

**ADOPTED REGULATION OF THE DIVISION OF MENTAL
HEALTH AND DEVELOPMENTAL SERVICES OF THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

LCB File No. R071-06

Effective November 13, 2006

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

AUTHORITY: §§1-34, NRS 435.333; §35, NRS 435.070.

A REGULATION relating to mental retardation; establishing provisions for the certification of providers of supported living arrangement services who provide individualized services in the home for mentally retarded persons and persons with related conditions; establishing standards for the provision of quality care of supported living arrangement services; establishing the rights of consumers of supported living arrangement services; authorizing certain providers of supported living arrangement services to administer medication under certain circumstances; repealing provisions relating to residences for mentally retarded persons and persons with related conditions; and providing other matters properly relating thereto.

Section 1. Chapter 435 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this regulation.

Sec. 2. *“Certificate” has the meaning ascribed to it in NRS 435.331.*

Sec. 3. *“Guardian” means a person who has qualified as the guardian of a mentally retarded person or person with a related condition pursuant to testamentary or judicial appointment.*

Sec. 4. *“Parent” means the natural or adoptive parent of a mentally retarded person or person with a related condition who is less than 18 years of age.*

Sec. 5. *“Person” has the meaning ascribed to it in NRS 435.007.*

Sec. 6. *“Provider of supported living arrangement services” means a natural person who or a partnership, firm, corporation, association, state or local government or agency thereof that has been issued a provisional certificate or certificate.*

Sec. 7. *“Provisional certificate” means a temporary certificate issued by the Division pending the issuance of a certificate pursuant to the completion of a quality assurance review.*

Sec. 8. *“Quality assurance review” means a review of the provision of supported living arrangement services by the holder of a provisional certificate or a provider of supported living arrangement services pursuant to section 16 of this regulation.*

Sec. 9. *“Regional center” means a facility of the Division which provides services for mentally retarded persons and persons with related conditions for a designated geographic location in the State and includes any of the following:*

- 1. The Desert Regional Center;*
- 2. The Sierra Regional Center; and*
- 3. The Rural Regional Center.*

Sec. 10. *“Supported living arrangement services” has the meaning ascribed to it in NRS 435.3315.*

Sec. 11. *1. The Division will review each application for a provisional certificate to determine whether the application is complete.*

2. If the Division determines that an application for a provisional certificate is incomplete, the Division will notify the applicant that the application is incomplete and authorize the applicant to submit any required information or documentation to complete the application. An applicant shall submit any additional information or documentation not later than 30 calendar days after receipt of the notification provided by the Division. The Division

may deny the application if the applicant does not submit any required information or documentation in accordance with this subsection. If the application is denied pursuant to this subsection, the applicant may not resubmit an application for a provisional certificate for at least 12 months after the receipt of notification of the denial of the application required pursuant to NAC 435.520.

Sec. 12. 1. *After the Division has determined that an application for a provisional certificate is complete, the Division will establish a screening panel composed of employees of the Division to interview the applicant and determine whether the applicant is qualified to participate in the training required pursuant to subsection 2.*

2. If the screening panel determines that an applicant is qualified to obtain a provisional certificate, the applicant must complete the training provided by the Division concerning the provision of supported living arrangement services.

3. Upon successful completion of the training required pursuant to subsection 2, the Division will issue a provisional certificate to the applicant.

4. A provisional certificate is valid until the holder of the certificate completes the initial quality assurance review required pursuant to section 16 of this regulation.

Sec. 13. 1. *If the holder of a provisional certificate wishes to obtain a certificate, the holder must comply with the standards for the provision of supported living arrangement services established by the Division pursuant to chapter 435 of NRS, NAC 435.500 to 435.740, inclusive, and sections 2 to 17, inclusive, of this regulation. The Division will determine whether the holder of a provisional certificate has complied with such standards after conducting a quality assurance review.*

2. *If the Division determines that the holder of a provisional certificate has complied with the standards for the provision of supported living arrangement services, the Division will issue a certificate to the holder of the provisional certificate.*

3. *The Division may issue a certificate to a provider of supported living arrangement services for any period not to exceed 2 years.*

Sec. 14. *Upon the expiration of a certificate, the Division may renew the certificate of the provider of supported living arrangement services for any period not to exceed 2 years if the Division conducts a quality assurance review and determines that the provider is in compliance with the standards of the Division concerning the provision of supported living arrangement services set forth in chapter 435 of NRS, NAC 435.500 to 435.740, inclusive, and sections 2 to 17, inclusive, of this regulation.*

Sec. 15. *A provider of supported living arrangement services must comply with the following standards for the provision of quality care concerning supported living arrangement services:*

1. *Compliance with any state or federal statute or regulation required for the Division to receive state or federal funding concerning the provision of supported living arrangement services, including, without limitation, any standards of care set forth in:*

(a) *The State Plan for Medicaid;*

(b) *The Medicaid Services Manual established by the Division of Health Care Financing and Policy of the Department of Health and Human Services; and*

(c) *The home and community-based services waiver granted pursuant to 42 U.S.C. § 1396n by the Secretary of the United States Department of Health and Human Services;*

2. *Compliance with any state or federal requirements concerning fiscal management, reporting and employment law;*
3. *Conformance to the delivery of services required pursuant to any individual support plan prepared for a person who receives supported living arrangement services;*
4. *Assurance of the health and welfare of persons receiving supported living arrangement services, which must be based upon the self-reporting of persons receiving supported living arrangement services, observations of the members of the staff of the Division or a regional center and any other information available to the Division or a regional center; and*
5. *Establishment of procedures for internal quality assurance.*

Sec. 16. 1. *The Division or regional center will conduct a quality assurance review to determine whether an applicant for a provisional certificate, the holder of a provisional certificate or a provider of supported living arrangement services is in compliance with the standards of the Division or regional center concerning the provision of supported living arrangement services set forth in chapter 435 of NRS, NAC 435.500 to 435.740, inclusive, and sections 2 to 17, inclusive, of this regulation.*

2. *In conducting a quality assurance review, the Division or regional center may:*
 - (a) *Obtain any information or otherwise review any aspect of the system of delivery of supported living arrangement services, including, without limitation:*
 - (1) *Any policies and procedures of the provider of supported living arrangement services;*
 - (2) *Any personnel or clinical records maintained by the provider of supported living arrangement services;*
 - (3) *Any documentation regarding any administrative or personnel matter;*

(4) Any financial information concerning the provider of supported living arrangement services or the persons receiving supported living arrangement services; and

(5) Any information concerning the quality of care provided to persons receiving supported living arrangement services;

(b) Conduct interviews with persons receiving supported living arrangement services, members of the staff of any providers of supported living arrangement services, and members of the family, guardians, friends or advocates of persons receiving supported living arrangement services; and

(c) Observe the services provided to persons receiving supported living arrangement services.

