

Errata – LCB File No. R109-18.

*Blue italic* = Proposed language found in LCB File No. R109-18

*Green italic* = Proposed revisions to LCB File No. R109-18.

~~*Red italic bold bracketed strikethrough*~~ = Proposed omission in Errata to current LCB File No. R109-18 draft.

**Sec. 13. 1. *A caregiver of a residential facility may perform a task described in NRS 449.0304 if the caregiver:***

*(a) Before performing the task, annually thereafter and when any device used for performing the task is changed:*

*(1) Has received training concerning the task that meets the requirements of subsection 5; and*

*(2) Has demonstrated an understanding of the manner in which the task must be performed;*

*(b) Follows the manufacturer's instructions when operating any device used for performing the task;*

*(c) Performs the task in conformance with the Clinical Laboratory Improvement Amendments of 1988, Public Law 100-578, 42 U.S.C. § 263a, if applicable, and any other applicable federal law or regulation; and*

*(d) If the resident has diabetes, complies with the requirements of subsection 3 and NAC 449.2726.*

*2. If a person with diabetes who is a resident does not have the physical or mental capacity to perform a blood glucose test on himself or herself and a caregiver of the residential facility performs ~~for or assists with the performance of~~ a blood glucose test on the resident:*

*(a) The caregiver shall be deemed to perform the blood glucose test and must comply with all applicable requirements prescribed by this section; and*

*(b) The Clinical Laboratory Improvement Amendments of 1988, Public Law 100-578, 42 U.S.C. § 263a shall be deemed to be applicable for the purposes of paragraph (c) of subsection 1.*

*3. If a caregiver conducts a blood glucose test, the caregiver must ensure that the device for monitoring blood glucose is not used on more than one person.*

*4. A caregiver may weigh a resident of a residential facility only if:*

*(a) The caregiver has received training on the manner in which to weigh a person that meets the requirements of subsections 5 and 6; and*

*(b) The resident has consented to being weighed by the caregiver.*

*5. Any training described in this section must be provided by:*

*(a) A physician, physician assistant, licensed nurse;*

*(b) A pharmacist who provides the training described in this section as it pertains to the tasks noted in NRS 449.0304 (1) (b) and (c); or*

~~*(b)*~~ *(c) An employee of the residential facility who has:*

*(1) Received training pursuant to paragraph (a) of subsection 1 or paragraph (a) of subsection 4, as applicable, from a physician, physician assistant or licensed nurse;*

*(2) At least 1 year of experience performing the task for which he or she is providing training; and*

*(3) Demonstrated competency in performing the task for which he or she is providing*

*training.*

*6. Any training described in this section must include, without limitation:*

- (a) Instruction concerning how to accurately perform the task for which the caregiver is being trained in conformance with nationally recognized infection control guidelines which may include, without limitation, guidelines published by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;*
- (b) Instruction concerning how to accurately interpret the information obtained from performing the task; and*
- (c) A description of any action, including, without limitation, notifying a physician, that must be taken based on such information.*

**Sec. 14. 1. A personal assistant may perform a task described in NRS 449.4309 if the personal assistant:**

*(a) Before performing the task, annually thereafter and when any device used for performing the task is changed:*

*(1) Receives training concerning the task that meets the requirements of subsection 6; and*

*(2) Demonstrates an understanding of the task;*

*(b) Follows the manufacturer's instructions when operating any device used for performing the task;*

*(c) Performs the task in conformance with the Clinical Laboratory Improvement Amendments of 1988, Public Law 100-578, 42 U.S.C. § 263a, if applicable, and any other applicable federal law or regulation; and*

*(d) Complies with the requirements of subsection 3 or 4, if applicable.*

*2. If a person with diabetes who is a client of an intermediary service organization does not have the physical or mental capacity to perform a blood glucose test on himself or herself and a personal assistant performs ~~for assists with the performance of~~ a blood glucose test on the client:*

*(a) The personal assistant shall be deemed to perform the blood glucose test and must comply with all applicable requirements prescribed by this section; and*

*(b) The Clinical Laboratory Improvement Amendments of 1988, Public Law 100-578, 42 U.S.C. § 263a shall be deemed to be applicable for the purposes of paragraph (c) of subsection 1.*

