

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

LCB File No. R122-05

September 28, 2005

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

AUTHORITY: §§1-6, 9 and 10; NRS 449.037; §§7 and 8, NRS 439.150 and 449.037.

A REGULATION relating to residential facilities for groups; requiring certain residential facilities for groups to submit applications for resurveys of those facilities; establishing the fee for such a resurvey; requiring a residential facility for groups to display in a conspicuous place in a public area of the facility a placard issued by the Bureau of Licensure and Certification of the Health Division of the Department of Health and Human Services; and providing other matters properly relating thereto.

Section 1. Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

Sec. 2. *“Grade” means a letter that is assigned to a residential facility by the Bureau based on the severity and scope scores of the facility as determined by the Bureau.*

Sec. 3. *“Placard” means a certificate issued to a residential facility by the Bureau that includes the grade assigned to the facility by the Bureau.*

Sec. 4. *“Severity and scope score” has the meaning ascribed to it in NAC 449.99839.*

Sec. 5. 1. *The Bureau shall determine:*

(a) The severity of a deficiency of a residential facility in accordance with the provisions of NAC 449.99861; and

(b) The scope of a deficiency of a residential facility in accordance with the provisions of NAC 449.9986.

2. After the Bureau conducts a survey of a residential facility, the Bureau shall add the severity and scope scores for all deficiencies of the facility indicated in the survey and assign a grade to the facility as follows:

<i>Sum of Severity and Scope Scores</i>	<i>Grade</i>
<i>0 to 15 points</i>	<i>A</i>
<i>At least 16 points but not more than 24 points, or any deficiency with a severity level of 3 and a scope level of 3</i>	<i>B</i>
<i>At least 25 points but not more than 34 points, or any deficiency with a severity level of 4 and a scope level of 1</i>	<i>C</i>
<i>At least 35 points, or any deficiency with a severity level of 4 and a scope level of at least 2</i>	<i>D</i>

Sec. 6. 1. *After the Bureau assigns a grade to a residential facility pursuant to section 5 of this regulation, the Bureau shall issue a placard to the residential facility.*

2. The administrator shall, within 24 hours after receipt of the placard, display or cause the placard to be displayed conspicuously in a public area of the residential facility.

3. If the placard is not displayed in accordance with the provisions of subsection 2, the Bureau will assess against the residential facility a deficiency with a severity and scope score equal to the highest severity and scope score indicated in the most recent survey of the facility conducted by the Bureau.

Sec. 7. 1. *If the Bureau issues a placard to a residential facility that includes a grade of “B,” the administrator may submit an application to the Bureau for a resurvey of the facility not later than 30 days after the facility receives the placard. The fee for an application for a resurvey is \$300 and must accompany the application.*

2. If the Bureau issues a placard to a residential facility that includes a grade of “C” or “D,” the administrator must submit an application to the Bureau for a resurvey of the facility not later than 30 days after the facility receives the placard. The fee for an application for a resurvey is \$500 and must accompany the application.

3. The Bureau may revoke the license of a residential facility that is required to submit an application for a resurvey pursuant to subsection 2 if the facility fails to submit the application in accordance with the provisions of that subsection.

4. As used in this section, “resurvey” has the meaning ascribed to it in NAC 449.99838.

Sec. 8. NAC 449.0114 is hereby amended to read as follows:

449.0114 1. Upon receipt of a license, the licensee shall display the license at a conspicuous location within the facility.

2. During the term of the license, the licensee shall continuously maintain the facility in conformance with the provisions of this chapter and chapter 449 of NRS.

3. If there is a transfer of the real property on which the facility is located, but no change in the operator of the facility, the licensee shall, within 10 days, notify the Health Division of the transfer in writing and provide the Health Division with a copy of any lease agreement relating to the transfer.

4. If there is a change in the administrator of the facility, the licensee shall notify the Health Division of the change within 10 days. The notification must provide evidence that the new administrator is currently licensed pursuant to chapter 654 of NRS and the regulations adopted pursuant thereto. *If the licensee fails to notify the Health Division and submit an application for a new license within 10 days after the change, the licensee shall pay to the Health Division a fee in an amount equal to 150 percent of the fee required for a new application set forth in subsection 1 of NAC 449.0168.*

5. A licensee shall notify the Health Division immediately of any change in the ownership of, the location of, or the services provided at, the facility.

Sec. 9. NAC 449.0115 is hereby amended to read as follows:

449.0115 1. An applicant for a license or the renewal of a license to operate a medical facility ~~[]~~ or facility for the dependent ~~[for program of hospice care]~~ who wishes or is required ~~[pursuant to NAC 449.15359, 449.4063, 449.6114, 449.6135, 449.74543 or 449.97026]~~ to have building plans for new construction or remodeling reviewed by the Health Division must:

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

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

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

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

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

Sec. 10. NAC 449.156 is hereby amended to read as follows:

449.156 As used in NAC 449.156 to 449.2768, inclusive, *and sections 2 to 7, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 449.1565 to 449.178, inclusive, *and sections 2, 3 and 4 of this regulation* have the meanings ascribed to them in those sections.