

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

LCB File No. R060-10

December 17, 2010

(Certain provisions have been removed from this regulation
for separate consideration and are in LCB File No. R155-10.)

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

AUTHORITY: §1, NRS 449.037; §2, NRS 439.150, 439.200, 449.0305, 449.037, 449.038 and 449.050; §3, NRS 439.150, 439.200, 449.037, 449.050 and 449.249; §4, NRS 449.0305, 449.037 and 449.050; §§5-6, NRS 439.150, 439.200, 449.0305, 449.037, 449.038, 449.050 and 449.249.

A REGULATION relating to public health; requiring each institution of the Department of Corrections to pay certain fees to the Health Division of the Department of Health and Human Services under certain circumstances; revising certain fees for licensure; requiring a licensee who wishes to renew a license for calendar year 2011 to pay the fees revised by this regulation; and providing other matters properly relating thereto.

Section 1. Chapter 449 of NAC is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is appropriated for this purpose, each institution of the Department of Corrections shall pay a fee of \$3,266 each year to the Health Division for the purpose of enabling the Health Division to carry out its duties set forth in NRS 209.382, 444.330 and 446.885.

2. As used in this section, “institution” has the meaning ascribed to it in NRS 209.071.

Sec. 2. 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] \$9,784 |
| (b) A facility for the treatment of irreversible renal disease..... | ..... | ..... 2,748 |
| (c) (c) A home office or subunit agency of a home health agency ..... | ..... | [3,034] 5,168 |
| (d) (c) A branch office of a home health agency..... | ..... | [2,000] 5,358 |
| (e) (d) A rural clinic..... | ..... | [2,160] 4,058 |
| (f) (e) An obstetric center ..... | ..... | 1,564 |
| (g) (f) A program of hospice care..... | ..... | [2,106] 7,054 |
| (h) (g) An independent center for emergency medical care ..... | ..... | [2,950] 4,060 |
| (i) (h) A nursing pool ..... | ..... | [4,272] 4,602 |
| (j) (i) A facility for treatment with narcotics..... | ..... | [2,482] 5,046 |
| (k) (j) A medication unit..... | ..... | 1,200 |
| (l) (k) A referral agency..... | ..... | [2,000] 2,708 |
| (m) A halfway house for recovering alcohol and drug abusers..... | ..... | ..... 2,020 |
| (n) (l) A facility for refractive surgery..... | ..... | [7,556] 6,700 |
| (o) (m) A mobile unit ..... | ..... | 2,090 |
| (p) A facility for transitional living for released offenders..... | ..... | ..... 2,020 |
| (q) (n) An agency to provide personal care services in the home ..... | ..... | [1374] 6,476 |

2. ~~Except as otherwise provided in subsection 4, an~~ **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] \$4,892 |
| (b) [A facility for the treatment of irreversible renal disease |1,374 |
| —(e)] A home office or subunit agency of a home health agency..... | [1,517] 2,584 |
| [(d)] (c) A branch office of a home health agency | [1,000] 2,679 |
| [(e)] (d) A rural clinic | [1,080] 2,029 |
| [(f)] (e) An obstetric center..... | 782 |
| [(g)] (f) A program of hospice care | [1,053] 3,527 |
| [(h)] (g) An independent center for emergency medical care | [1,475] 2,030 |
| [(i)] (h) A nursing pool..... | [2,136] 2,301 |
| [(j)] (i) A facility for treatment with narcotics | [1,241] 2,523 |
| [(k)] (j) A medication unit | 600 |
| [(l)] (k) A referral agency | [1,000] 1,354 |
| [(m)] A halfway house for recovering alcohol and drug abusers |1,010 |
| —(n)] (l) A facility for refractive surgery | [3,912] 3,350 |
| [(o)] (m) A mobile unit..... | 1,045 |
| [(p)] A facility for transitional living for released offenders |1,010 |
| —(q)] (n) An agency to provide personal care services in the home..... | [687] 3,238 |

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. 3. NAC 449.016 is hereby amended to read as follows:

449.016 1. Except as otherwise provided in NAC 449.0168, an applicant for a license to operate any of the following facilities must pay to the Health Division the following nonrefundable fees:

| | Fee per facility | Fee per bed in the facility |
|--|-------------------------------------|-----------------------------------|
| (a) A skilled nursing facility | [\$2,200] \$2,252 | [\$60] \$108 |
| (b) A hospital, other than a rural hospital | [10,000] 14,606 | [60] 110 |
| (c) A rural hospital | [1,500] 9,530 | [60] 62 |
| (d) An intermediate care facility for the mentally retarded or persons with developmental disabilities | [1,564] 2,018 | [184] 280 |
| (e) An intermediate care facility, other than an intermediate care facility for the mentally retarded or persons with developmental disabilities | [1,200] 946 | [90] 72 |