3. If the Division or regional center determines pursuant to a quality assurance review that there are any deficiencies in the provision of supported living arrangement services related to the health or welfare of the persons receiving such services, the Division may suspend or deny the issuance of a certificate and request a written plan of correction from the provider of supported living arrangement services or recommend or require changes concerning the provision of supported living arrangement services before issuing, renewing or reinstating a certificate.

4. The Division or regional center may impose sanctions upon a provider of supported living arrangement services for:

(a) Any aspect of the provision of supported living arrangement services which poses a probable risk of harm to the health or welfare of a person receiving supported living arrangement services;

(b) Any refusal to participate in any aspect of a quality assurance review; or

(c) The failure or refusal of the provider to implement or maintain any actions requested by the Division or a regional center to correct a deficiency identified during a quality assurance review.

5. For any sanction imposed pursuant to subsection 4, the Division may, without limitation:

(a) Require the provider of supported living arrangement services to:

(1) Participate in training concerning the provision of supported living arrangement services;

(2) Comply with additional measures of accountability concerning the provision of supported living arrangement services;

(3) Comply with additional measures of review by the Division or regional center; or

(4) Comply with additional performance requirements concerning the provision of supported living arrangement services;

(b) Terminate, prohibit or limit any contracts that the Division or a regional center has with a provider of supported living arrangement services; or

(c) Suspend or reduce a contractual payment owed to a provider of supported living arrangement services.

6. A provider of supported living arrangement services may appeal any sanction imposed pursuant to this section by submitting to the Division a written request of appeal within 15 calendar days after the date of receipt of the notification of any sanction imposed by the Division or a regional center. The Division will review the findings and submit a written decision within 30 calendar days after receipt of the written request of appeal. The decision of the Division is a final decision.

7. The Division or regional center may conduct a quality assurance review for cause at any time during the certification of a provider of supported living arrangement services if there is an allegation of abuse, neglect or exploitation or a concern related to the health or welfare of a person who receives supported living arrangement services from the provider.

Sec. 17. 1. *Any person who receives supported living arrangement services has the same or similar rights which are afforded to mental health clients pursuant to chapter 433 of NRS, and any regulations adopted pursuant thereto.*

2. A person has the right to file a complaint against a provider of supported living arrangement services with the coordinator of supported living arrangement services of the regional center from the region in which the services are provided.

3. A coordinator of supported living arrangement services who receives a complaint pursuant to subsection 2 shall process the complaint.

4. If the regional center is unable to resolve the complaint to the satisfaction of the complainant, the complainant may forward the complaint to the Administrator or his designee. The Administrator shall review the complaint and render a decision concerning the complaint within 30 calendar days after receipt of the complaint. The decision of the Administrator is a final decision.

Sec. 18. NAC 435.500 is hereby amended to read as follows:

435.500 1. It is the policy of the Division to establish such standards for *supported living arrangement* services furnished to mentally retarded persons ~~[living in residences]~~ *or persons with a related condition* within the community as will ensure that their basic and specialized needs are fulfilled.

2. NAC 435.500 to 435.740, inclusive, *and sections 2 to 17, inclusive, of this regulation* reflect the desire of the Division to ~~[improve services and facilities]~~ *ensure that supported living arrangement services are provided* in accordance with modern concepts of care, protection, supervision, guidance and training.

3. NAC 435.500 to 435.740, inclusive, *and sections 2 to 17, inclusive, of this regulation* do not preclude any person who is seeking ~~[admission to a residence,]~~ *supported living arrangement services*, or any person or agency which is making referrals or will be paying for *such* services, from requiring higher standards or additional services not in conflict with NAC 435.500 to 435.740, inclusive, *and sections 2 to 17, inclusive, of this regulation*, as a condition of the ~~[admission,]~~ *provision of supported living arrangement services*, referral or payment of a specified rate.

Sec. 19. NAC 435.505 is hereby amended to read as follows:

435.505 As used in NAC 435.500 to 435.740, inclusive, *and sections 2 to 17, inclusive, of this regulation*, unless the context otherwise requires ~~f~~:

~~1. “Residence” is limited to a residence where supervised care is provided to mentally retarded persons who are in need of:~~

~~(a) Personal services;~~

~~(b) Protection;~~

~~(c) Supervision;~~

~~(d) Assistance;~~

~~(e) Guidance; or~~

~~(f) Training;~~

~~→ in order that they may receive personal protection and be given training essential for them to attain or sustain the ability to carry on the activities of daily living.~~

~~2. “Resident” is limited to a mentally retarded person who is living in a residence.], the words and terms defined in sections 2 to 10, inclusive, of this regulation have the meanings ascribed to them in those sections.~~

Sec. 20. NAC 435.510 is hereby amended to read as follows:

435.510 A ~~[residence]~~ *provider of supported living arrangement services* must have a ~~[permit before the operator is]~~ *certificate to be* eligible to receive payment from ~~[any state agency for operation of the residence.]~~ *the Division for the provision of supported living arrangement services.*

Sec. 21. NAC 435.515 is hereby amended to read as follows:

435.515 ~~[1. To obtain a permit to operate a residence, any person, firm, partnership, association, corporation or governmental entity must file with the Division a verified]~~ *An application for a provisional certificate must be submitted to the Division and to each regional center in which the applicant wishes to provide supported living arrangement services, on a form furnished by the Division [:*

~~2. The application], and~~ must include [:

~~(a) The proposed name of each residence to be operated.~~

~~(b) The applicant's name and address.~~

~~(c) If the applicant is a natural person, his date of birth, and if the applicant is a partnership, the name, date of birth and principal business address of each partner.], without limitation:~~

1. For a provider of supported living arrangement services who is a natural person:

(a) Three or more letters of reference;

(b) A statement which is signed by the provider and which states that the provider agrees to maintain the confidentiality of any person who receives supported living arrangement services;

(c) Proof that the applicant has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American Red Cross or American Heart Association;

(d) Proof that the applicant is currently certified in standard first aid through a course from:

(1) The American Red Cross;

(2) The American Heart Association; or

(3) An equivalent course in standard first aid, if the applicant submits proof that such course meets or exceeds the requirements of the American Red Cross or the American Heart Association;

(e) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository for Nevada Records of Criminal History and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary;

(f) A copy of the social security card of the applicant;

(g) Proof that the applicant has sufficient working capital to ensure that the applicant would be financially capable of providing supported living arrangement services for a period of at least 3 months; and

(h) Any other information required by the Division.