*3. In addition to satisfying the requirements of subsection 1, a personal assistant who conducts a blood glucose test must ensure that the device for monitoring blood glucose is not used on more than one person.*

*4. A personal assistant may assist a client in the administration of insulin prescribed to the client for his or her diabetes and furnished by a registered pharmacist through an autoinjection device approved by the United States Food and Drug Administration for use in the home in accordance with the requirements of subsection 1 if:*

*(a) A physician, physician assistant or advanced practice registered nurse has determined that the client's physical and mental condition is stable and following a predictable course; and*

*(b) The amount of the insulin prescribed to the client is at a maintenance level and does not require a daily assessment, including, without limitation, the use of a sliding scale.*

5. A personal assistant may weigh a client of an intermediary service organization only if:
- (a) The personal assistant has received training on the manner in which to weigh a person that meets the requirements of subsections 6 and 7; and
  - (b) The client has consented to being weighed by the personal assistant.
6. Any training described in this section must be provided by:
- (a) A physician, physician assistant, licensed nurse;
  - (b) A pharmacist who provides the training described in this section as it pertains to the tasks noted in NRS 449.0304 (1) (b) and (c); or
  - ~~[(b)]~~ (c) An employee of the intermediary service organization who has:
    - (1) Received training pursuant to paragraph (a) of subsection 1 or paragraph (a) of subsection 5, as applicable, from a physician, physician assistant or licensed nurse;
    - (2) At least 1 year of experience performing the task for which he or she is providing training; and
    - (3) Demonstrated competency in performing the task for which he or she is providing training.
7. Any training described in this section must include, without limitation:
- (a) Instruction concerning how to accurately perform the task for which the personal assistant is being trained in conformance with nationally recognized infection control guidelines which may include, without limitation, guidelines published by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;
  - (b) Instruction concerning how to accurately interpret the information obtained from performing the task; and
  - (c) A description of any action, including, without limitation, notifying a physician, that must be taken based on such information.

**Sec. 15. 1.** An attendant may perform a task described in NRS 449.4309 if the attendant:

- (a) Before performing the task, annually thereafter and when any device used for performing the task is changed:
    - (1) Receives training concerning the task that meets the requirements of subsection 6; and
    - (2) Demonstrates an understanding of the task;
  - (b) Follows the manufacturer's instructions when operating any device used for performing the task;
  - (c) Performs the task in conformance with the Clinical Laboratory Improvement Amendments of 1988, Public Law 100-578, 42 U.S.C. § 263a, if applicable, and any other applicable federal law or regulation; and
  - (d) Complies with the requirements of subsection 3 or 4, if applicable.
2. If a person with diabetes who is a client of an agency does not have the physical or mental capacity to perform a blood glucose test on himself or herself and an attendant performs ~~for assists with the performance of~~ a blood glucose test on the client:
- (a) The attendant shall be deemed to perform the blood glucose test and must comply with all applicable requirements prescribed by this section; and
  - (b) The Clinical Laboratory Improvement Amendments of 1988, Public Law 100-578, 42 U.S.C. § 263a shall be deemed to be applicable for the purposes of paragraph (c) of subsection 1.

*3. In addition to satisfying the requirements of subsection 1, an attendant who conducts a blood glucose test must ensure that the device for monitoring blood glucose is not used on more than one person.*

*4. An attendant may assist a client in the administration of insulin prescribed to the client for his or her diabetes and furnished by a registered pharmacist through an auto-injection device approved by the United States Food and Drug Administration for use in the home in accordance with the requirements of subsection 1 if:*

*(a) A physician, physician assistant or advanced practice registered nurse has determined that the client's physical and mental condition is stable and following a predictable course; and*

*(b) The amount of the insulin prescribed to the client is at a maintenance level and does not require a daily assessment, including, without limitation, the use of a sliding scale.*

*5. An attendant may weigh a client of an agency only if:*

*(a) The attendant has received training on how to accurately weigh persons that meets the requirements of subsections 6 and 7; and*

*(b) The client has consented to being weighed by the attendant.*

*6. Any training described in this section must be provided by:*

*(a) A physician, physician assistant, licensed nurse;*

*(b) A pharmacist who provides the training described in this section as it pertains to the tasks noted in NRS 449.0304 (1) (b) and (c); or*