| | Fee per facility | Fee per bed in the facility |
|--|--------------------------|-----------------------------------|
| (f) Except as otherwise provided in subsection 3, a residential facility for groups..... | [2,400] 2,386 | [184] 200 |
| (g) A facility for the treatment of abuse of alcohol or drugs..... | 782 | [184] 190 |
| (h) A facility for hospice care | [1,564] 3,988 | [184] 352 |
| (i) A home for individual residential care..... | [1,764] 3,198 | [184] 266 |
| (j) A facility for modified medical detoxification..... | [782] 9,960 | [184] 494 |
| (k) A community triage center | [782] 782 | [184] 136 |
| <i>(l) A facility for the treatment of irreversible renal disease.....</i> | <i>4,178</i> | <i>120</i> |
| <i>(m) A halfway house for recovering alcohol and drug abusers.....</i> | <i>2,800</i> | <i>368</i> |
| <i>(n) A facility for transitional living for released offenders.....</i> | <i>3,990</i> | <i>146</i> |

2. An applicant for the renewal of such a license must pay to the Health Division the following nonrefundable fees:

| | Fee per facility | Fee per bed in the facility |
|--|---------------------|-----------------------------------|
|--|---------------------|-----------------------------------|

| | | |
|---|------------------------------|------------------------|
| (a) A skilled nursing facility | [\$1,100] \$1,126 | [\$30] \$54 |
| (b) A hospital, other than a rural hospital | [5,000] 7,303 | [30] 55 |
| (c) A rural hospital | [750] 4,765 | [30] 31 |
| (d) An intermediate care facility for the mentally retarded or persons with developmental disabilities | [782] 1,009 | [92] 140 |
| (e) An intermediate care facility, other than an intermediate care facility for the mentally retarded or persons with developmental disabilities..... | [600] 473 | [40] 46 |
| (f) Except as otherwise provided in subsection [4,] 3, a residential facility for groups [which has 11 beds or more.....] 1,182 | 1,193 | [92] 100 |
| (g) [Except as otherwise provided in subsection 5, a residential facility for groups which has less than 11 beds.....] | 1,085 | 92 |
| —(h)] A facility for the treatment of abuse of alcohol or drugs..... | 391 | [92] 95 |
| [(+)] (h) A facility for hospice care..... | [782] 1,994 | [92] 176 |
| [(+)] (i) A home for individual residential care..... | [500] 1,599 | [92] 133 |
| [(+)] (j) A facility for modified medical detoxification | [391] 4,980 | [92] 247 |
| [(+)] (k) A community triage center..... | 391 | [92] 68 |
| (l) <i>A facility for the treatment of irreversible renal disease.....</i> | <i>2,089</i> | <i>60</i> |
| (m) <i>A halfway house for recovering alcohol and drug abusers.....</i> | <i>1,400</i> | <i>184</i> |

| | |
|----------|------------|
| | Fee per |
| Fee per | bed in the |
| facility | facility |

(n) A facility for transitional living for released

offenders1,995 73

3. An applicant for a license *or for the renewal of a license* for a residential facility for groups shall pay a fee of ~~[\$100]~~ \$35 for each bed in the facility ~~[which is paid entirely with money from:~~

- ~~—(a) The Supplemental Security Income Program as defined in NRS 422.053;~~
- ~~—(b) The home and community based services program pursuant to 42 U.S.C. § 1396n; or~~
- ~~—(c) A program for group care of adults established by a county.~~

~~4. An applicant for the renewal of a license for a residential facility for groups shall pay a fee of \$35 for each bed in the facility which is paid entirely with money from:~~

- ~~—(a) The Supplemental Security Income Program as defined in NRS 422.053;~~
- ~~—(b) The home and community based services program pursuant to 42 U.S.C. § 1396n; or~~
- ~~—(c) A program for group care of adults established by a county.~~

~~5. An applicant for the renewal of a license for a residential facility for groups which has less than 11 beds who attests that, during the following licensure period, at least 75 percent of those beds will be paid for entirely with money from the sources described in subsection 4 shall pay a fee of \$500 plus:~~

- ~~—(a) For each bed that will be paid for entirely with money from the sources described in subsection 4, a fee of \$35 in accordance with that subsection; and~~

~~—(b) For each remaining bed, a fee of \$92.~~

~~—6.] if the facility is paid less than \$1,000 per month for services provided to each bed in the facility.~~

4. 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.

5. 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 (n) of subsection 1 or paragraph (n) of subsection 2 that exceeds the expenses and costs incurred by the Health Division must be refunded to the applicant.