2. For a provider of supported living arrangement services that is an organization consisting of a partnership, firm, corporation, association, state or local government or agency thereof:

(a) A copy of the business license of the organization;

(b) A copy of the bylaws, articles of incorporation, articles of association, articles of organization, partnership agreement, constitution and any other substantially equivalent documents of the organization, and any amendments thereto;

(c) A list of the members of the governing body of the organization;

(d) If the applicant is an association or a corporation ~~[, the]~~ :

(1) The name, title and principal business address of each officer and member of its governing body ~~[. The application must be signed by]~~ ;

(2) The signature of the chief executive officer or an authorized representative ~~[. The applicant must provide a copy of its articles of association or incorporation, its constitution, if any, and bylaws.] ; and~~

(3) If the applicant is a corporation, ~~[it must provide]~~ the name and address of each person holding more than 10 percent of its stock ~~[.~~

~~*(e) The level of care which the applicant intends to provide.*~~

~~*(f) The maximum number of residents to be served.*~~

~~—(g) The resources of the proposed residence, a specification of the services to be provided and the hours or periods of operation.~~

~~—(h) The consultants and community resources to be utilized.~~

~~—(i) The location of the residence and the administrative offices of the applicant.~~

~~—(j) The name and qualifications of the operator of the proposed residence and the person designated to direct the program of habilitation.~~

~~—(k) A copy of documents showing the proposed administrative and programmatic organization.~~

~~—(l) Evidence, satisfactory to the Division, that the applicant is reputable and responsible.~~

~~—(m) Evidence, satisfactory to the Division, that the applicant has the personal and financial ability to comply with the requirements of NAC 435.500 to 435.740, inclusive.~~

~~—(n)] ;~~

(e) Proof that at least one supervisor, administrator or manager of the provider satisfies the same or similar criteria of a qualified mental retardation professional set forth in 42 C.F.R. § 483.430;

(f) For each member of the governing body:

(1) Three or more letters of reference; and

(2) Written verification, on a form prescribed by the Division, stating that the fingerprints of the member of the governing body were taken and directly forwarded electronically or by another means to the Central Repository for Nevada Records of Criminal History and that the member of the governing body has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation

for a report on the member's background and to such other law enforcement agencies as the Division deems necessary;

(g) Proof that the applicant has sufficient working capital to ensure that the provider is financially capable of providing supported living arrangement services for a period of at least 3 months;

(h) Copies of any policies and procedures of the organization relating to the provision of supported living arrangement services; and

(i) Such other information as may be required by the Division.

Sec. 22. NAC 435.520 is hereby amended to read as follows:

435.520 1. Each of the following acts and omissions constitutes a ground for denial of an application for a ~~permit;~~ *provisional certificate:*

(a) Failure to submit a complete application for a provisional certificate within the time required pursuant to section 11 of this regulation;

(b) The ~~operator of the proposed residence~~ applicant is unable to, or lacks personnel who are sufficient in number or qualifications to , provide proper care for the number and types of intended ~~residents;~~

~~—(b) recipients of supported living arrangement services;~~

(c) The applicant has misrepresented or failed to disclose any material fact in his application or in any financial record or other document requested by the Division;

~~[(e) The owner or operator of the proposed residence]~~

(d) The applicant has been convicted of a crime relevant to any aspect of the ~~operation of a facility which provided health care or personal care; or~~

~~(d) provision of supported living arrangement services; or~~

(e) The proposed ~~[residence has]~~ *supported living arrangement services to be provided by the applicant have* any major deficiency which would preclude compliance with NAC 435.500 to 435.740, inclusive ~~[,]~~, *and sections 2 to 17, inclusive, of this regulation.*

2. If an application is denied, the Division will give the applicant a written notice of the denial. ~~[The notice will be given by personal service or sent by registered mail.]~~

Sec. 23. NAC 435.525 is hereby amended to read as follows:

435.525 ~~[1.—Each holder of a permit to operate a residence shall exercise general supervision over the affairs of the residence and]~~ *If the provider of supported living arrangement services is an organization, it* shall, in conformance with NAC 435.500 to 435.740, inclusive, *and sections 2 to 17, inclusive, of this regulation,* establish policies concerning the ~~[operation of the residence]~~ *provision of supported living arrangement services* and the welfare of the persons it serves.

~~[2.—If the holder is an association or a corporation, it must have a legally constituted governing body which is active and functioning and holds regularly scheduled meetings.~~

~~—3.—If the holder is a nonprofit organization, the members of its governing body must serve without compensation but may be reimbursed for expenses. No member of the governing body may profit financially by reason of his membership or be employed by the organization, whether full time or part time, unless the employment is approved by the Division.~~

~~—4.—If the holder is a corporation conducted for profit, it must have an advisory board.]~~

Sec. 24. NAC 435.535 is hereby amended to read as follows:

435.535 1. ~~[The operator of a residence]~~ *A provider of supported living arrangement services* shall make arrangements for obtaining services from professionally qualified persons or

other specially trained persons as needed to assist in planning, carrying out and reviewing the ~~[program of the residence.]~~ *provision of supported living arrangement services.*

2. Evidence of the use of such services must be on file ~~[in the residence.]~~ *with the provider of supported living arrangement services.*

3. The need for such services must be determined initially by an ~~[interdisciplinary]~~ *individual support* team and be reviewed by the team on a regular basis, at least annually.

Sec. 25. NAC 435.540 is hereby amended to read as follows:

435.540 ~~[The operator of a residence]~~ *A provider of supported living arrangement services* shall:

1. Have a financial plan which ensures that there will be sufficient resources to meet the ~~[operating]~~ costs for care of the ~~[residents;]~~ *persons receiving supported living arrangement services from the provider;*

2. Maintain adequate financial records; and

3. Submit to the Division any financial report:

(a) Which the Division requests in writing; and

(b) The need for which is explained by the Division.

Sec. 26. NAC 435.555 is hereby amended to read as follows:

435.555 1. ~~[An operator]~~ *A provider of supported living arrangement services* may not ~~[admit]~~ *provide supported living arrangement services to* a person ~~[who is developmentally disabled to the residence]~~ until there has been an assessment of the ~~[person's needs;]~~ *need for supported living arrangement services for the person,* except as *otherwise* provided in subsection 4.

