



**DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIRECTOR'S OFFICE**

**OFFICE OF MINORITY HEALTH & EQUITY**

555 E. Washington Avenue, Suite 4800

Las Vegas, Nevada 89101

Telephone (702) 486 - 2151 • Fax (702) 486 - 3586

<http://dhhs.nv.gov/Programs/CHA/MH/>

**November 14, 2018**

**Memorandum**

To: Dr. Jon Pennell, Chair  
Nevada State Board of Health

From: Tina Dortch, Program Manager  
Nevada Office of Minority Health and Equity (NOMHE)

Re: **NRS.232.482** There is hereby created in the Office an Advisory Committee consisting of nine voting members appointed by the Department and State Board of Health.

In accordance with Nevada Revised Statutes (NRS) 232.482, it is the responsibility of the State Board of Health to appoint six members of the Nevada Office of Minority Health and Equity (NOMHE) Advisory Committee on Minority Health (i.e. AC), as detailed below:

1. The Director of the Department shall appoint three members who have an interest in health issues related to minority groups.
2. The State Board of Health shall appoint:
  - a. Three members representing each geographic region of the State, including one member who resides in southern Nevada, one member who resides in northern Nevada and one member who resides in rural Nevada;
  - b. One member who is a representative of a non-profit organization located in the state;
  - c. One provider of health care in this state; and
  - d. One member of the public at large.
3. One Legislator who is appointed by the Legislative Commission shall serve on the Advisory Committee in an ex-officio, nonvoting capacity.

Of this inaugural board, four of the nine NOMHE seats are currently vacant. One candidate is being proposed to fill one of the vacancies. With this action, six seats (representing a quorum plus one) will be filled; four by Board of Health appointments.

### Staff Recommendation

Staff recommends that, effective with your ruling, the Nevada Board of Health appoint the following person to the Nevada Office of Minority Health and Equity Advisory Committee on Minority Health, to serve a two-year term:

- **Andrea Gregg** (Executive Director, High Sierra Area Health Education Center/AHEC)
  - *Representative based in **N Nevada** (Board of Health appointment)*

A copy of the candidate's resume is attached and a matrix denoting a selection process which addresses statutorily required ethic, geographic and professional diversity.

### Presenter

Tina Dortch, Program Manager, Nevada Office of Minority Health and Equity

## QUALIFICATIONS

Ten years of comprehensive non-profit management providing direction and oversight to business operations, sustainability plans, and all outreach and education initiatives. Objectives include multiple fundamentals and place emphasis on: quality and access to health care for target populations in need, health care workforce development, secondary education curriculum design, and promotion of community based health and wellness dedicated to prevention and control of chronic disease. Recognized for a high motivational level, the ability to promote and exemplify leadership, excellent organizational skills and a personal and professional commitment to the improvement of health quality and accessibility within our communities.

## PROFESSIONAL SKILLS

- Operations Management, Grant Compliance/Reporting, Strategic Planning, Sustainability
- Ability to build and maintain critical resource networks through collaboration and partnership
- Budget development, implementation and adherence
- Recruit, retain, motivate, delegate, evaluate and maintain efficient and effective, self-directed work teams, Board of Directors, program interns, and organizational volunteers
- Multifaceted program development, implementation, and evaluation

## EMPLOYMENT

High Sierra Area Health Education Center (AHEC) Reno, Nevada  
Executive Director (August 2010 – Present)  
Program Coordinator (August 2008 – August 2010)

Washoe County School District  
Student Wellness Policy, Administrative Regulation 5601  
Independent Consultant (September 2017 – Present)

Kaia FIT South Reno  
Co-Owner (September 2013 – March 2016)  
Personal Trainer/Coach/Health and Wellness Advocate (August 2012-Present)

