia, which must be completed on or before the anniversary date of the first date the employee was initially employed at the facility. The requirements set forth in this subparagraph are in addition to those set forth in subparagraphs (1) and (2), may be used to satisfy any continuing education requirements of an occupational licensing board, and do not constitute additional hours or units of continuing education required by the occupational licensing board.

(4) If such an employee is a caregiver, other than a caregiver described in subparagraph (3), at least 3 hours of training in providing care to a resident with dementia, which must be completed on or before the anniversary date of the first date the employee was initially employed at the facility. The requirements set forth in this subparagraph are in addition to those set forth in subparagraphs (1) and (2).

(b) The facility maintains proof of completion of the hours of training and continuing education required pursuant to this section in the personnel file of each employee of the facility who is required to complete the training or continuing education.

2. A person employed by a facility 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 training or continuing education required pursuant to this section if he has completed that training within the previous 12 months.

Sec. 7. NAC 449.156 is hereby amended to read as follows:

449.156 As used in NAC 449.156 to 449.2766, inclusive, *and sections 2 to 6, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 449.1565 to 449.176, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

Sec. 8. NAC 449.179 is hereby amended to read as follows:

449.179 1. Before an applicant for a license to operate a new residential facility begins construction of the facility or before an applicant for a license to operate an existing residential facility or a licensee begins a project to remodel an existing residential facility, the applicant or licensee must:

(a) Submit the plan for 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 state and local agencies that are required to approve the plan before construction or remodeling may be commenced; ~~and~~

(b) Notify the Bureau of a tentative date for the completion of the construction or remodeling ~~and~~; *and*

(c) Obtain approval of the plan from the Health Division.

2. The plan for construction or remodeling must include a description of the materials that will be used to complete the project.

3. Before issuing a license to operate a residential facility, the Bureau shall inspect the facility to ensure that it complies with:

(a) The provisions of NAC 449.156 to 449.2766, inclusive; and

(b) The applicable zoning ordinances and regulations.

4. An applicant for a license to operate a residential facility must submit to the Bureau with his application evidence that the applicant and the facility are in compliance with the provisions of NRS 449.001 to 449.240, inclusive, and NAC 449.156 to 449.2766, inclusive.

5. The Bureau shall not perform the inspection required pursuant to subsection 3 until the applicant has submitted to the Bureau the application required pursuant to NRS 449.040, the fee required pursuant to NAC 449.016 and the evidence required pursuant to subsection 4.

Sec. 9. NAC 449.2756 is hereby amended to read as follows:

449.2756 1. The administrator of a residential facility which provides care to persons with Alzheimer's disease shall ensure that:

(a) Swimming pools and other bodies of water are fenced or protected by other acceptable means.

(b) Operational alarms, buzzers, horns or other audible devices which are activated when a door is opened are installed on all doors that may be used to exit the facility.

(c) At least one member of the staff is awake and on duty at the facility at all times.

(d) ~~[Within 3 months after an employee is first employed at the facility, the employee successfully completes at least 8 hours of training in providing care, including emergency care, to a resident who suffers from Alzheimer's disease or related dementia and providing support for the members of the resident's family.]~~ *Each employee of the facility who has direct contact with and provides care to residents with any form of dementia, including, without limitation, dementia caused by Alzheimer's disease, successfully completes the training and continuing education required pursuant to section 6 of this regulation.*

(e) Knives, matches, firearms, tools and other items that could constitute a danger to the residents of the facility are inaccessible to the residents.

(f) The facility has an area outside the facility or a yard adjacent to the facility that:

- (1) May be used by the residents for outdoor activities;
- (2) Has at least 40 square feet of space for each resident in the facility;
- (3) Is fenced; and
- (4) Is maintained in a manner that does not jeopardize the safety of the residents.

↪ All gates leading from the secured, fenced area or yard to an unsecured open area or yard must be locked and keys for gates must be readily available to the members of the staff of the facility at all times.

(g) All toxic substances are not accessible to the residents of the facility.

2. The training required pursuant to ~~[paragraph (d) of subsection 1 must be provided pursuant to a curriculum approved by the Bureau, the Board or the Nevada State Board of Examiners for Administrators of Facilities for Long Term Care. Such training]~~ *section 6 of this regulation* may be used to satisfy the requirement of paragraph (f) of subsection 1 of NAC 449.196 for the year in which the training is received.

Sec. 10. 1. Each person who on the effective date of this regulation is employed by a residential facility for groups 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 training and continuing education related to dementia required pursuant to section 6 of this regulation shall complete at least 8 hours of training and continuing education related to dementia within 12 months after the effective date of this regulation unless the person has completed the training or continuing education within the 12 months before the effective date of this regulation.

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