

**ADOPTED REGULATION OF THE  
STATE BOARD OF HEALTH**

**LCB File No. R095-06**

Effective July 14, 2006

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

AUTHORITY: §§1 and 2, NRS 449.037; §§3 and 4, NRS 439.150, 439.200, 449.037 and 449.050.

A REGULATION relating to facilities for transitional living for released offenders; establishing the fees that the Health Division of the Department of Health and Human Services will charge for the issuance and renewal of a license to operate such a facility; authorizing a licensee who operates such a facility to pay the fee for renewal of the license to the Health Division in two installments under certain circumstances; 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:

*“Facility for transitional living for released offenders” has the meaning ascribed to it in NRS 449.0055.*

**Sec. 2.** NAC 449.012 is hereby amended to read as follows:

449.012 As used in NAC 449.012 to 449.0168, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 449.0121 to 449.0127, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 3.** NAC 449.013 is hereby amended to read as follows:

449.013 1. Except as otherwise provided in *subsection 4 and* NAC 449.0168, an applicant for a license to operate any of the following facilities, programs of hospice care or agencies must pay to the Health Division the following nonrefundable fees:

- (a) An ambulatory surgical center..... \$3,570
- (b) A facility for the treatment of irreversible renal disease ..... 2,748
- (c) A home office or subunit agency of a home health agency..... 3,034
- (d) A branch office of a home health agency ..... 2,000
- (e) A rural clinic ..... 2,160
- (f) An obstetric center ..... 1,564
- (g) A program of hospice care ..... 2,106
- (h) An independent center for emergency medical care ..... 2,950
- (i) A nursing pool ..... 4,272
- (j) A facility for treatment with narcotics ..... 2,482
- (k) A medication unit ..... 1,200
- (l) A referral agency ..... 2,000
- (m) A halfway house for recovering alcohol and drug abusers ..... 2,020
- (n) A facility for refractive laser surgery ..... 7,556
- (o) A mobile unit..... 2,090
- (p) A facility for transitional living for released offenders..... 2,020*

2. ~~[An]~~ *Except as otherwise provided in subsection 4, an* applicant for the renewal of such a license must pay to the Health Division the following nonrefundable fees:

- (a) An ambulatory surgical center..... \$1,785
- (b) A facility for the treatment of irreversible renal disease ..... 1,374

(c) A home office or subunit agency of a home health agency.....	1,517
(d) A branch office of a home health agency .....	1,000
(e) A rural clinic .....	1,080
(f) An obstetric center .....	782
(g) A program of hospice care .....	1,053
(h) An independent center for emergency medical care .....	1,475
(i) A nursing pool .....	2,136
(j) A facility for treatment with narcotics .....	1,241
(k) A medication unit .....	600
(l) A referral agency .....	1,000
(m) A halfway house for recovering alcohol and drug abusers .....	1,010
(n) A facility for refractive laser surgery .....	3,912
(o) A mobile unit.....	1,045
<b><i>(p) A facility for transitional living for released offenders.....</i></b>	<b><i>1,010</i></b>

3. An application for a license is valid for 1 year after the date on which the application is submitted. If an applicant does not meet the requirements for licensure imposed by chapter 449 of NRS or the regulations adopted pursuant thereto within 1 year after the date on which he submits his application, he must submit a new application and pay the required fee to be considered for licensure.

***4. Pursuant to NRS 449.050, if an application for a license to operate a facility for transitional living for released offenders or the renewal of such a license is denied, any amount of a fee paid pursuant to paragraph (p) of subsection 1 or paragraph (p) of subsection***

*2 that exceeds the expenses and costs incurred by the Health Division must be refunded to the applicant.*

**Sec. 4.** NAC 449.0164 is hereby amended to read as follows:

449.0164 An applicant for the renewal of a license for a residential facility for groups, a halfway house for recovering alcohol and drug abusers, ~~or~~ a home for individual residential care *or a facility for transitional living for released offenders* may pay the fee required for the renewal of his license in two equal installments if:

1. On or before November 1 of the calendar year in which his license expires, he submits a complete application for the renewal of the license which includes, without limitation:

(a) The first installment payment which is equal to one-half the amount of the fee required for the renewal of the license pursuant to NAC 449.013 or 449.016, as appropriate;

(b) An additional fee of \$100 for the administrative costs of billing and collecting such payments; and

(c) A signed payment agreement and a confession of judgment for the total amount of the second installment payment which may be filed with a court of competent jurisdiction if he fails to make the second installment payment in accordance with the agreement;

2. On or before April 15 of the calendar year for which the license is renewed, he submits the second installment payment for the remainder of the fee required for the renewal of the license pursuant to NAC 449.013 or 449.016, as appropriate; and

3. He has not failed to make a payment in accordance with any other similar agreement.

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R095-06**

The State Board of Health adopted regulations assigned LCB File No. R095-06 which pertain to chapter 449 of the Nevada Administrative Code on June 16, 2006.