## AWARDS, CERTIFICATIONS, AND RECOGNITION

- |  |            |
|--|------------|
| • QuickBooks Training/Certification, TMCC  | 2017       |
| • National AHEC HPV Grant Recognition/Article Feature                              | 2016       |
| • <i>Community Partner</i> Health Care Hero Award, Recipient                       | 2015       |
| • Reno-Tahoe Young Professionals Network/RGJ <i>20 Under 40 Award</i> , Nominee    | 2015       |
| • Advanced Grant Writing Certification   | 2011       |
| • Washoe County Medical Society Mini-Internship Program, Selected Intern           | 2010, 2017 |
| • Tobacco Dependence Treatment Program for Maternal and Child Health Certification | 2010       |
| • Excellence in Nonprofit Management Certification                                 | 2009       |

## EDUCATION

University of Nevada, Reno

Bachelor of Science, Health Ecology - 2008

## LEADERSHIP AND IMPACT

- Contractor for Washoe County School District (WCSD) Student Wellness Policy 2017- Present
- Reno Tahoe Tonight Lifestyle Editorial, Contributing Writer & Photographer 2015 – 2016
- National AHEC/CDC Human Papillomavirus (HPV) State Entity Grant Recipient 2014 - Present
- Development of Global Online Advanced Learning (GOAL), an online education platform that meets the State Governors Plan for Excellence in Economic Development 2013 - 2018
- Business development consultation for LLC of Kaia FIT South Reno, LLC 2012 - 2015
- Consultation with the Office of Rural Health on the development and statewide dissemination (four editions) of *Health Care Career's in Nevada* Exploration Manual 2011 - Present
- Consultation with the University of Nevada School of Medicine for the development and statewide dissemination of a community needs assessment evaluating rural access to health care and continuing education opportunities 2011 - 2013
- Lead developer for curriculum content, design, and implementation of *Project Prevent* 2009 - Present
- Lead developer for curriculum content, design, and implementation of *Health Care Heroes* an explorative summer camp in partnership with Extended Studies, UNR 2009 - Present

## MEMBERSHIPS AND COMMITTEES

- Truckee Meadows Healthy Communities (TMHC) – Steering Committee Member
- 2018-2020 Community Health Improvement Plan (CHIP) – Advising Member
- Washoe County School District Wellness Advisory Committee – Advising Member
- National Area Health Education Center (AHEC) Organization – Member
- Workforce Recruitment and Retention Planning Committee – Member

## VOLUNTEER ACTIVITIES

- Health Care Access Program (HCAP) Interview Committee 2013 – 2016
- Nevada State Health Division Fitness and Wellness Advisory Council 2012 – 2013
- Health Occupations Students of America (HOSA) State Competition Judge 2010 - Present
- Founder of *Keep Reno Warm* school/community based clothing and hygiene drive 2010 - 2016
- Nevada Hospital Association Trustee and Volunteer Nominations Judge 2010-2012

## REFERENCES AVAILABLE UPON REQUEST

**December 2018**

**NOMHE Advisory Committee on Minority Health (Board Composition)**

**Board of Health Recommended Appointment**

submitted for consideration - December 7, 2018

	Name	Ethnicity	N NV, S NV or Central NV	Notable Interest in Health Issues Re to Minorities	Nonprofit	Healthcare Provider	Representative from Public at Large
2	Andrea Gregg	Caucasian	Northern NV	Health -Related Curriculum Development and Needs Assessments, Committees, Program Mgmt	AHEH w/workforce diversity focus		

## June 2018 NOMHE Advisory Committee on Minority Health Board Composition

	Name	Ethnicity	N NV, S NV or Central NV	Notable Interest in Health Issues Re to Minorities	Nonprofit	Healthcare Provider	Representative from Public at Large
1	Cassandra Cotton	African American	Southern NV	Former NOMH Advisory Bd Mbr	Nathan Adelson Hospice and Donor Network		
2	Sam Lieberman (Director Appointed)	Caucasian	Southern NV	Easter Seals; NV PEP, Alzheimer's, Independent Mobility			
3	Andre Wade (Director Appointed)	African American	Southern NV	LGBTQ awareness, disparities, resources			
4	Dr. Barbara Atkinson	Caucasian	Southern NV	Commission to Study Bioethical Issues			
5	Andraya Dickens	Caucasian	Northern NV	Workshops, Committees	AHEC w/workforce diversity focus		
6	Jennifer Kawi	Asian/Pacific Islander	Southern NV			FQHC	



