

**LCB File No. R094-06**

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

**Hearing scheduled June 16, 2006**

**FACILITY FOR TRANSITIONAL LIVING FOR RELEASED OFFENDERS**

EXPLANATION – Matter in *Italics* is new.

**Section 1.** *Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth in Section 2 through 27, inclusive of this regulation.*

**Sec 2.** *Definitions. As used in Section 3 through Section 27 inclusive, unless the context otherwise requires, the words and terms defined in Section 3 through Section inclusive, have the meanings ascribed to them in those sections.*

**Sec 3.** *“Administrator” defined Administrator” means a person:*

- 1. Whose name appears on a license issued by the bureau as administrator of record for a facility; and*
- 2. Who is legally responsible for the management of the facility.*

**Sec 4.** *“Resident” "Resident" means a person who has been released from prison as defined in NRS 449.0055(2).*

**Sec 5.** *“Facility” defined “Facility” means a facility for transitional living for released offenders as defined in NRS 449.0055(1).*

**Sec 6.** *“Supportive Services” defined. “Supportive Services” means those services intended to assist the resident of a facility with reintegration into the community.*

*1. Supportive services may include, mental health and medical care referrals, life skills training, access to housing, benefits, and employment, resume writing, sex offender counseling as indicated, and other training as defined in facility policy.*

*2. Supportive services may be provided directly by facility staff or through arrangements with other providers.*

**Sec 7. Administrator: Qualifications.**

*An administrator must:*

- 1. Be at least 21 years of age;*
- 2. Obtain the certifications required by NAC 441A.375 for a person employed in a facility for the dependent; and*
- 3. Maintain evidence that he satisfies the requirements of this section in a file that is maintained on the premises of the facility.*

**Sec 8. Administrator: General duties**

*An administrator shall:*

- 1. Post the license issued by the bureau in a conspicuous place within the facility.*
- 2. Organize and manage the facility.*
- 3. Establish policies, procedures and rules for the operation of the facility.*
- 4. Ensure that the records of the facility are maintained in accordance with the requirements of the policies, procedures and rules for the operation of the facility established pursuant to subsection 10.*
- 5. Ensure that the facility complies with any applicable state statutes and regulations and local ordinances.*

6. *Ensure that the residents of the facility are afforded the opportunity to exercise their individual rights in a manner consistent with the rules of the facility.*

7. *Ensure that the facility is maintained in a safe and clean condition.*

8. *Review and approve changes in the policies and procedures established pursuant to subsection 3 at least annually. This review must be signed and dated.*

**Sec 9. General operational guidelines**

*An administrator shall ensure that:*

1. *Alcohol or drugs are not allowed on the premises of the facility;*

2. *The policies, procedures and rules established pursuant to subsection 9 are carried out;*

3. *Each resident complies with those policies, procedures and rules;*

4. *The facility provides an environment that will facilitate the reintegration of the resident into the community; and*

5. *The operation of the facility is not compromised by a resident who violates the policies, procedures or rules of the facility.*

**Sec 10. Policies and procedures: Establishment; maintenance of manual.**

1. *An administrator shall establish written policies and procedures concerning:*

(a) *The manner in which records of residents will be maintained and protected against unauthorized use;*

(b) *The disclosure of confidential information about residents;*

(c) *The criteria the facility will use to determine whether to:*

(1) *Admit a resident to the facility; and*

(2) *Discharge a resident from the facility;*

- (d) The discharge of a resident for a violation of the rules of the facility;*
- (e) The discharge of a resident for the use of alcohol or drugs;*
- (f ) The rights and responsibilities of a resident; and*
- (g) The evacuation of residents in case of fire or other emergency as required by Section 25.*

*2. An administrator shall maintain a manual of policies, procedures and rules of the facility that includes the policies and procedures established pursuant to subsection 1. The manual must be available on the premises of the facility at all times.*

**Sec 11. *Limitation on admissions***

*An administrator shall ensure that the facility does not admit more residents to the facility than the number of beds for which it is licensed.*

**Sec 12. *Licensure of Different Types of Facilities for Transitional Living***

*1. Facilities for transitional living for released offenders must be licensed as one of the following types of facilities:*

- (a) Facilities that only provide a housing and living environment;*
- (b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community approved by the Division of Parole and Probation, in addition to providing a housing and living environment; and*
- (c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.*

*2. If a facility for transitional living for released offenders wishes to provide alcohol and drug abuse treatment, it must:*

*(a) Obtain certification of its program from the Health Division in accordance with the requirements set forth in Chapter 458 of NRS and any regulations adopted pursuant thereto, and;*

*(b) Meet the requirements of a facility for the treatment of alcohol and drug abuse in accordance with NAC 449.019 through NAC 449.153, inclusive.*

*3. A facility for transitional living for released offenders that houses residents under the supervision of a parole officer and provides supportive services for residents of the facility to assist the residents with reintegration into the community must have approval from the Division of Parole and Probation.*

