

LCB File No. R074-04

**PROPOSED REGULATION OF THE HEALTH DIVISION OF
THE DEPARTMENT OF HUMAN RESOURCES**

FACILITIES FOR CARE OF ADULTS DURING THE DAY

EXPLANATION – Matter *italicized* is new language; matter in brackets ~~⌈~~ is omitted language.

These sections have not been revised or modified:

NAC 449.4061, 449.4065, 449.4067, 449.4069, 449.407, 449.4071, 449.4072, 449.40723, 449.40725, 449.4073, 449.4074, 449.4076, 449.4077, 449.4078, 449.4079, 449.408, 449.4081, 449.4082, 449.4083, 449.40833, 449.40835, 449.4084, 449.4085, 449.4086, 449.4087, 449.4088 and 449.4089

Licensing

Section 1 NAC 449.4063 is hereby amended to read as follows:

NAC 449.4063 ~~[Purchase or lease of facility; new construction or remodeling]~~. (NRS 449.037) *Compliance with standards for construction and maintenance; submission of building plans for new construction or remodeling.*

1. ~~[An applicant for a license to operate a new facility shall inform the division before making any commitment to purchase or lease a facility.~~
- ~~—2. If an applicant desires to purchase a currently licensed facility, the facility must meet current state and local regulations relating to safety. With the written permission of the current owner or lessee, the division will provide to the applicant information about any changes needed for that facility and a history of any past deficiencies.~~
- ~~—3. The applicant shall:~~
 - ~~—(a) Submit any plans for 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~~

~~—(b) Notify the division of a tentative date for the completion of the construction or remodeling.]~~

A facility for care of adults during the day must be designed, constructed, equipped and maintained in a manner that protects the health and safety of the clients, personnel of the facility and members of the general public

2. A facility for care of adults during the day must comply with all applicable:

(a) State laws, local ordinances including, without limitation, zoning ordinances; and

(b) Environmental, health, 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.

3. A facility for care of adults during the day must submit building plans for new construction or remodeling, 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, to the entity designated to review such plans by the health division pursuant to NAC 449.0115, before the construction of a facility or an alteration to an existing facility is begun. The entity's review of those plans is advisory only and does not constitute approval for the licensing of the facility. 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.

~~[4. If a proposed facility is not currently licensed, the division will, upon request, furnish the applicant with a written statement of the results of its inspection of the facility.]~~

Section 2 NAC 449.4075 is hereby amended to read as follows:

NAC 449.4075 Plan for emergencies; drill for evacuation.

1. Each facility must have a plan in case of a fire or other emergency. The plan must be:

- (a) Understood by all employees;
- (b) Posted in a conspicuous place; and
- (c) Reviewed at least once a year.

2. A drill for evacuation must be conducted at least once ~~every 3~~ a month~~s~~. *Each facility shall retain a written record of the drill in the facility for not less than 12 months after the drill.* Fire extinguishers must be inspected periodically and training must be provided for employees of the facility in procedures to be followed in case of a fire or other emergency.

3. A facility for care of adults during the day shall report to the Bureau, within 24 hours, if a fire or disaster occurs in the facility.

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SMALL BUSINESS IMPACT STATEMENT

(Nevada Revised Statutes 233B.0608)

Proposed Amendment of Nevada Administrative Code (NAC)

Plan Review and Dietary Services

Background:

The purpose of the proposed revised regulations for plan review is to require a review of architectural plans for the majority of facility types.

The construction standards regulations were revised to adopt by reference the National Fire Protection Association's (NFPA) 101 Life Safety Code, and the NFPA 99 Health Facilities Standards and the American Institute of Architects Guidelines for Design and Construction of Hospitals and Health Care Facilities throughout all applicable facility types. The revisions included changing the "Uniform Building Code" to local building codes due to changes being made on a national level from the "Uniform Building Code" to the International Codes or the National Fire Protection 5000 codes. It is the intent of the Bureau of Licensure and Certification (BLC) to eliminate a conflict between the state requirements and the local requirements in the area of the building codes.