**Notice date:** 5/17/2006  
**Hearing date:** 6/16/2006

**Date of adoption by agency:** 6/16/2006  
**Filing date:** 7/14/2006

**INFORMATIONAL STATEMENT**

1. DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION OF HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

A Small Business Impact Questionnaire was mailed to the potential Facilities for Transitional Living for Released Offenders, Facilities for the Treatment with Narcotics, and Halfway Houses for Recovering Alcohol and Drug Abusers on April 25, 2006. Attachment A is the Small Business Impact Statement Questionnaire. Attachment B is a copy of the Small Business Impact Summary.

Notice of public workshops held on May 17, 2006, in Reno and on May 19, 2006, in Las Vegas was published in the Las Vegas Review Journal and Reno Gazette Journal on May 1, 2006. Notices of public workshops, and proposed regulations were mailed to all county libraries in Nevada, potential Facilities for Transitional Living for Released Offenders, Facilities for the Treatment with Narcotics, Halfway Houses for Recovering Alcohol and Drug Abusers, and interested parties on April 25, 2006. On May 4, 2006, the Bureau of Licensure and Certification was informed that they could no longer use the room at the Reno location. Notice of public workshop change of location was published in the Las Vegas Review Journal and Reno Gazette Journal on May 12, 2006. Notice of public workshops change of location were mailed to all county libraries in Nevada, Facilities for Transitional Living for Released Offenders, Facilities for the Treatment with Narcotics, Halfway Houses for Recovering Alcohol and Drug Abusers, and interested parties on May 11, 2006. The Small Business Impact Summary was available at both workshops.

There were seven (7) individuals who provided comments at the workshops. There was overall support of the regulations. Concerns were about zoning, licensure fees being too high, the cost of bedding, and the requirements to have "support services" available will be another financial burden.

The bureau looks at the fees consistently to be sure it reflects the workload that it cost to charge licensure fees.

Notice of public hearing regarding the Board's intent to adopt amendments was published in the Las Vegas Review Journal and Reno Gazette Journal on or before May 17, 2006. Notices of public hearing, and proposed regulations were mailed to all county libraries in Nevada, potential Facilities

for Transitional Living for Released Offenders, Facilities for the Treatment with Narcotics, and Halfway Houses for Recovering Alcohol and Drug Abusers, and interested parties on May 11, 2006. The notice of public hearing was mailed to Southern Nevada Health District and Southern Nevada County District Health Department on May 11, 2006.

The Legislative Council Bureau (LCB) had not completed the review of the proposed regulations until June 5, 2006. The LCB version was mailed out to the above mentioned parties on or before June 9, 2006.

Copies of the workshop minutes and Board of Health hearing minutes may be obtained by calling the Bureau of Licensure and Certification at (775) 687-4475.

2. THE NUMBER OF PERSONS WHO:

(A) ATTENDED THE HEARING;

Approximately 136 people attended the June 16, 2006, Board of Health hearing.

(B) TESTIFIED AT EACH HEARING; AND

Ernest Brooks, stated that he was in favor of the state regulations, however, he was concerned with city zoning issues.

(C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

No written statements were submitted.

3. A DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY

Comment was solicited from affected or potentially affected businesses by mailing appropriate facilities and all interested parties the proposed regulations, a small business impact questionnaire, a copy of the small business impact summary, and the notices for the workshops and Board of Health hearings. Copies of the workshop minutes and Board of Health hearing minutes may be obtained by calling the Bureau of Licensure and Certification at (775) 687-4475.

4. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

No testimony was received in opposition to the proposed regulation or which suggested changes to the proposed regulation.

5. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:

(A) BOTH ADVERSE AND BENEFICIAL EFFECTS; AND

Anticipated effects on the business which NAC 449 regulates.

Adverse: Facilities will be required to pay initial and renewal licensure fees.

Beneficial: Facility licensure will reflect compliance with regulatory standards.

Anticipated effects on the public:

Adverse: None

Beneficial: Facility licensure will reflect compliance with regulatory standards.

(B) BOTH IMMEDIATE AND LONG TERM EFFECTS.

Anticipated effects on the business which NAC 449 regulates.

Immediate: Clients will receive services in a licensed facility.

Long-term: Clients will receive services in a licensed facility.

Anticipated effects on the public:

Immediate: Clients will receive services in a licensed facility.

Long-term: Clients will receive services in a licensed facility.

6. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

There is no anticipated additional cost to the agency for enforcement of the proposed regulation changes.

7. A DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT 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, NAME THE REGULATING FEDERAL AGENCY.

There is no duplication or overlap of other state or local government agency's regulations.

8. IF THE REGULATION INCLUDES PROVISION WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISION.

These proposed regulations do not overlap or duplicate federal regulations. The regulations do not have a counterpart in the code of federal regulations.

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.

These amendments will establish new funds. An applicant must pay to the Health Division the non refundable fee of \$2,010 for initial licensure and \$1,010 for annual renewal. It is estimated there will be approximately 44 applicants statewide that will apply for licensure as a Facility for Transitional Living for Released Offenders. The fees collected will be used for initial state licensure surveys, application review and processing, complaint investigations, staff and provider training. Renewal fees will be used for complaint investigations, on-going staff and provider training, and annual review and issuance of the license.