BRIAN SANDOVAL  
Governor



JULIE KOTCHEVAR, Ph.D.  
Administrator

RICHARD WHITLEY, MS  
Director

IHSAN AZZAM, Ph.D., M.D.  
Chief Medical Officer

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

Bureau of Health Care Quality and Compliance  
4220 S. Maryland Parkway, Suite 810, Building D  
Las Vegas, NV 89119  
Telephone (702) 486-6515 • Fax (702) 486-6520  
<http://dpbh.nv.gov>

November 14, 2018

**Memorandum**

To: Jon Pennell, Chairperson  
State Board of Health

From: Julie Kotchevar, Ph.D., Secretary  
State Board of Health

RE: Elite Medical Center

**Subject:** Case #696: Elite Medical Center Request for Variance to NAC 449.3154.2, *Guidelines for Design and Construction of Hospitals and Outpatient Facilities*, Sections 2.1-8.7.2.2 through 2.1-8.7.2.3, Elevator car number and elevator car size/dimension.

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**Staff Review**

NAC 449.3154.2 states, "Except as otherwise provided in this section, any new construction, remodeling or change in the use of a hospital must comply with the applicable provisions of the guidelines adopted by reference in paragraphs (c) and (d) of subsection 1 of NAC 449.0105, unless the remodeling is limited to refurbishing an area of the hospital, including, without limitation, painting the area, replacing the flooring in the area, repairing windows in the area and replacing window or wall coverings in the area."

NAC 449.0105.1.(c) states, "The State Board of Health hereby adopts by reference:

(c) *Guidelines for Design and Construction of Hospitals and Outpatient Facilities*, in the form most recently published by the Facility Guidelines Institute, unless the Board gives notice that the most recent revision is not suitable for this State pursuant to subsection 2. A copy of the guidelines may be obtained from the Facility Guidelines Institute AHA Services, Inc., P.O. Box 933283, Atlanta, Georgia 31193-3283, at the Internet address <http://www.fgiguideelines.org/> or by telephone at (800) 242- 2626, for the price of \$200."

*Guidelines for Design and Construction of Hospitals and Outpatient Facilities* (2014 Edition)

2.1-8.7.2.2 Elevator Number

(1) At least two hospital-type elevators shall be installed where 1 to 59 patient beds are located on any floor other than the main entrance floor.

**Staff Review - Continued**

2.1-8.7.2.3 Dimensions and clearances

- (1) Elevator cars/cabs shall have minimum inside clear dimensions of 5 feet 8 inches (1.73 meters) wide by 9 feet (2.74 meters) deep.
- (2) Elevator car/cab doors shall have a minimum clear width of 54 inches (137 centimeters) and a minimum height of 84 inches (213 centimeters).

Elite Medical Center is a newly licensed, two-story hospital with 22 medical/surgical inpatient beds. The facility is located in Las Vegas, near the Las Vegas Strip and Harmon Avenue. The inpatient beds are located on the second level, with an emergency department, laboratory, radiology department and all required support services located on the first level. The facility submitted an application for licensure on 10/05/17, and was granted a license 07/03/18. The facility is requesting a variance to the requirements for having (1) two hospital-type (number) elevators and (2) having both elevators being of the required size/dimensions. The facility currently has two elevators, one elevator conforms to a hospital-type elevator (appropriate size and dimension) and another elevator that is a smaller passenger elevator (non hospital-type). The hospital-type elevator was installed with the building's renovation. The non hospital-type elevator was pre-existing. The facility is requesting that the non hospital-type elevator be allowed to substitute as meeting the number of hospital-type elevator (requirement is two hospital-type elevators) without meeting the elevator car's opening requirement and the elevator car's size/dimensions.

