

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

LCB File No. R076-01

July 24, 2001

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

AUTHORITY: §§1-5 and 7, NRS 439.150, 449.037 and 449.050; §§6 and 8, NRS 449.037.

Section 1. NAC 449.0165 is hereby amended to read as follows:

449.0165 *1.* An applicant for a license or the renewal of a license to operate a medical facility, facility for the dependent or program of hospice care who wishes or is required pursuant to NAC 449.15359 or 449.4063 to have building plans for new construction or remodeling reviewed by the health division must:

~~[1.]~~ *(a)* Submit to the health division ~~[the building plans and his]~~ *or have on file a current application for a license or renewal of a license; ~~[and~~*

~~—2.]~~ *(b)* Pay to the health division ~~[-~~

~~—(a) For the initial review of each plan submitted, a fee of \$360; and~~

~~—(b) For each subsequent review of a plan submitted, a fee of \$130.]~~ *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 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 ~~fees~~ *costs* required to be paid pursuant to ~~this~~ 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. 2. NAC 449.081 is hereby amended to read as follows:

449.081 1. Building plans for new construction or remodeling may be submitted to the *entity designated to review such plans by the* health division ~~for review~~ pursuant to the provisions of NAC 449.0165.

2. The health division shall not approve the plans for licensing until all construction has been completed and a survey is conducted at the site.

Sec. 3. NAC 449.6114 is hereby amended to read as follows:

449.6114 Before the construction of a facility or alteration to an existing obstetric center is begun, the ~~architectural plans and specifications~~ *building plans* for the construction may be submitted to the *entity designated to review such plans by the* health division ~~for review~~ pursuant to the provisions of NAC 449.0165.

Sec. 4. NAC 449.6135 is hereby amended to read as follows:

449.6135 A person may submit ~~architectural plans and specifications of~~ *building plans for* new construction or remodeling of an independent center for emergency medical care to the *entity designated to review such plans by the* health division pursuant to the provisions of NAC 449.0165 to determine whether the *building* plans ~~and specifications~~ comply with the provisions of NAC 449.61302 to 449.61384, inclusive. The health division may make recommendations for compliance with those provisions.

Sec. 5. NAC 449.686 is hereby amended to read as follows:

449.686 1. An applicant for a license to operate an intermediate care facility must contact the health division before opening, constructing, leasing or purchasing a building.

2. Upon a change of operating ownership, a building must meet current regulations, building and life safety codes. The health division will furnish to a prospective buyer or lessee information about changes needed and a history of past deficiencies with the written permission of the current owner or lessee.

3. Building plans for new construction or remodeling may be submitted to the *entity designated to review such plans by the* health division ~~[for review]~~ pursuant to the provisions of NAC 449.0165.

4. The health division shall not approve the plans for licensing until all construction has been completed and a survey is conducted at the site.

Sec. 6. NAC 449.74543 is hereby amended to read as follows:

449.74543 1. A facility for skilled nursing must be designed, constructed, equipped and maintained in a manner that protects the health and safety of the patients and personnel of the facility and members of the general public.

2. Except as otherwise provided in this section:

(a) A facility for skilled nursing shall comply with the provisions of the *NFPA 101: Life Safety Code*, adopted by reference pursuant to NAC 449.74541.

(b) Any construction or remodeling of a facility for skilled nursing must comply with *Guidelines for Design and Construction of Hospital and Healthcare Facilities*, adopted by reference pursuant to NAC 449.74541:

(1) Except for section 1.2 of the introduction to the guidelines governing renovations; and

(2) Unless the remodeling is limited to refurbishing an area within the facility, including, without limitation, painting the area, replacing the flooring, repairing windows, or replacing window and wall coverings.

3. A facility for skilled nursing shall be deemed to be in compliance with the provisions of subsection 2 if:

(a) The facility is licensed on January 1, 1999, the use of the physical space in the facility is not changed and there are no deficiencies in the construction of the facility that are likely to cause serious injury, harm or impairment to the public health and welfare; or

(b) The facility has submitted building plans to the bureau before February 1, 1999, and:

(1) The bureau determines that the plans comply with standards for construction in effect before December 11, 1998;

(2) The facility is constructed in accordance with those standards;

(3) Construction of the facility is begun before August 1, 1999; and

(4) There are no deficiencies in the construction of the facility that are likely to cause serious injury, harm or impairment to the public health and welfare.

