

**LCB File No. R076-04**

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

**MOBILE UNITS**

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

The following sections **have not** been revised or modified:

NAC 449.970, 449.9701, 449.97012, 449.97014, 449.97016, 449.97018, 449.9702, 449.97022, 449.97024, 449.97028, 449.9703, 449.97032, 449.97034, 449.97036, 449.97038, 449.9704 and 449.97042.

**Section 1 NAC 449.97026 is hereby amended to read as follows:**

**NAC 449.97026 Design, construction, equipment, maintenance and parking; review of building plans.** (NRS 449.037)

1. Except as otherwise provided in subsection 4, a parent facility or independent facility which is issued a license to operate a mobile unit shall ensure that the mobile unit complies with the provisions entitled “Mobile, Transportable and Relocatable Units” set forth in section 12 of the *Guidelines for Design and Construction of Hospital and Health Care Facilities, as adopted by reference pursuant to General Requirements for Licensure Section 1.* ~~[2001 edition, and any subsequent edition issued by the American Institute of Architects which the state board of health approves for use in this state and which is hereby adopted by reference. Each new edition that includes the provisions of that section shall be deemed approved by the state board of health unless the state board of health disapproves the edition within 60 days after the date of publication by the American Institute of Architects. The state board of health will review each edition issued after the 2001 edition to ensure its suitability for this state. A copy of the most recent edition may be obtained from the American Institute of Architects, 1735 New York~~

~~Avenue, N.W., Washington, D.C. 20006, for the price of \$75, plus \$6 for shipping and handling.]~~

2. Before the health division issues a license to operate a mobile unit, the parent facility or independent facility that applies for the license must submit *building plans for a new mobile unit or remodeling of an existing mobile unit, to the entity designated to review such plans by the health division pursuant to the provision of NAC 449.0115.* ~~[to the bureau a copy of the building plans for the mobile unit. As soon as practicable after receiving the plans, the bureau shall review the plans in accordance with NAC 449.0115].~~

The plans must be drawn to scale and include a statement indicating:

- (a) The services and procedures that will be provided at the mobile unit; and
- (b) Each staging area designated by the parent facility or independent facility for the mobile

unit.

3. A parent facility or independent facility which is issued a license to operate a mobile facility shall ensure that the mobile unit for which the license is issued:

- (a) Complies with any applicable zoning regulation for each staging area designated for the mobile unit;
- (b) Is of sufficient size and is arranged in a manner that is appropriate to provide the services for which the mobile unit is licensed;
- (c) Is furnished with the appropriate equipment to provide for the comfort and safety of each patient who receives services at the mobile unit;
- (d) Is maintained in good repair and in a clean and sanitary manner; and
- (e) During any period in which the operator of the mobile unit provides services at the mobile unit:

(1) Is located and illuminated in such a manner that each patient who receives services at the mobile unit may safely and comfortably enter and exit the mobile unit; and

(2) Complies with any applicable statute, ordinance or regulation relating to the parking of the mobile unit.

## LCB File No. R076-04

### 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.