The non hospital-type elevator (existing passenger elevator) has the following measurements:

a) Elevator inside clear dimensions:

- 6 feet 7 and 7/16 inches wide (5 feet 8 inches required) – requirement met
- 4 feet 8 and 9/16 inches deep (9 feet deep required) – requirement not met

b) Elevator car/cab doors minimum clear width and height dimensions:

- Car/cab doors clear width 43 and 3/4 inches (54 inches clear width required) – requirement not met
- Car/cab doors minimum height 84 and 9/16 inches (84 inches clear height required) – requirement met

The facility reasons that patient safety is not impaired by the size of the existing elevator as the primary use for the elevator is for visitors and not for the transport of patients on beds. The facility also notes that the existing elevator can accommodate an emergency medical system stretcher, which allows the patients head and torso to be raised into an upright position allowing the stretcher to fit into the elevator (See exhibit #1, #2 and #3). However, the facility itself did not have any stretchers that could fit the non hospital-type elevator.

**Intent of the Regulation:**

The intent of the regulation is to provide elevator car/cab sizes and openings to accommodate a patient bed with attendants and equipment. The requirement for two hospital-type elevators allows for redundancy, taking into account the possibility that one hospital-type elevator could be out of service and not readily available for patient transport.



**Degree of risk to public health and safety:**

There is always an inherent risk when necessary equipment is not available, not designed correctly or not functioning properly. However, alternative approaches can be evaluated to establish equivalency (see below Staff Recommendations) and research for precedence of similar variances allows by the Nevada Board of Health (see next) in the past that provide further insight in the viability of the suggested alternative approaches.

A similar elevator variance, case #305, was for St. Rose Dominican Hospital, Siena Campus (SRDH – SC) in June 2000. At that time, SRDH – SC was newly licensed for 141 bed hospital.

St. Rose Dominican Hospital, Siena Campus, was granted a variance June 2000 [to the citation of an older version of the code, the *1996/1997 Guidelines for Design and Construction of Hospital and Health Care Facilities*, American Institute of Architects (AIA) Section 7.30.B2, “Hospital-type Elevator Car Dimensions.”]. The elevators in question for Case #305, were larger than the elevator currently being reviewed under Case #696. The elevators at St. Rose that received a variance were 44.40 square feet versus Elite Medical Center’s non hospital-type elevator having 31.29 square feet.

Granting this variance would not impair the purpose of the regulation or cause a substantial detriment to the public welfare if the facility implements physical and operation approaches as identified in the Staff Recommendations (see below). The non hospital-type (existing) elevator’s car opening and car’s size/dimension would not allow a standard emergency room stretcher or hospital bed to fit into the existing elevator limiting its universality. Fortunately, the bed count is low (22-beds) to the second level and the non hospital-type elevator can accommodate an emergency medical system stretcher.

**Exceptional and undue hardship:**

The facility’s Architect estimates that updating the existing elevator to a hospital-type elevator would cost approximately \$343,500.00. The Architect further estimates the timeline for planning and construction would be approximately 41 weeks.

**Staff Recommendation**

Staff recommends that the Board of Health approve the variance with conditions for Elite Medical Center’s request for Variance #696 to NAC 449.3154.2, *Guidelines for Design and Construction of Hospitals and Outpatient Facilities*, Section 2.1-8.7.2.2 through 2.1-8.7.2.3, Elevator car number and elevator car size/dimension. The proposed conditions include:

- a) The facility must purchase and have available at least two emergency medical system sized stretchers at all times.
- b) When the facility’s hospital-type elevator is out of service, the facility must not admit patients requiring admission to the second floor.
- c) The facility must ensure that the elevators (both hospital-type and non-hospital type) are serviced to maintain them operational in accordance with all applicable codes.
- d) The facility must continuously maintain their elevators’ (both types) service and maintenance logs for period of time of at least two-years and have them available for review when requested.

November 14, 2018

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**Public Comments:**

None

**Presenter:**

John Gemar, Health Facilities Inspector II  
Bureau of Healthcare Quality and Compliance