2. The assessment must be performed or approved by the ~~[regional agency for mental retardation.]~~ *Division*. The assessment must include an interim individualized plan . ~~[for the person and positive statement as to his ability to exercise average judgment in taking action for his own safety under emergency conditions.]~~

3. Following the assessment, if the person is accepted by the ~~[operator of the residence,]~~ *provider of supported living arrangement services*, the findings of the assessment must be entered into the person's record ~~[at the residence.]~~ *and maintained with the provider and the Division.*

4. In an urgent situation ~~[such]~~, *a provider of supported living arrangement services may accept* a person ~~[may be admitted]~~ *for the provision of supported living arrangement services* for a period of not more than 5 working days before the assessment , if the ~~[regional director for mental retardation recommends the admission.]~~ *Division approves the acceptance of the person under such urgent circumstances.*

Sec. 27. NAC 435.565 is hereby amended to read as follows:

435.565 ~~[1.—Each operator of a residence must]~~ *A provider of supported living arrangement services shall* enter into a written ~~[agreement]~~ *contract for the provision of supported living arrangement services* with each person ~~[received]~~ or his ~~[representative]. The agreement must be completed before admission and must be dated and signed by the operator or his representative.~~

~~—2.—The operator shall retain the original of the agreement, shall provide a copy of it to the person admitted or his representative, and shall provide a copy to the placement agency if it is a party to the contract.]~~ *parent or guardian, if applicable, and the Division.*

Sec. 28. NAC 435.675 is hereby amended to read as follows:

435.675 1. A ~~[medication must not be transferred from its original container to an individual container or “medication tray” and then presented to the resident unless the person who performs this service is licensed to practice professional nursing or practical nursing in this state.~~

~~—2.— A medication must not be given to a resident before the time when he is to take it. For example, a medication must not be placed in a container alongside a resident’s table setting at meal time.~~

~~—3.— The person who provides assistance with medication must have had proven experience, education or training or a combination of these, which qualifies him for this function.~~

~~—4.— If it is necessary for the operator to exercise authority to keep a resident on his prescribed medical regime, the resident must be transferred to a health and care facility that provides licensed nursing care.]~~ *member of the direct support staff of a provider of supported living arrangement services may administer medication to persons receiving supported living arrangement services if the member has successfully completed a program concerning the administration of medication which is approved by the Division.*

2. A person who is receiving supported living arrangement services may have his medication administered by:

(a) A provider of health care; or

(b) A member of the direct support staff of a provider of supported living arrangement services who has successfully completed a program concerning the administration of medication which is approved by the Division if:

(1) The member of the direct support staff administers the medication according to the instructions of a provider of health care;

(2) The person, or his parent or guardian, as applicable, provides written authorization to receive medication from a member of the direct support staff of the provider of supported living arrangement services in accordance with NRS 453.375 and 454.213; and

(3) The person submits to a physical examination by his provider of health care on an annual basis and the provider of health care determines that the person is medically cleared to receive medication from the member of the direct support staff.

3. A member of the direct support staff of a provider of supported living arrangement services who has successfully completed a program concerning the administration of medication which is approved by the Division:

(a) May administer medication pursuant to this section;

(b) Must refer a person who is receiving supported living arrangement services to a provider of health care if:

(1) The medical condition of the person changes or the person develops a new or additional medical condition;

(2) The medication prescribed by the provider of health care does not accomplish the objectives of the medication, as identified by the provider of health care, after the medication has been administered according to the prescription;

(3) Any emergency situation develops; or

(4) The provider of health care of the person instructs the member of the direct support staff to refer the person to the provider of health care; and

(c) Shall not administer:

(1) Any medication to a person who has been admitted to a medical facility;

(2) Any medication which requires dose titration or an assessment of the needs of the person who is receiving supported living arrangement services concerning the medication;

(3) Any substance which is categorized as a controlled substance in schedule II by the Office of Diversion Control of the Drug Enforcement Administration of the United States Department of Justice pursuant to 21 C.F.R. § 1308.12;

(4) Any opioid agonist medication;

(5) Any extended release medication which must be crushed, cut or otherwise altered before the administration of the medication; or

(6) Any nutrition or medication which is prescribed by a provider of health care to be administered enterally.

4. As used in this section:

(a) "Direct support staff" means any member of the staff of a provider of supported living arrangement services who works directly with a mentally retarded person or person with a related condition to provide supported living arrangement services.

(b) "Provider of health care" means:

(1) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(2) A dentist licensed pursuant to chapter 631 of NRS;

(3) A registered nurse licensed pursuant to chapter 632 of NRS;

(4) An advanced practitioner of nursing certified pursuant to chapter 632 of NRS;

(5) A physician assistant licensed pursuant to chapter 630 of NRS; or

(6) An osteopathic physician assistant certified pursuant to chapter 633 of NRS.

Sec. 29. NAC 435.695 is hereby amended to read as follows:

435.695 ~~{1.—The operator of a residence}~~ *A provider of supported living arrangement services* shall keep a separate record ~~{for}~~ *regarding* each person ~~{admitted to the residence.}~~ *for whom he provides supported living arrangement services.* Each such record must include information needed for providing services, for planning and for periodic reevaluation of the needs of the ~~{resident.}~~ *person who is receiving the supported living arrangement services.* The record must be ~~{kept in the residence until the resident's discharge and must be readily available to the operator's staff and to the Division.}~~

~~—2.— Each such record must include:~~

~~—(a) The resident's name, his social security number and a current photograph;~~

~~—(b) The dates of his admission and discharge;~~

~~—(c) His last known address;~~

~~—(d) His birthdate;~~

~~—(e) His religious preference, if any;~~

~~—(f) The names, addresses and telephone numbers of the resident's responsible relatives and friends, his guardian and the agency or persons to be notified in case of accident or death;~~

~~—(g) The person or agency, if any, responsible for the placement or referral of the resident and any person or agency providing continuing services to the resident;~~

~~—(h) The name, address and telephone number of the physician to be called in an emergency;~~

~~—(i) The reports of any medical assessment, special problems or special precautions;~~

~~—(j) Any releases and authorizations signed by the resident or his representative;~~

~~—(k) The ambulatory status of the resident;~~

~~—(l) Any continuing reports of illness or provision of medical care;~~

~~—(m) Any current medications, the name of the prescribing physician and the physician's instructions, if any, regarding control and custody of the medications;~~

~~—(n) The individual plan for the resident's habilitation; and~~

~~—(o) A summary of the resident's discharge, including his functional status, the service he received and recommendations.~~

~~—3. The record must contain evidence showing that the resident participated in the assessment of his own needs, to the extent of his capabilities, or that his guardian participated and that there has been informed consent to the program and plan of care.]~~ *available for review by the person who is receiving the supported living arrangement services, the provider and the Division.*

Sec. 30. NAC 435.705 is hereby amended to read as follows:

435.705 1. ~~[The operator of a residence]~~ *A provider of supported living arrangement services* must retain ~~[a resident's]~~ *the* original records *of each person who receives supported living arrangement services from the provider pursuant to NAC 435.695,* or photographic reproductions of ~~[them]~~ *such records,* for at least 3 years after termination of *the provision of the supported living arrangement* services. ~~[to the resident.]~~

2. All such records must be complete, current and readily available for review by representatives of the Department of *Health and Human Resources.] Services.*

Sec. 31. NAC 435.725 is hereby amended to read as follows:

435.725 Each of the following acts and omissions constitutes a ground for revocation of a ~~[permit to operate a residence:]~~ *provisional certificate or certificate:*

1. A misrepresentation of or failure to disclose any material fact in the application for the ~~[permit]~~ *provisional certificate or certificate* or in any financial record or other document requested by the Division.