**Sec 13. Health and sanitation**

*1. An administrator shall ensure that the facility:*

*(a) Has a safe and sufficient supply of water, adequate drainage and an adequate system for the disposal of sewage; and*

*(b) Complies with all local ordinances and state and federal laws and regulations relating to zoning, sanitation, safety and accessibility to persons with disabilities.*

*2. A container used to store garbage outside of a facility must be kept reasonably clean and must be covered in such a manner that rodents are unable to get inside the container. At least once each week, the container must be emptied and the contents of the container must be removed from the premises of the facility.*

*3. To the extent practicable, the premises of the facility must be kept free from:*

*(a) Offensive odors;*

*(b) Hazards, including obstacles that impede the free movement of residents within and outside the facility;*

*(c) Insects and rodents; and*

*(d) Accumulations of dirt, garbage and other refuse.*

*4. An administrator shall ensure that the premises of the facility are clean and that the interior, exterior and landscaping of the facility are well maintained.*

*5. All windows that are capable of being opened in the facility and all doors that are left open to provide ventilation for the facility must be screened to prevent the entry of insects.*

*6. An administrator shall ensure that electrical lighting is maintained in the facility as necessary to ensure the comfort and safety of the residents of the facility.*

*7. The temperature in the facility must be maintained at a level that is not less than 68 degrees Fahrenheit and not more than 82 degrees Fahrenheit.*

*8. All pest control must be performed by a licensed pest control operator.*

**Sec 14. Laundry facilities**

*1. An administrator shall ensure that laundry facilities are provided in the facility commensurate with the number of residents in the facility. At least one washer and at least one dryer must be provided in the facility.*

*2. The laundry area in a facility must be maintained in a sanitary manner. All the equipment in the laundry area must be maintained in good working condition. All dryers must be ventilated to the outside of the building.*

**Sec 15. Kitchens; storage of food**

*1. The kitchen in a facility and the equipment in the kitchen must be clean and must allow for the sanitary preparation of food. The equipment for food storage and preparation must be in good working condition.*

*2. Perishable food must be refrigerated at a temperature of 40 degrees Fahrenheit or less. Frozen food must be kept at a temperature of 0 degrees Fahrenheit or less.*

*3. Food must not be stored in any area in which cleaning or pest control products are stored.*

*4. A facility for transitional living for released offenders with more than 10 residents shall:*

*(a) Comply with the standards prescribed in chapter 446 of NAC, and*

*(b) Obtain the necessary permits for the Bureau of Health Protection Services of the Division.*

*5. The equipment used for cooking and storing food in a facility for transitional living for released offenders with more than 10 clients must be inspected and approved by Bureau of Health Protective Services of the Division and state and local fire safety authorities.*

**Sec 16. Bedrooms; bedding**

*1. A bedroom in a facility that is used by more than one resident must have at least 50 square feet of floor space for each resident who resides in the bedroom. A bedroom that is occupied by only one resident must have at least 80 square feet of floor space.*

*2. The arrangement of the beds and other furniture in the bedroom must accommodate the residents occupying the bedroom in comfort and safety.*

*3. A bed with a comfortable and clean mattress must be provided for each resident. The bed must be made with a mattress cover, two clean sheets, a blanket, a pillow and a bedspread. Linens must be changed at least once each week and more often if the linens become dirty.*

*4. Mattresses must meet the requirements of NRS 444.010.*

*Sec 17. Use of certain areas as bedroom prohibited. A hall, stairway, unfinished attic, garage, storage area or shed or other similar area of a facility must not be used as a bedroom. Any other room must not be used as a bedroom if it is used for any other purpose.*

*Sec 18. Bathrooms and toilet facilities; toilet articles*

*1. All bathrooms and toilet facilities in the facility must be sufficiently lighted.*

*2. Each facility for transitional housing for released offenders must have:*

*(a) A flush toilet and lavatory for each 4 residents; and*

*(b) A tub or shower for each 6 residents.*

*3. Each resident must have his own towels and washcloths. Paper towels may be used for hand towels. The towels and washcloths must be changed as often as is necessary to maintain cleanliness, but in no event less often than once each week. A soap dispenser that provides liquid or granular soap may be used instead of individual bars of soap.*

*Sec 19. First aid.*

*1. A first-aid kit must be available at the facility. The first-aid kit must include, without limitation:*

*(a) A germicide safe for use by humans;*

*(b) Sterile gauze pads;*

*(c) Adhesive bandages, rolls of gauze and adhesive tape;*

*(d) Disposable gloves;*

*(e) A shield or mask to be used by a person who is administering cardiopulmonary resuscitation; and*

*(f ) A thermometer or other device that may be used to determine the bodily temperature of a person.*

*2. Except for first aid in an emergency, no treatment or medication may be administered to a resident.*

**Sec 20. Medication**

*1. Medication for self-administration may be kept at the facility. That medication must:*

*(a) Be disposed of immediately when it expires or when a physician orders the medication to be discontinued;*

*(b) Be stored and controlled in a manner that protects the medication from unauthorized use; and;*

