

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

LCB File No. R076-04

May 19, 2004

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

AUTHORITY: §1, NRS 449.037; §§2 and 3, NRS 439.150 and 449.037.

A REGULATION relating to mobile units; adopting by reference certain construction and maintenance standards; requiring the parent facility or independent facility that applies for or is issued a license to operate a mobile unit to submit building plans for the new construction or certain remodeling of the mobile unit to the entity designated by the Health Division of the Department of Human Resources and to obtain approval of the plans from the Health Division; requiring such facilities to pay certain costs relating to the review of such plans; 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 449.0115 is hereby amended to read as follows:

449.0115 1. An applicant for a license or the renewal of a license to operate a medical facility, facility for the dependent or program of hospice care who wishes or is required pursuant

to NAC 449.15359 , ~~or~~ 449.4063 *or 449.97026* to have building plans for new construction or remodeling reviewed by the Health Division must:

(a) Submit to the Health Division or have on file a current application for a license or renewal of a license;

(b) Pay to the Health Division any fees required for the issuance or renewal of a license pursuant to NAC 449.013 or 449.016; and

(c) Submit two complete sets of building plans for new construction or remodeling prepared by a registered architect, registered residential designer or licensed general contractor to the entity designated to review such plans by the Health Division.

2. All costs incurred for the review of building plans and any changes or revisions made to the plans must be borne by the applicant and paid directly to the designee of the Health Division conducting the review of the plans.

3. The costs required to be paid pursuant to subsection 2 are not refundable and are in addition to the fees charged for the issuance or renewal of the license pursuant to NAC 449.013 or 449.016.

Sec. 3. NAC 449.97026 is hereby amended to read as follows:

449.97026 1. Except as otherwise provided in subsection ~~3.1~~ 5, 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*, ~~[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~~ *adopted by reference pursuant to section 1 of this regulation.*

2. Except as otherwise provided in subsection 4, before any new construction of a mobile unit or any remodeling of an existing mobile unit is begun:

(a) The parent facility or independent facility that applies for the license to operate the mobile unit or that has been issued the license to operate the mobile unit must submit ~~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~~ 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) The building plans must be approved by the Health Division.

3. The building plans submitted for review and approval as required pursuant to subsection 2 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.*

~~3.1~~ 4. *A parent facility or independent facility is not required to submit plans for remodeling to the entity designated to review such plans by the Health Division pursuant to the provisions of NAC 449.0115 if the remodeling is limited to refurbishing an area within a mobile unit, including, without limitation, painting the area, replacing the flooring in the area, repairing the windows in the area, and replacing window or wall coverings in the area.*

5. 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.