**Attachments:**

Exhibits #1, #2 and #3 (photos)  
Nevada Administrative Code (NAC) 449.3154.6

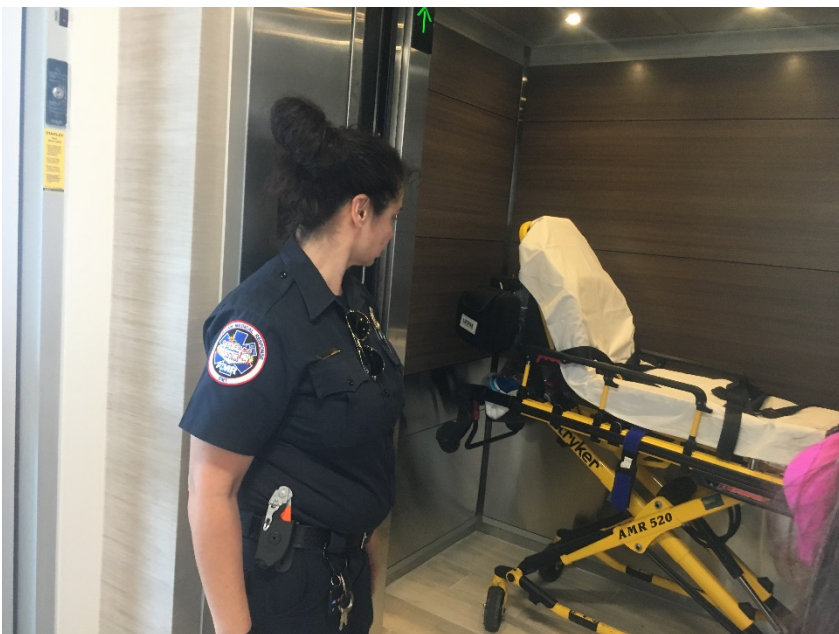


Exhibit #1



Exhibit #2



Exhibit #3

**NAC 449.3154 Construction, remodeling, maintenance and change of use: General requirements; prerequisites to approval of licensure. (NRS 439.200, 449.0302)**

1. Except as otherwise provided in this section, a hospital shall comply with the provisions of *NFPA 101: Life Safety Code*, adopted by reference pursuant to [NAC 449.0105](#).

2. Except as otherwise provided in this section, any new construction, remodeling or change in the use of a hospital must comply with the applicable provisions of the guidelines adopted by reference in paragraphs (c) and (d) of subsection 1 of [NAC 449.0105](#), unless the remodeling is limited to refurbishing an area of the hospital, including, without limitation, painting the area, replacing the flooring in the area, repairing windows in the area and replacing window or wall coverings in the area.

3. Except as otherwise provided in subsection 4, a hospital shall meet all applicable:

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

↪ related to the construction and maintenance of the hospital. If there are any differences between the state and local codes, the more restrictive standards apply.

4. A hospital which is inspected and approved by the State Public Works Division of the Department of Administration in accordance with the provisions set forth in [chapter 341](#) of NRS and [chapter 341](#) of NAC is not required to comply with any applicable local building codes related to the construction and maintenance of the hospital.

5. A complete copy of the building plans for new construction and remodeling of a hospital, drawn to scale, must be submitted to the entity designated to review such plans by the Division of Public and Behavioral Health pursuant to the provisions of [NAC 449.0115](#). Before the construction or remodeling may begin, plans for the construction or remodeling must be approved by the Division of Public and Behavioral Health.

6. The Bureau shall not approve the licensure of a hospital until all construction has been completed and a survey is conducted at the site. The plan review is only advisory and does not constitute prelicensing approval.

7. Notwithstanding any provision of this section to the contrary, a hospital which was licensed on January 1, 1999, shall be deemed to be in compliance with this section if the use of the physical space in the hospital does not change and the existing construction of the hospital does not have any deficiencies which are likely to cause serious injury, serious harm or impairment to public health and welfare.

NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

Please check the appropriate box that pertains to the NAC for which you are requesting a variance.

☐

Division Administration  
(NAC 439, 441A, 452, 453A, & 629)

☒

Health Care Quality & Compliance  
(NAC 449, 457, 459 & 652)

☐

Child, Family & Community Wellness  
(NAC 392, 394, 432A, 439, 441A, & 442)

☐

Health Statistics, Planning,  
Epidemiology and Response  
(NAC 440, 450B, 452, 453, 453A, & 695C)

☐

Public Health & Clinical Services  
(NAC 211, 444, 446, 447, 583, & 585)