2. A lack of personnel in sufficient number or qualifications to provide proper care *and support* for the ~~[number or types of residents.]~~ *persons receiving supported living arrangement services.*

3. ~~[The owner or operator of the residence]~~ *A provider of supported living arrangement services or any member of the staff of the provider* has been convicted of a crime relevant to any aspect of the ~~[operation of a facility which provided health or personal care.~~

~~—4.— The residence has a deficiency which endangers the health or reduces the safety of any resident.~~

~~—5.— A repeated] provision of supported living arrangement services.~~

4. *A provider of supported living arrangement services has any deficiency concerning the provision of supported living arrangement services that may cause imminent risk of harm to the health or welfare of persons receiving supported living arrangement services.*

5. A violation of any requirement set forth in ~~[this regulation.]~~ *NAC 435.500 to 435.740, inclusive, and sections 2 to 17, inclusive, of this regulation.*

6. An accumulation *or pattern* of minor violations of the provisions of ~~[this regulation]~~ *NAC 435.500 to 435.740, inclusive, and sections 2 to 17, inclusive, of this regulation,* if the violations taken as a whole endanger the health ~~[, safety]~~ or welfare of any ~~[resident.]~~ *person who is receiving supported living arrangement services.*

7. *Any fraudulent activity by a provider of supported living arrangement services or a member of the staff of the provider, including, without limitation, any fraudulent billing, falsification of records or misuse of the funds of a person who is receiving supported living arrangement services.*

8. Failure to comply with any obligations set forth in the contract with the person who is receiving supported living arrangement services and the Division.

Sec. 32. NAC 435.730 is hereby amended to read as follows:

435.730 The Division will give ~~[the holder of a permit to operate a residence]~~ a *provider of supported living arrangement services* written notice of any intended action to revoke ~~[his permit.]~~ *the certificate of the provider*. The notice will be given by personal service upon the ~~[holder]~~ *provider* or sent to ~~[him]~~ *the provider* at least 30 *calendar* days before the action is taken.

Sec. 33. NAC 435.735 is hereby amended to read as follows:

435.735 If a revocation *of the certificate of a provider of supported living arrangement services* is pending and ~~[conditions at the residence seriously threaten the health, safety or welfare of one or more of its residents, the Division will require an immediate removal of the affected resident or residents to another facility.]~~ *the Division determines that the grounds for the revocation place any person at a probable risk of harm, the Division may immediately terminate the provision of supported living arrangement services by the provider.*

Sec. 34. NAC 435.740 is hereby amended to read as follows:

435.740 1. To be afforded a hearing on an intended revocation of a ~~[permit, the holder]~~ *certificate, the provider of supported living arrangement services* must, within 15 working days after receiving notice of the intent to revoke, file with the Division a written request for a hearing.

2. When a decision to revoke a ~~[permit]~~ *certificate* is rendered by ~~[a staff member of]~~ the Division, the ~~[holder]~~ *provider of supported living arrangement services* may appeal ~~[from]~~ that decision to the Administrator ~~[of the Division]~~ if the ~~[holder]~~ *provider* files with the Division a

written notice of appeal within 15 working days after he receives notice of the decision of the ~~[staff member.]~~ *Division*.

3. The Administrator will consider an appeal and render his decision on the appeal within 30 *calendar* days after a notice of the appeal is filed with the Division.

Sec. 35. NAC 435.530, 435.545, 435.550, 435.560, 435.570, 435.575, 435.580, 435.585, 435.590, 435.595, 435.600, 435.605, 435.610, 435.615, 435.620, 435.625, 435.630, 435.635, 435.640, 435.645, 435.650, 435.655, 435.660, 435.665, 435.670, 435.680, 435.685, 435.690, 435.700, 435.710, 435.715 and 435.720 are hereby repealed.

TEXT OF REPEALED SECTIONS

435.530 Plan of operation. The operator of a residence shall have:

1. A written outline which sets forth his philosophy, objectives and goals and is available for distribution to his staff, the residents or their representatives and interested members of the public. The outline must include the operator's:

- (a) Goal for the residents; and
- (b) Concept of his relationship to the parents of the residents or to the parents' surrogates.

2. A written statement of policies and procedures, approved by the Division, which ensure the rights of the residents and are consistent with NRS 433.464 to 433.534, inclusive.

3. A written statement of policies and procedures, approved by the Division, which protect the financial interests of the residents and provide for counseling in the use of money to any resident who possesses or is entitled to a large sum of money and for appropriate protection of that money. These policies must permit normalized and normalizing possession and use of money by the residents, for example, permission for them to use cash and checks in buying clothes and other items.

4. A statement of his policies and procedures, approved by the Division, for admission and discharge, including a declaration that the residence is operated on a nondiscriminatory basis.

5. An administrative organization.

6. A plan for staffing the residence and a statement of the qualifications and duties of the members of the staff.

7. A plan for training members of the staff while they are employed at the residence.

8. A sketch of the residence and a floor plan, showing the use of the interior space and the grounds.

9. Arrangements for the transportation of residents who do not have independent arrangements.

435.545 Outside services. The operator of a residence shall cooperate with the placement agency for each resident and with the sponsor of any program of treatment, training or education which the resident attends. The operator shall attempt to reinforce the goals and objectives of these outside services.

435.550 Notice to fire department. Upon commencing the operation of a residence, the operator shall give notice of the operation to the fire department having jurisdiction in the area where the residence is located.

435.560 Appraisal of prospective resident.

1. Before accepting any retarded person for services, the operator of the residence, in collaboration with the person or his designated representative, shall make an appraisal and determine whether:

- (a) The amount of care and supervision required by the person is available in the residence;
- (b) The kinds of services and skills required to meet the person's needs are available in the residence;
- (c) The person will be compatible with other persons served in the residence; and
- (d) The characteristics of the person are compatible with limitations of the residence and the terms of any special permit issued for operation of the residence.

2. No retarded person may be accepted into the residence by the operator unless such an appraisal has been made and he determines that the person will be compatible and the appropriate services will be available.

3. If a person has been referred for admission, the operator shall conduct the appraisal in collaboration with the agency making the referral.

435.570 Content of admission agreement; division approval required.

1. The agreement required in NAC 435.565 must specify:
- (a) The basic services to be provided in the residence.
 - (b) The rate to be charged for basic services, a list of charges for any other services, the person who is to pay the charges and the dates and intervals for payment.
 - (c) The conditions for modification of the agreement, including 30 days' prior written notice of any change in the rate for basic services. For any person whose care is being paid for at rates prescribed in a government funded program, the agreement may specify that the basic rate will

change on the operative date of any rate change made in that program or at the beginning of the fiscal year.

(d) The conditions under which the operator of the residence will make refunds.

(e) That the operator shall at all times provide services without discrimination.

(f) Conditions under which the agreement may be terminated.