Sec. 4. NAC 449.0168 is hereby amended to read as follows:

449.0168 1. Except as otherwise provided in subsection 2, a holder of a license to operate a medical facility, facility for the dependent, program of hospice care or referral agency who wishes or is required pursuant to NAC 449.190, 449.307, 449.7473 or 449.758 to modify his license to reflect:

- (a) A change in the name of the facility, program or agency;
- (b) A change of the administrator of the facility, program or agency;
- (c) A change in the number of beds in the facility;
- (d) A change in the type of facility licensed or the addition of another type of facility to be licensed;

- (e) A change in the category of residents who may reside at the facility;
 - (f) A change in the designation of a staging area for a mobile unit or, if the mobile unit is operated by an independent facility, a change in the address of the independent facility; or
 - (g) A change in any of the services provided by an agency to provide nursing in the home,
- ↳ must submit an application for a new license to the Health Division and pay to the Health Division a fee of \$250.

2. An applicant who applies for a license pursuant to paragraph (c) of subsection 1 because of an increase in the number of beds in the facility must pay to the Health Division:

- (a) A fee of \$250; and
- (b) A fee for each additional bed as follows:
 - (1) If the facility is an intermediate care facility for the mentally retarded or persons with developmental disabilities ~~[\$184]~~ **\$280**
 - (2) ~~Except as otherwise provided in subparagraph (3), if~~ **If** the facility is a residential facility for groups 184
 - (3) ~~If the facility is a residential facility for groups and the fee for each bed in the facility is paid entirely with money from sources described in subsection 3 of NAC 449.016~~ ~~100~~
 - ~~(4)~~ If the facility is a facility for the treatment of abuse of alcohol or drugs ~~[184]~~ **190**
 - ~~(5)~~ **(4)** If the facility is a facility for hospice care ~~[184]~~ **352**
 - ~~(6)~~ **(5)** If the facility is a home for individual residential care ~~[184]~~ **266**
 - ~~(7)~~ **(6)** If the facility is a facility for modified medical detoxification ~~[184]~~ **494**
 - ~~(8)~~ **(7)** If the facility is a hospital , *other than a rural hospital* ~~[80]~~ **110**

| | |
|---|---------------------------|
| [(9)] (8) If the facility is a rural hospital | [80] 62 |
| [(10)] (9) If the facility is a skilled nursing facility..... | [60] 108 |
| [(11)] (10) If the facility is an intermediate care facility, other than an intermediate care facility for the mentally retarded or persons with developmental disabilities..... | [90] 92 |
| <i>(11) If the facility is a facility for the treatment of irreversible renal disease.....</i> | 120 |
| <i>(12) If the facility is a halfway house for recovering alcohol and drug abusers</i> | 368 |
| <i>(13) If the facility is a facility for transitional living for released offenders.....</i> | 146 |

3. If the address of the home office of a home health agency has not changed, a holder of a license to operate a subunit agency or branch office of the home health agency who wishes or is required pursuant to NAC 449.758 to modify his license to reflect a change in the address of the subunit agency or branch office of the home health agency must:

- (a) Submit an application for a new license to the Health Division; and
- (b) Pay to the Health Division a fee of \$250.

4. A fee paid pursuant to this section is nonrefundable.

5. As used in this section:

(a) “Administrator” means the person who is responsible for the daily management of a medical facility, facility for the dependent or program of hospice care.

(b) “Independent facility” has the meaning ascribed to it in NAC 449.9701.

(c) “Staging area” has the meaning ascribed to it in NAC 449.97018.

Sec. 5. 1. Notwithstanding the provisions of NAC 449.0116 or the provisions of NAC 449.013, 449.016 and 449.0168 as those provisions existed before the effective date of this regulation, a licensee who wishes to renew his or her license for calendar year 2011 shall file an application for renewal of his or her license and pay the fees imposed by NAC 449.013, 449.016 and 449.0168 as amended by sections 2, 3 and 4 of this regulation on or before February 1, 2011. A licensee who fails to file an application for the renewal of his or her license on or before February 1, 2011, is not eligible to renew the license and, if he or she wishes to be licensed, must submit an application for a new license.

2. Notwithstanding the provisions of NAC 449.013, 449.016 and 449.0168 which provide that a fee paid to the Health Division of the Department of Health and Human Services is nonrefundable, a licensee who, before the effective date of this regulation, paid the renewal fee for the renewal of a license for calendar year 2011 prescribed by NAC 449.013, 449.016 and 449.0168 as those provisions existed before the effective date of this regulation and who does not wish to pay the additional fee required by subsection 1 may request a refund of the renewal fee paid before the effective date of this regulation. The request for a refund must be:

- (a) In writing;
- (b) Signed by the licensee;
- (c) Notarized; and
- (d) Submitted to the Health Division on or before February 1, 2011.

3. The Health Division shall, upon receipt of a request for a refund submitted pursuant to subsection 2:

- (a) Revoke the license of the licensee who requests the refund; and
- (b) Refund the fee for which the refund request has been submitted.

Sec. 6. 1. This section and sections 2 to 5, inclusive, of this regulation become effective upon filing with the Secretary of State.

2. Section 1 of this regulation becomes effective on July 1, 2011.