

STATE OF NEVADA

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February 5, 2016

MEMORANDUM

To: Stephen Kendall Jones, MD, Chairperson
State Board of Health

From: Cody Phinney, Secretary
State Board of Health

Re: Case #677, Las Ventanas Retirement Community

The Division of Public and Behavioral Health received a request for variance to NAC 449.218(3).

The regulation states, "The combined size of the panes of glass of the windows in a bedroom in a facility that was issued a license on or after January 14, 1997, must equal not less than 10 percent of the floor space in the room."

STAFF REVIEW

Las Ventanas Retirement Community is a 60 bed residential facility for groups which provides assisted living services for elderly or disabled persons and/or mentally retarded adults Category 2 residents. The facility submitted an application on September 11, 2015 to add 16 Residential beds for persons with Alzheimer's disease.

During the facility's 80% completion of inspection on November 30, 2015 and a follow up inspection on December 30, 2015, it was determined eight bedroom windows failed to meet at least 10 percent of the floor space in the room. Listed below are the measurements of eight bedroom windows involved:

Bedroom # 100
Floor Space: 163.54 square feet
Window pane 14.06 square feet
The window pane measured to 8.6% of the floor space in the room

Bedroom #101
Floor Space: 163.54 square feet
Window pane 14.06 square feet
The window pane measured to 8.6% of the floor space in the room

Bedroom #102

Floor Space: 143.50 square feet

Window pane 14.06 square feet

The window pane measured to 9.8% of the floor space in the room

Bedroom #103

Floor Space: 143.50 square feet

Window pane 14.06 square feet

The window pane measured to 9.8% of the floor space in the room

Bedroom #104

Floor Space: 199.59 square feet

Window pane 17.81 square feet

The window pane measured to 8.92% of the floor space in the room

Bedroom #105

Floor Space: 199.59 square feet

Window pane 17.81 square feet

The window pane measured to 8.92% of the floor space in the room

Bedroom #110

Floor Space: 182.49 square feet

Window pane 11.41 square feet

The window pane measured to 6.25% of the floor space in the room

Bedroom #111

Floor Space: 245.89 square feet

Window pane 11.41 square feet

The window pane measured to 4.64% of the floor space in the room

Although the above mentioned windows were not in compliance, it was determined the facility was in substantial compliance with regulations overall, so the additional 16 beds for persons with Alzheimer disease were authorized provisionally until the hearing of this variance request.

Another facility (Sterling Ridge) applied for a similar variance in 2015 and that variance was approved.

INTENT OF THE REGULATION

The intent of the regulation is to provide sufficient window size to provide ambient light in the room as a quality of life measure.

DEGREE OF RISK TO HEALTH AND SAFETY

The State Fire Marshall approved the facility with a Certificate of Compliance. The bedrooms have a large amount of floor space which benefits the residents but as a consequence, it negatively impacted the floor to window size percentages. The windows are arranged so that ambient light appears adequate.

EXCEPTIONAL AND UNDUE HARDSHIP

To meet the regulation the facility would be required to replace eight existing windows. According to the contractors report; the scope of this project would involve demolition, framing, windows and installation, exterior wall sheathing, insulation, stucco and gypsum board, millwork, paint and reinstall blinds. The quote for this project is \$50,852.00.

PUBLIC COMMENT RECEIVED

None

STAFF RECOMMENDATION

Staff recommends that the Board of Health approve Case #677: Las Ventanas Retirement Community, request for variance to NAC 449.218(3) regarding floor space to window size percentages.

PRESENTER

Kyle Devine, Chief, Bureau of Health Care Quality and Compliance