(g) That no resident may be summarily evicted unless he is clearly engaged in behavior which is a threat to property or to the safety of other persons in the residence, and that if a summary eviction is carried out, the operator shall notify the evicted person's representative or placement agency on or before the next business day. If an eviction which is not summary is to be made, the person's representative or placement agency must be notified before the eviction.

2. The operator of a residence shall not enter into an agreement for the continuing care of any person without approval by the Division.

435.575 Medical examination. The operator of a residence must have a medical examination made of each retarded person within 3 months before or 30 days after his admission. The report of the medical examination must:

1. Establish whether the person has communicable tuberculosis or any other infectious or contagious disease which would preclude care of him in the residence;
2. Include a record of prior medical and related social services provided to the person;
3. Identify any physical limitations of the person to determine his capability to participate in programs provided in the residence; and
4. Include basic physical data concerning the person, such as his weight and height.

435.580 Level of care; maximum number of residents.

1. The manager of a residence may provide its residents with:

- (a) General habilitation, under the 24-hour supervision of a staff; or
- (b) Social or transitional habilitation, under less than 24-hour supervision.

2. A residence must not be used to provide care for more than six residents unless that use is approved by the Division.

435.585 Policy on basic services. The basic services provided in a residence must be conducted so as to promote independence and self-direction in all the residents. The residents must be encouraged to participate as fully as their conditions permit in daily living activities, both in the residence and in the community.

435.590 Observation of residents.

1. The operator of a residence shall continuously observe each resident for any changes in his physical, mental, emotional or social functioning which reveal unmet needs or which might require a change in the existing level of service, specialized services, a discharge or a transfer to another type of facility.

2. The operator shall bring such observations to the attention of the resident and any representative or agency responsible for him so that his needs and the operator's plan of action may be reassessed.

435.595 Planned activities.

1. Each resident must be encouraged to participate in and be assisted in planned activities which are related to his social, cultural, physical, intellectual and emotional requirements and which contribute to development and maintenance of his capability for self-direction.

2. All residents must be encouraged to contribute to the planning, preparation, conduct, cleanup and critique of the activities.

3. The planned activities must include free time during which the residents may engage in activities of their own choosing.

4. The operator of a residence shall arrange for use of available community resources where appropriate to the needs and interests of the residents.

5. The operator of a residence shall encourage the participation of volunteers in planned activities. Such volunteers must be under the direction and supervision of the employees responsible for the activity.

435.600 Space for activities. A residence must contain sufficient space to accommodate indoor and outdoor activities. A residence must have:

1. A living room or similar area for use by the residents. The room or area must be comfortable, attractively furnished and available to all residents for their relaxation and for entertaining friends and relatives.

2. An attractive dining area, large enough to accommodate the entire group of residents in comfort.

3. A yard space which is easily accessible to the residents and is protected from traffic. The yard space must be pleasant, comfortable and appropriately equipped for outdoor use.

4. Enough space for storage of the recreational equipment and supplies necessary for activities.

435.605 Safety and sanitation of premises.

1. The operator of a residence shall maintain it in a safe and sanitary condition.

2. If the Administrator of the Division determines that an evaluation of the structural condition of a residence is necessary, the operator shall submit to the Division a report by the

local building department or a licensed engineer or architect which establishes a basis for elimination or correction of any structural condition which is hazardous to the occupants.

435.610 Safety requirements.

1. A residence must provide a safe and healthful environment.
2. The operator shall protect the residents against any hazards existing in the residence by adequate supervision, instruction in life protection and other safety matters, and installation of appropriate protective devices such as fencing around pools and other hazardous areas and nonslip materials for rugs.
3. Stairways, inclines, ramps and open porches must have hand railings and must be well lighted.
4. Night-lights must be maintained in hallways and common bathrooms.
5. All outdoor and indoor passageways and stairways must be kept free of obstruction.
6. Fireplaces must have adequate screens.
7. All rooms must be well lighted and maintained at a comfortable temperature.

435.615 Maintenance and operation.

1. A residence must be kept in a clean, safe and sanitary condition and in good repair at all times.
2. The operator of a residence shall provide such procedures and services for maintaining it as will ensure the safety and well-being of the residents, employees and visitors.
3. The operator shall maintain the heating, ventilating and air-conditioning systems of the residence in normal operating condition to provide a comfortable temperature for the residents.
4. The toilet, hand-washing and bathing facilities of a residence must be maintained in operating condition.

435.620 Space requirements.

1. A residence must have enough space to accommodate the persons served in comfort and safety.
2. A residence must be large enough to provide comfortable living accommodations and privacy for its residents and members of the staff who live therein.

435.625 Number of residences per room. Not more than two residents may be assigned to sleep in a bedroom unless the program of care or supervision justifies a living arrangement of more than two to a room and the arrangement is approved in writing by the Division.

435.630 Personal hygiene. Equipment and supplies necessary for personal care and maintenance of adequate hygiene must be readily available to each resident. The operator of a residence shall provide:

1. A bed for each resident except that married couples may be provided with one appropriately sized bed. Each bed must be equipped with a clean and comfortable mattress, a pillow and lightweight warm bedding. Rubber sheeting must be provided when necessary.
2. Clean linen which is changed at least once each week and more often when necessary.
3. Each resident with his own toilet articles, including a toothbrush and comb.
4. Each resident with towels and washcloths which are washed at regular intervals. The use of common washcloths and towels is prohibited.
5. Closets and drawer space for clothing and personal belongings.
6. Appropriate space and equipment for washing, ironing and mending personal clothing and make arrangements so that residents who are able and who so desire may do their own work.

435.635 Requirements for bedrooms.

1. A residence must contain bedrooms which are suitably furnished and sufficient in number, size and location to accommodate the residents.
2. There must be enough space around beds to permit easy passage.
3. A room which is commonly used for other purposes may not be used as a sleeping room for any resident. This provision applies to any hall, stairway, unfurnished attic, garage or shed or similar detached building.
4. A bedroom which is located above the first floor must be restricted to occupancy by ambulatory residents unless the fire chief having jurisdiction approves its occupancy by nonambulatory residents.
5. No bedroom of a resident may be used as a passageway to another room, a bath or a toilet.
6. Each bedroom must be large enough for the placement of needed furniture, such as a chair, night stand and chest of drawers and to allow for easy passage between beds and other items of furniture.

435.640 Requirements for toilets and bathrooms.

1. The toilets and bathrooms in a residence must be conveniently located. The ratio of toilet and bath facilities to occupants must be at least:
 - (a) One toilet and one washbasin for each four persons; and
 - (b) One bathtub or shower for each six persons.
2. All toilet, bath and shower areas must afford privacy.

435.645 Food service.

1. All food at a residence must be selected, stored, prepared and served in a safe and healthful manner. If doubt exists concerning compliance with this provision, the Division will require the operator of the residence to provide copies of menus used over a given period.

2. All reusable utensils for eating and drinking or preparation of food and drink must be cleaned and sanitized after each use.