4. A facility for skilled nursing shall comply with all applicable:

(a) Federal and state laws;

(b) Local ordinances, including, without limitation, zoning ordinances; and

(c) Life safety, environmental, health, building and fire codes,

FLUSH related to the construction and maintenance of the facility. If there is a difference between state and local requirements, the more stringent requirements apply.

5. A facility for skilled nursing may submit building plans for new construction or remodeling to the **[bureau]** *entity designated to review such plans by the health division*

pursuant to NAC 449.0165. The ~~[bureau's]~~ *entity's* review of those plans is advisory only and does not constitute approval for the licensing of the facility. The bureau shall not approve a facility for licensure until all construction is completed and a survey is conducted at the site of the facility.

Sec. 7. NAC 449.833 is hereby amended to read as follows:

449.833 1. The state board of health hereby adopts by reference the *Uniform Building Code*, 1994 edition. A copy of the code may be obtained from the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, for the price of \$173.75.

2. The construction of a new facility must be in accordance with the *Uniform Building Code*, 1994 edition, and the *Life Safety Code 101*, 1994 edition.

3. Fire alarms must be manually operated and connected to an electrically supervised system. Each alarm signal must be coded to indicate the location of the station of origin.

4. The facility must contain a device for emergency radio communications to be prepared for disasters.

5. The radio system must be self-sufficient in an emergency and be capable of operation without reliance on the building's service or the emergency power system. The radio system must be linked with state and community communication networks.

6. Building plans for the construction of a new facility or for remodeling an existing facility may be submitted to the *entity designated to review such plans by the* health division ~~[for review]~~ pursuant to the provisions of NAC 449.0165.

7. The health division shall not approve the plans for licensing until all construction has been completed and a survey is conducted at the site.

Sec. 8. NAC 449.9843 is hereby amended to read as follows:

449.9843 1. Except as otherwise provided in this section:

(a) An ambulatory surgical center shall comply with the provisions of the *NFPA 101: Life Safety Code*, adopted by reference pursuant to NAC 449.9841.

(b) Any construction or remodeling of an ambulatory surgical center must comply with *Guidelines for Design and Construction of Hospital and Healthcare Facilities*, adopted by reference pursuant to NAC 449.9841:

(1) Except for section 1.2 of the introduction to the guidelines governing renovations;

(2) Unless the remodeling is limited to refurbishing an area within the center, including, without limitation, painting the area, replacing flooring, repairing windows, or replacing window or wall coverings; and

(3) Except for those provisions of the guidelines related to rooms for the use of lasers.

(c) Any construction or remodeling of a room for the use of lasers in an ambulatory surgical center must comply with the provisions of *Standard 9.5F2* of the American Institute of Architects, adopted by reference pursuant to NAC 449.9841.

2. An ambulatory surgical center shall be deemed to be in compliance with the provisions of subsection 1 if:

(a) The center is licensed on February 1, 1999, the use of the physical space in the center is not changed and there are no deficiencies in the construction of the center that are likely to cause serious injury, harm or impairment to the public health and welfare; or

(b) The center has submitted building plans to the bureau before February 1, 1999, and:

(1) The bureau determines that the plans comply with standards for construction in effect before December 11, 1998;

(2) The center is constructed in accordance with those standards;

(3) Construction of the center is begun before August 1, 1999; and

(4) There are no deficiencies in the construction of the center that are likely to cause serious injury, harm or impairment to the public health and welfare.

3. An ambulatory surgical center shall comply with all applicable:

- (a) Federal and state laws;
- (b) Local ordinances, including, without limitation, zoning ordinances; and
- (c) Life safety, environmental, health, building and fire codes.

FLUSH If there is a difference between state and local requirements, the more stringent requirements apply.

4. An ambulatory surgical center may submit building plans for new construction or remodeling to the ~~{bureau}~~ *entity designated to review such plans by the health division* pursuant to NAC 449.0165. The ~~{bureau's}~~ *entity's* review of those plans is advisory only and does not constitute approval for the licensing of the center. The bureau shall not approve a center for licensure until all construction is completed and a survey is conducted at the site of the center.