*(c) Not be used by more than one of the residents.*

*2. Medication must be controlled and distributed in a manner which is consistent with applicable state and federal law.*

*3. The provisions of paragraph (a) of subsection 2 do not apply to over-the-counter medication.*

**Sec 21. Telephones; telephone number** *An administrator shall ensure that:*

*1. The facility has at least one telephone that is in good working condition in the facility; and;*

*2. The telephone number of the facility is listed in the telephone directory.*

**Sec 22. Notification to the bureau under certain circumstances**

*An administrator shall notify the bureau within 24 hours after the occurrence of an incident that:*

- 1. Involved significant harm to a resident of the facility if the resident of the facility required medical treatment as a result of the incident;*
- 2. May cause imminent danger to the health or safety of a resident of the facility; or*
- 3. May jeopardize the integrity of the operation of the facility.*
- 4. Fires and other disasters must be reported to the state Health Division within 24 hours.*
- 5. The Division of Parole and Probation must be notified of the occurrence of any of the above incidents.*

**Sec 23. Rights of residents**

*An administrator shall ensure that:*

- 1. A resident of the facility is not abused, neglected or exploited by another resident of the facility or any person who is visiting the facility;*
- 2. A resident is not prohibited from speaking to any person who advocates for the rights of the residents of the facility;*
- 3. Each resident is treated with respect and dignity;*
- 4. The facility provides a safe and comfortable environment;*
- 5. A resident is not prohibited from interacting socially in a manner that is consistent with the rules of the facility;*
- 6. To the extent practicable and in a manner that is consistent with the rules of the facility, each resident is allowed to make his own decisions; and*
- 7. The telephone number of the local office of the bureau and the name and telephone number of the administrator is conspicuously posted on the premises of the facility.*
- 8. Residents of the facility must be allowed to exercise their right to vote.*

**Sec 24. Resident files: Maintenance; contents; confidentiality**

*1. An administrator shall ensure that the facility maintains a separate file for each resident of the facility and retains the file for at least 5 years after the client permanently leaves the facility. The file must be kept locked in a location that is protected against unauthorized use. Each file must contain the information obtained by the facility that is related to the resident, including, without limitation:*

- (a) The full name, address, and date of birth of the resident;*
- (b) The address and telephone number of any next of kin or guardian of the resident;*
- (c) Evidence of compliance with the provisions of NAC 441A.380;*
- (d) A list of the rules of the facility that is signed by the resident; and*
- (e ) The name and telephone number of the resident's parole officer.*

*2. Except as otherwise provided in this subsection, the file of the resident must be kept confidential. The file of a resident must be made available upon request at any time to an employee of the bureau who is acting in his capacity as an employee of the bureau.*

**Sec 25. Safety from fire**

*1. An administrator shall ensure that the facility complies with the regulations adopted by the state fire marshal pursuant to chapter 477 of NRS and any local ordinances relating to safety from fire.*

*2. A facility with more than 16 beds shall be fully sprinklered.*

*3. An administrator shall ensure that the facility has a plan for the evacuation of residents in case of fire or other emergency. The plan must be:*

- (a) Understood by all residents;*
- (b) Posted in a common area of the facility; and*
- (c) Discussed with each resident at the time of his admission.*

*4. At least one portable fire extinguisher must be available at the facility. Any portable fire extinguishers available at the facility must be inspected, recharged and tagged at least once each year by a person certified by the state fire marshal to conduct such inspections.*

*5. An administrator shall ensure that a written policy on smoking is developed and carried out by the facility. The policy must be:*

*(a) Developed with the purpose of preventing a fire caused by smoking in the facility;*  
*and*

*(b) Posted in a common area of the facility.*

*6. Smoke detectors installed in a facility must be maintained in proper operating condition at all times and must be tested monthly. The results of the tests conducted pursuant to this subsection must be recorded and maintained at the facility.*

*7. If a facility has an automatic sprinkler system, it must be inspected:*

*(a) Not less than once each calendar quarter by a person who understands the manner in which the system operates and the manner in which it must be maintained, and*

*(b) Not less than once each calendar year by a person who is licensed to inspect such a system pursuant to the provisions of chapter 477 of NRS.*

**Sec 26. Disaster Planning.**

*1. An administrator shall develop written emergency disaster plans and procedures that at a minimum address provisions for dealing with:*

*(a) Workplace threats and violence, bomb threats, a resident's possession of firearms or explosives;*

*(b) Medical emergencies;*

*(c) Natural disasters typical of the particular geographic location;*

*(d) Internal disasters such as power failures, loss of water supply; and,*

*(e) External disasters such as terrorist threats.*

*2. Emergency disaster plans should address at a minimum the provision of temporary shelter and the handling of evacuees*

*3. Emergency disaster plans must be communicated to all staff members and residents.*

*4. Actual evacuation drills of the facility must be conducted at least once each quarter with each shift being evacuated at least annually.*

*5. Records of disaster drills must be maintained at the facility and made available for inspection by the state Health Division as required.*