435.650 Daily dietary allowances. If meals are provided as part of the residential program, the total daily diet must be of the quality and in the quantity necessary to meet the needs of the residents and must meet the daily allowances which are specified in the following table:

Age (years)	Weight (kg)	Height (cm)	Height (in)	Protein (g)	Fat-Soluble Vitamins				Water-Soluble Vitamins					Minerals							
					Vita- min A	Vita- min D	Vita- min E	Vita- min C	Thia- mia (mg)	Ribo- flavin (mg)	Niacin (mg)	Vita- min B-6 (mg)	Fola- cin (mg)	Vitamin B-12 (mg)	Cal- cium (mg)	Phos- phorus (mg)	Mag- nesium (mg)	Iron (mg)	Zinc (mg)	Iodine (mg)	
Infants	0.0-5	6	13	60	24	420	10	3	35	0.3	0.4	6	0.3	30	0.5*	360	210	50	10	3	40
	0.5-1.0	9	20	71	28	400	10	4	35	0.3	0.6	8	0.6	45	1.5	540	360	70	15	5	50
Children	1-3	13	29	90	35	400	10	5	45	0.7	0.8	9	0.9	100	2.0	800	800	150	15	10	70
	4-6	20	44	112	44	500	10	6	45	0.9	1.0	11	1.3	200	2.5	800	800	200	10	10	90
	7-10	28	62	132	52	700	10	7	45	1.2	1.4	16	1.6	300	3.0	800	800	250	10	10	120
Males	11-14	45	99	157	62	1000	10	8	50	1.4	1.6	18	1.8	400	3.0	1200	1200	350	18	15	150
	15-18	66	145	176	69	1000	10	10	60	1.4	1.7	18	2.0	400	3.0	1200	1200	400	18	15	150
	19-22	70	154	177	70	1000	8	10	60	1.5	1.7	19	2.2	400	3.0	800	600	350	10	13	150
	23-50	70	154	178	70	1000	10	10	60	1.4	1.6	18	2.2	400	3.0	800	800	350	10	15	150
	51+	70	154	178	70	1000	10	10	60	1.2	1.4	16	2.2	400	3.0	800	800	350	10	15	150
Females	11-14	46	101	157	62	800	10	8	50	1.1	1.3	15	1.8	400	3.0	1200	1200	300	18	15	150
	15-18	55	120	163	64	800	10	8	60	1.1	1.3	14	2.0	400	3.0	1200	1200	300	18	15	150
	19-22	55	120	163	64	800	8	8	60	1.1	1.3	14	2.0	400	3.0	800	800	300	18	15	150
	23-50	55	120	163	64	800	8	8	60	1.0	1.2	13	2.0	400	3.0	800	800	300	18	15	150
	50+	55	120	163	64	800	8	8	60	1.0	1.2	13	2.0	400	3.0	800	800	300	18	15	150
Pregnant						+30	+5	+2	+20	+0.4	+0.3	+2	+0.6	+400	+1.0	+400	+400	+150	+3	+3	+23
Lactating						+20	+5	+3	+40	+0.5	+0.5	+5	+0.5	+400	+1.0	+400	+400	+150	+10	+10	+50

*The allowances are intended to provide for individual variations among most normal persons as they live under usual environmental stresses. Diets should be based on a variety of common foods in order to provide other nutrients for which human requirements have been less well defined.

*Retinol equivalents: 1 retinol equivalent = 1 retinol or 6 B carotene.

*As cholecalciferol: 10 cholecalciferol = 400 iu of vitamin D.

*A tocopherol equivalent: 1 mg α-tocopherol = 1 IU.

*1 mc (niacin equivalent) is equal to 1 mg of niacin or 60 mg of dietary tryptophan.

*The folic acid allowances refer to dietary sources as determined by *Lactobacillus casei* assay after treatment with enzymes (conjugases) to make polyglutamate forms of the vitamin available to the test organism.

*The recommended dietary allowance for vitamin B-12 in infants is based on average concentration of the vitamin in human milk. The allowances after weaning are based on energy intake and consideration of other factors, such as intestinal absorption.

*The increased requirements during pregnancy cannot be met by the iron content of natural American diets nor by the existing iron stores on many women; therefore, the use of 30-60 mg of supplemental iron is recommended. Iron needs during lactation are not substantially different from those of nonpregnant women, but continued supplementation of the mother for 2-3 months after parturition is advisable in order to replenish stores depleted by pregnancy.

[Men. Hygiene & Men. Retardation Div., Residences § 30, eff. 2-5-82]

435.655 Medical and dental care.

1. The operator of a residence shall arrange or assist in arranging for medical and dental care appropriate to the conditions and needs of the residents. He shall develop a plan for incidental medical and dental care for the residents. The plan must encourage annual and routine medical and dental care and provide for assistance to the residents in obtaining that care.
2. The name, address and telephone number of each resident's physician and dentist must be readily available.
3. The operator shall arrange for the transportation of residents so that they can keep their medical and dental appointments.

435.660 First aid and emergencies.

1. The operator of a residence shall have written evidence of arrangements with appropriate agencies in the community for handling emergencies involving any physical or mental conditions of the residents. The name, address and telephone number of each agency, crisis center or medical facility to be called in the day or at night in the event of an emergency must be posted in a readily accessible location.
2. The name and telephone number of an ambulance service must be readily available.
3. The operator shall establish written procedures for first aid, including procedures to be used in an emergency.
4. Staff members who are designated to administer care in emergencies must receive appropriate training in first aid from qualified persons in agencies such as the Red Cross.
5. A complete first-aid kit must be maintained and be readily available in a specified location in the residence.

6. A current edition of a first-aid manual approved by the American Red Cross, the American Medical Association or a state or federal health agency must be available in the residence.

435.665 Safekeeping of valuables and medication. The operator of a residence shall safeguard all valuables, medications and other items that could be misused or appropriated by residents or unauthorized personnel, thereby causing potential harm to themselves or loss of a resident's property.

435.670 Assistance with and storage of medication.

1. Assistance with medication by the operator of a residence and his staff must be limited to:
 - (a) Storing a resident's medication in a cool, dry, secure place;
 - (b) Making the medication available to the resident in the original container at the time directed on the label;
 - (c) Overseeing the taking of the medication; and
 - (d) Returning the original container to the storage area.
2. Medication stored in a refrigerator must be kept in a locked metal box unless the refrigerator is located in a locked area.
3. Each container of medication must be plainly labeled to show its contents and the name of the resident for whom the medication is intended. The containers must be stored in an orderly fashion.
4. Medications for external use only must be kept in a separate secure area from the area used to store medications for internal use.
5. Medication may be made available only to the resident for whom it has been prescribed and must be of a type that can be self-administered.