~~*(b)*~~ *(c) An employee of the agency who has:*

*(1) Received training pursuant to paragraph (a) of subsection 1 or paragraph (a) of subsection 5, as applicable, from a physician, physician assistant or licensed nurse;*

*(2) At least 1 year of experience performing the task for which he or she is providing training; and*

*(3) Demonstrated competency in performing the task for which he or she is providing training.*

*7. Any training described in this section must include, without limitation:*

*(a) Instruction concerning how to accurately perform the task for which the attendant is being trained in conformance with nationally recognized infection control guidelines which may include, without limitation, guidelines published by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;*

*(b) Instruction concerning how to accurately interpret the information obtained from performing the task; and*

*(c) A description of any action, including, without limitation, notifying a physician, that must be taken based on such information.*

**Sec. 16. 1. An employee of a facility may perform a task described in NRS 449.4309 if the employee:**

*(a) Before performing the task, annually thereafter and when any device used for performing the task is changed:*

*(1) Receives training concerning the task that meets the requirements of subsection 6; and*

*(2) Demonstrates an understanding of the task;*

*(b) Follows the manufacturer's instructions when operating any device used for performing the task;*

*(c) Performs the task in conformance with the Clinical Laboratory Improvement*

*Amendments of 1988, Public Law 100-578, 42 U.S.C. § 263a, if applicable, and any other applicable federal law or regulation; and*

*(d) Complies with the requirements of subsection 3 or 4, if applicable.*

*2. If a person with diabetes who is a client of a facility does not have the physical or mental capacity to perform a blood glucose test on himself or herself and an employee of the facility performs ~~for assists with the performance of~~ a blood glucose test on the client:*

*(a) The employee shall be deemed to perform the blood glucose test and must comply with all applicable requirements prescribed by this section; and*

*(b) The Clinical Laboratory Improvement Amendments of 1988, Public Law 100-578, 42 U.S.C. § 263a shall be deemed to be applicable for the purposes of paragraph (c) of subsection 1.*

*3. In addition to satisfying the requirements of subsection 1, an employee of a facility who conducts a blood glucose test must ensure that the device for monitoring blood glucose is not used on more than one person.*

*4. An employee of a facility may assist a client in the administration of insulin prescribed to the client for his or her diabetes and furnished by a registered pharmacist through an auto--injection device approved by the United States Food and Drug Administration for use in the home in accordance with the requirements of subsection 1 if:*

*(a) A physician, physician assistant or advanced practice registered nurse has determined that the client's physical and mental condition is stable and following a predictable course; and*

*(b) The amount of the insulin prescribed to the client is at a maintenance level and does not require a daily assessment, including, without limitation, the use of a sliding scale.*

*5. An employee of a facility may weigh a client of the facility only if:*

*(a) The employee has received training on how to accurately weigh persons that meets the requirements of subsections 6 and 7; and*

*(b) The client has consented to being weighed by the employee.*

*6. Any training described in this section must be provided by:*

*(a) A physician, physician assistant, licensed nurse;*

*(b) A pharmacist who provides the training described in this section as it pertains to the tasks noted in NRS 449.0304 (1) (b) and (c); or*

~~*(b)*~~ *(c) An employee of the facility who has:*

*(1) Received training pursuant to paragraph (a) of subsection 1 or paragraph (a) of subsection 5, as applicable, from a physician, physician assistant or licensed nurse;*

*(2) At least 1 year of experience performing the task for which he or she is providing training; and*

*(3) Demonstrated competency in performing the task for which he or she is providing training.*

*7. Any training described in this section must include, without limitation:*

*(a) Instruction concerning how to accurately perform the task for which the employee is being trained in conformance with nationally recognized infection control guidelines which may include, without limitation, guidelines published by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;*

*(b) Instruction concerning how to accurately interpret the information obtained from performing the task; and*

*(c) A description of any action, including, without limitation, notifying a physician, that*

*must be taken based on such information.*

Rationale

- 1) Removes wording so that the requirement to obtain a CLIA certificate is not more stringent than federal regulations. Keeps the requirement to obtain a CLIA certificate in line with federal requirements.
- 2) Allows pharmacists to train caregivers to use an autoinjection device to administer insulin to residents and to perform waived glucose tests. This gives facilities greater flexibility in the type of qualified healthcare professional that could perform these functions.