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## NOTICE OF PUBLIC WORKSHOP

NOTICE IS HEREBY GIVEN that the Division of Public and Behavioral Health will hold a public workshop to consider amendments to Nevada Administrative Code (NAC), Chapter 449.

The workshop will be conducted in-person, by phone and virtually beginning at 9:00 AM on April 24, 2024, via the following:

- Join on your computer, mobile app or room device: [Click here to join the meeting](#)
- Call in (audio only): 1-775-321-6111 (Phone Conference ID: 249 090 194#)
- Attend in person:  
Division of Public and Behavioral Health  
Bureau of Health Care Quality and Compliance  
727 Fairview Drive, Suite E  
Carson City, NV 89701

The workshop will be conducted in accordance with NRS 241.020, Nevada's Open Meeting Law.

### AGENDA

1. Introduction of workshop process
2. Public comment on proposed amendments to Nevada Administrative Code, Chapter 449
3. Public Comment

The proposed changes will revise Chapter 449 of the Nevada Administrative Code and are being proposed in accordance with Senate Bill 146 and Senate Bill 298 of the 82nd legislative session (2023), NRS 449.0302, and NRS 449.1935.

The proposed regulations provide provisions for the following:

- Brings current regulations into conformance with Senate Bill 146 of the 82nd Legislative Session (2023) related to authorizing a certified nurse-midwife to perform a physical examination or obtain a medical history before or after a patient is admitted to a hospital for the purpose of giving birth.
- Currently rural clinics do not have a set of state regulatory standards. The proposed regulations adopt the federal regulatory standards for rural clinics.
- Currently home health agencies have a surety bond requirement, but hospice care providers do not. This adds a requirement that hospice providers have a surety bond.
- Addresses visitation in a facility for the dependent.
- Addresses confidentiality of inspection and complaint investigations.
- Addresses use of volunteers in homes for individual for residential care.
- Authorizes certified nurse midwives to perform physical examinations in a hospital.
- Establishes educational and training requirements for mental health technicians and psychiatric

technicians and exempts mental health technicians who work in State hospitals as they have established requirements in State statutes and regulations.

- Addresses the use of home health and hospice services in a residential facility for groups.
- Provides criteria for a residential facility for groups to accept or retain a resident with a peripherally inserted central catheter or a peritoneal catheter.
- Requires the use of an inter-facility infection control transfer form to be used when transferring a patient with a current infection, colonization or a history of a positive culture of a multi-drug resistant organism or other potentially transmissible infectious organism when transferring a patient from one licensed health care facility to another licensed health care facility.
- For general licensure requirements clarifies that at least one personal reference is needed, instead of providing a copy of the business license requires the business identification number be provided and removes the requirement for an applicant that is a corporation to submit a copy of its bylaws and articles of incorporation.
- Increased the time frame from 10 to 30 days from the date of the change for a facility to submit a change of administrator application and assess a late fee if it is not submitted within 30 days instead of 10 days currently in regulations.
- Refers the definition of a psychiatric residential treatment facility back to the statutory definition instead of a regulatory definition.
- Health facilities that have a change to their license must pay a fee to do so in accordance with NAC 449.0168 but if facilities are added through the statutory or regulatory process and are not included in the definition of a medical facility or facility for the dependent they fall out of this requirement. This adds in such facilities (employment agency to provide nonmedical services, outpatient facility, recovery center, psychiatric residential treatment facility) so they also have to pay the fee to modify their license.
- Instead of the Division providing a copy of standards set forth in 42 CFR Part 2, as it relates to Facilities for the Treatment of Alcohol or Other Substance Use Disorders, it notes the webpage in which a person can go and obtain a copy of the standards free of charge.
- Removes the word “ironed” as it relates to linen from several sections.
- Updates the Bureau’s name to its current name, Bureau of Health Care Quality and Compliance.
- Updates CPR requirements to include an in person hands-on practical training component in several sections.
- Makes the regulatory language clearer as to which residents are not admissible into a residential facility for groups, when waivers are required for admission and when they are not. It also allows a patient of a hospice program to be admitted into a residential facility for groups without prior approval so long as the resident is retained pursuant to subsection 5 of Section 41 of the proposed regulations.
- Brings the regulations into conformance with SB 298 of the 82nd Legislative Session (2023) as it relates to involuntary discharges from residential facilities for groups.
- Omits provisions in regulations that were determined to be an extra burden on industry without adding a benefit to public safety.
- Expands the scope of services that can be provided by personal care attendants working at a personal care agency.
- Adopts the federal visitation guidelines for skilled nursing facilities.
- Proposes changes to LCB File No. R048-22 to allow, in addition to a physician, a physician assistant or advanced practice registered nurse to serve on the Committee to provide quarterly reviews of sampled patient records receiving services from a home health agency.
- Clarifies the fees to be assessed pursuant to NAC 449.0168 (1) (d) by providing specific references to

regulations and statutes instead of using the broad term “in the type of facility licensed or the addition of another type of facility to be licensed.”

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence may submit the material to Leticia Metherell, Health Program Manager, via fax, email or by mail at the following address:

Division of Public and Behavioral Health  
Bureau of Health Care Quality and Compliance  
727 Fairview Drive, Suite E  
Carson City, NV 89701  
775-684-1073 (fax)  
[lmetherell@health.nv.gov](mailto:lmetherell@health.nv.gov) (e-mail)

Members of the public who require special accommodations or assistance at the workshop are required to notify Leticia Metherell in writing to the Division of Public and Behavioral Health, via fax, email or by mail using the information provided above, or by calling 775-684-1045 at least five (5) working days prior to the date of the public workshop.

You may contact Leticia Metherell by calling 775-684-1045 for further information on the proposed regulations or how to obtain copies of the supporting documents.

A copy of the notice and the proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

Division of Public and Behavioral Health  
727 Fairview Drive, Suite E  
Carson City, NV

Nevada State Library and Archives  
100 Stewart Street  
Carson City, NV

Division of Public and Behavioral Health  
4220 S. Maryland Parkway, Suite 100, Bldg. A  
Las Vegas, NV

A copy of the regulations and small-business impact statement can be found on the Division of Public and Behavioral Health’s web page:

[https://dphh.nv.gov/Reg/HealthFacilities/State\\_of\\_Nevada\\_Health\\_Facility\\_Regulation\\_Public\\_Workshops/](https://dphh.nv.gov/Reg/HealthFacilities/State_of_Nevada_Health_Facility_Regulation_Public_Workshops/)

A copy of the public workshop notice can also be found at Nevada Legislature’s web page:

<https://www.leg.state.nv.us/App/Notice/A/>

A copy of this notice has been posted at the following locations:

1. Division of Public and Behavioral Health, 4150 Technology Way, First Floor Lobby, Carson City
2. Nevada State Library and Archives, 100 Stewart Street, Carson City
3. Legislative Building, 401 S. Carson Street, Carson City
4. Southern Nevada Health District, 280 S Decatur Blvd., Las Vegas
5. Washoe County District Health Department, 9th St. and Wells Ave., Reno

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at (775) 684-1030 in Carson City or (702) 486-6515 in Las Vegas.

Per NRS 233B.064(2), upon adoption of any regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.