435.680 Destruction of medication.

1. All medications, whether internal or external, must be destroyed promptly upon discontinuance of use.
2. An acceptable method of destruction is by flushing contents of vials, bottles or other containers into a toilet.
3. The operator of a residence must destroy any medication in the presence of a witness. A notation must be made in the resident's record and must be signed by the operator and the witness.

435.685 Health of employees.

1. The operator of a residence must have a written policy, approved by the Division, in effect to ensure that no employee with symptoms of communicable disease is permitted to work at the residence.
2. Each person employed at a residence must be medically determined to be free of communicable and infectious disease at the time of his employment and at least annually thereafter.

435.690 Physical abuse prohibited.

1. The operator of a residence shall instruct his personnel in the detection and reporting of any suspected physical abuse of the residents.
2. The operator shall not establish or carry out a policy of physical restraints, isolation, corporal punishment, personal humiliation or the withholding of food, water or clothing.

435.700 Confidentiality of records.

1. All information and records obtained in the course of providing services to any resident are confidential.

2. Any person employed in a residence shall respect the confidentiality of such information and records, however received, and may release such information or records only upon the written consent of the person or his representative, except as otherwise provided in subsection 3.

3. The operator of a residence shall inform each resident that officers and employees of the Department of Human Resources may examine his records without prior permission.

435.710 Reports of death, injury, abuse, absence and unusual incidents.

1. The operator of a residence shall make a preliminary report to the Administrator of the Division concerning:

- (a) The death of any resident;
- (b) Any injury which the attending physician determines to be serious;
- (c) Any unusual incident involving a resident which threatens the welfare, safety or health of any person;
- (d) Any physical or psychological abuse of a resident by a staff member; and
- (e) Any unexplained absence of a resident.

↪ The preliminary report must also be made to the person responsible for the resident involved.

The report must be made to the Division and responsible person by telephone or telegraph within 24 hours after occurrence of the event.

2. The operator shall submit a written report of the event to the Department within 7 days after the occurrence of the event. The written report must include:

- (a) The name, age, sex and date of admission of the resident involved;
- (b) The date and nature of the event; and
- (c) If there was an attending physician, his name, findings and treatment, and his disposition of the case.

435.715 Reports of other unusual occurrences.

1. The operator of a residence shall report to the Administrator of the Division and the local health officer any outbreak of an epidemic, poisoning, catastrophe or major accident or other unusual occurrence which threatens the welfare, safety or health of the residents, personnel or visitors.

2. The report to these officers must be made by telephone or telegraph within 24 hours after the occurrence.

435.720 Inspection and examination.

1. Any authorized officer, employee or agent of the Department of Human Resources may, upon proper identification, enter and inspect any residences at any time, with or without advance notice.

2. The operator of the residence shall allow the inspector to have a private interview with any resident or any staff member and shall allow examination of all records relating to the operation of the residence.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R071-06**

The Division of Mental Health and Developmental Services of the Department of Health and Human Services adopted regulations assigned LCB File No. R071-06 which pertain to chapter 435 of the Nevada Administrative Code on September 14, 2006.

Notice date: 8/9/2006
Hearing date: 9/14/2006

Date of adoption by agency: 9/14/2006
Filing date: 11/13/2006

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.

LCB file No. R071-06 was noticed twice for the Public Workshop on July, 27, 2006 and the Public Hearing on September 14, 2006 at the following locations:

DCFS - 711 E. 5TH Street, Carson City
CBS – 2655 Enterprise Road, Reno
DRC – 1391 South Jones Boulevard, Las Vegas
LCC - 500 Galletti Way, Sparks
MHDS -505 E. King Street, Carson City
NNAMHS - 480 Galletti Way, Sparks
RURAL CLINICS – 503 N. Division, Carson City
SNAMHS – 6161 West Charleston Blvd., Las Vegas
SRC – 605 South 21st Street, Sparks
NEVADA YOUTH TRAINING CENTER, 100 Youth Center Drive, Elko
GRANT SAWYER STATE OFFICE BLDG., 555 E. Washington Avenue. Las Vegas
NEVADA STATE LIBRARY
17 NEVADA COUNTY LIBRARIES

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 150 individuals and organizations. A workshop was held on July 27, 2006. There was public comment from providers and agencies related to background checks and process, the certification process for administration of medications by provider organizations and liability concerns. The comments also focused on change or removal of terminology. Minutes from the Public Workshop may be obtained from Becky Wood, State of Nevada, Legislative Counsel Bureau, Broadcast and Production Services, 401 South Carson Street, Carson City, NV 89701.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the amendments to NAC 435 was sent to approximately 150 individuals and organizations. The public hearing was conducted on September 14, 2006 to provide the opportunity for comments by affected parties and the public. There was public comment from the Nevada

Disability Advocacy and Law Center requesting postponement of the Public Hearing to allow for additional time for their review of the proposed Regulations. The Commission adopted the proposed amendments to the regulation. Minutes from the Public Hearing are available from the Commission of Mental Health and Developmental Services, 505 East King Street Rm. 602, Carson City, NV 89701

2. The Number of Persons Who:
 - a) Attended Each Hearing: First Workshop: 60; First Hearing: 32; Second Hearing: N/A
 - b) Testified at Each Hearing: First Workshop: 13; First Hearing: 8 ; Second Hearing: N/A
 - c) Submitted Written Statements: First Workshop: None; First Hearing: None; Second Hearing: N/A
3. A description of how comments were solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.

Comments were solicited through the workshop notice of July 27, 2006; and the public hearing notice of September 14, 2006 to each provider of Supported Living Services. At the July 27, 2006 Workshop to Solicit Comments, there were public comments to the proposed amendments to the regulation language from providers and agencies related to background checks and process, the certification process for administration of medications by provider organizations and liability concerns. The comments also focused on change or removal of terminology. Minutes from the Public Workshop may be obtained from Becky Wood, State of Nevada, Legislative Counsel Bureau, Broadcast and Production Services, 401 South Carson Street, Carson City, NV 89701.

At the September 14, 2006 Public Hearing there was public comment to the proposed amendments to the regulation language from the Nevada Disability Advocacy and Law Center requesting postponement of the Public Hearing to allow for additional time for their review of the proposed Regulations. The workshop was properly noticed and Commission on Mental Health and Developmental Services chose to go forward with the hearing. Minutes from the Public Hearing are available from the Commission of Mental Health and Developmental Services, 505 East King Street, Rm. 602, Carson City, NV 89701.

4. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.

The Commission on Mental Health and Developmental Services adopted the proposed amendments to the regulation language at the public hearing held September 14, 2006 without changes.

5. The estimated economic effect of the adopted regulation on the business that it is to regulate and on the public. These must be stated separately and each case must include:

There is no estimated economic effect on the business that it is to regulate.

There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are federal laws affecting the proposed regulations (42 Code of Federal Regulations; Chapter 441) and there is no duplication or overlap of state or local governmental agencies.

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

There are none.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide for a new fee or increase an existing fee.