The regulations addressing the dietary personnel of hospitals were revised to allow the director of the dietetic services department to have professional qualifications in the area of professional chef, hotel-restaurant management, or is certified at minimum as a dietary manager and has additional work experience with medical-therapeutic diets.

The regulations addressing the requirement for a food establishment permit issued by the Bureau of Health Protection Services (BHPS), in Intermediate Care Facilities, Facilities for the Treatment of Alcohol and Drug Abuse, Modified Medical Detoxification Facilities were revised to require facilities with more than 10 clients/residents to have an inspection and permit.

Interested individuals can obtain a copy of the information packet, including the Small Business Impact Questionnaire, sent to all licensed facilities, from Shirley Rains, Administrative Assistant III, Bureau of Licensure and Certification, 1550 East College Parkway, Suite 158, Carson City, Nevada 89703

1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Pursuant to NRS 233B.0608 (2) (a), the BLC has requested input from operators of the following facility types:

Obstetric Care
 Facilities for the Treatment of drug and Alcohol Abuse
 Facilities for Treatment of Irreversible Renal Disease
 Hospitals
 Independent Centers for Emergency Medical Care
 Mobile Units
 Facilities for Modified Medical Detoxification
 Facilities for the Care of Adults During the Day
 Surgical Centers for Ambulatory Patients
 Intermediate Care Facilities

A Small Business Impact Statement Questionnaire was sent to the facilities in the table above along with written correspondence detailing the proposed amendments, including a copy of the proposed regulations, on February 27, 2004. The questions on the questionnaire were:

- 2) Will a specific regulation have an adverse economic effect upon your business?
- 3) Will the regulation(s) have any beneficial effect upon your business?
- 4) Do you anticipate any indirect adverse effects upon your business?
- 5) Do you anticipate any indirect beneficial effects upon your business?

Facility Type	Number of Responses
Ambulatory Surgery Center	3
Hospital	4
End Stage Renal Dialysis Center	1

Saint Rose Dominican Hospitals responded by indicating the regulations will have an adverse economic effect upon our business. A comment was included that stated they feel plan review should be conducted early in the process for identification of any potential oversight in the specifications before the licensing inspection is conducted.

This respondent states that NAC 449.3156(1) (d) should read ...the use of the physical space has not changed in such a way to not comply with the Guidelines for Design and Construction of Hospitals and Health Care Facilities or cause serious injury, serious harm or impairment to public health and welfare.

Additionally, this respondent stated that the regulations at NAC 449.3385(2) will have a beneficial effect upon the hospital because the changes in the regulation will make this position much easier to fill, and still contains the clinical dietetic advantages.

2. The estimated economic effect of the proposed regulation on the small business which it is to regulate including without limitation both adverse and beneficial effects and both direct and indirect effects.

There will be an added economic effect to those facilities previously not required to submit architectural plans for review, however, the benefit in identifying potential non-compliance at a point where changes must be made to plans, rather than a constructed building, balance the costs of the plan review.

The proposed revisions to the dietary personnel requirements will not have additional economic effect on a facility.

The regulations revising the requirement for facilities with more than 10 clients/residents to have an inspection and permit issued by the Bureau of Health Protection Services (BHPS), in Intermediate Care Facilities, Facilities for the Treatment of Alcohol and Drug Abuse, Modified Medical Detoxification Facilities provides a cost saving in these facilities not being required to purchase commercial grade kitchen equipment to obtain a food establishment permit in a facility with less than 10 clients.

3. A description of the methods that BLC considered to reduce the impact of the proposed regulation on small businesses and statement regarding whether the agency actually used those methods.

The BLC considered the impact of facilities in certain counties with populations over 50,000 of the potential of having multiple building codes adopted. The BLC revised the construction standards regarding building codes to eliminate duplicity and possible contradictory requirements.

4. The estimated cost to the agency for enforcement of the proposed regulation.

The estimated cost to the agency for enforcement of the proposed amendments to NAC 449.016 and 449.0168 is negligible.

5. Total amount BLC expects to collect from any fees and the manner in which the money will be used.

The revisions to the plan review and dietary services regulations will not increase licensing fees.

6. An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.

No duplication or more stringent provision are either created or already in existence.