Date: 7/26/18

Name of Applicant: Elite Medical Center Phone: 702-546-0911

Mailing Address: 150 E. Harmon Ave

City: Las Vegas State: NV Zip: 89109

We do hereby apply for a variance to  
chapter/section NAC 449.3154(2) of the Nevada  
Administrative Code (NAC). (For example: NAC 449.204)

Title of section in  
question: CONSTRUCTION, REMODELING, MAINTENANCE AND CHANGE IN USE:

Statement of existing or proposed conditions in violation of the NAC:

The second elevator near to the pedestrian entrance, The existing  
elevator did not meet the dimensional requirements. The existing elevator  
car/cab measured 6 feet 7 7/16" wide by 4 ft 8 9/16 deep. The car/cab  
door clear width measured 43 3/4"



NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

Date of initial operation (if existing): July 5, 2018

**ATTENTION: Please read this section closely. Your request for variance will be examined against these criteria:**

Any person who, because of unique circumstances, is unduly burdened by a regulation of the State Board of Health and thereby suffers a hardship and the abridgement of a substantial property right may apply for a variance from a regulation. (NAC 439.200(1))

1. The State Board of Health will grant a variance from a regulation only if it finds from the evidence presented at the hearing that:
  - (a) There are circumstances or conditions which:
    - (1) Are unique to the applicant;
    - (2) Do not generally affect other persons subject to the regulation;
    - (3) Make compliance with the regulation unduly burdensome; and
    - (4) Cause a hardship to and abridge a substantial property right of the applicant; and
  - (b) Granting the variance:
    - (1) Is necessary to render substantial justice to the applicant and enable him to preserve and enjoy his property; and
    - (2) Will not be detrimental or pose a danger to public health and safety.
2. Whenever an applicant for a variance alleges that he suffers or will suffer economic hardship by complying with the regulation, he must submit evidence demonstrating the costs of his compliance with the regulation. The Board will consider the evidence and determine whether those costs are unreasonable. (NAC 439.240)

**Therefore, it is important for your variance request to be as complete as possible. It is your responsibility to attach documentation supportive of your variance request.**

Statement of degree of risk of health

There is no risk of health or safety to the facilities patients, visitors or staff. The facility has a second elevator that meets all the requirements. All services are available on the 2nd floor except CT. The facility has verified the elevator in question can be used by EMS. This elevator is near the pedestrian entrance. Its primary use is for visitors. The elevator that is compliant is primarily utilized for patients as to maintain their privacy.

NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

Please state in detail the circumstances or conditions which demonstrate that:

1. An exceptional and undue hardship results from a strict application of the Regulation:

The facility has the two (2) required elevators. To renovate the existing elevator the projected costs are \$343,500.00 with a total duration from start of approximately 41 week (See attached)

2. The variance, if granted, would not:

A. Cause substantial detriment to the public welfare.

If granted the variance would not cause substantial detriment to public welfare. The facility has another elevator that meets requirement. All services are available on the 2nd floor except CT. The elevator in question is primarily used for visitors as it is in the facility lobby, for patient privacy reasons the compliant elevator is primarily used for patients. Ambulance does not.

B. Impair substantially the purpose of the regulation from which the application seeks a variance. Elevator are her generally used in emergency

The approval of variance will not substantially impair the purpose of the regulation. The purpose of the regulation to allow movement of staff, patients, visitors when there is more than 1 floor. This facility is only 2 stories and all services needed are available on the 2nd floor except CT

The bureau may require the following supporting documents to be submitted with and as a part of this application:

1. Legal description of property concerned

\_\_\_\_\_

2. General area identification map

\_\_\_\_\_

NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

- \_\_\_\_\_ 3. Plat map showing locations of all pertinent items and appurtenances
- \_\_\_\_\_ 4. Well log (if applicable)
- \_\_\_\_\_ 5. Applicable lab reports
- ☒ 6. Applicable engineering or construction/remodeling information
- \_\_\_\_\_ 7. Other items (see following pages)

This application must be accompanied by evidence demonstrating the costs of your compliance with regulations or specific statutory standards. Your request will be placed on the Board of Health agenda 40 days or more after receipt in this office if accompanied by the required fee (NAC 439.210). The application and supporting documentation will form the basis for the Health Division staff report and recommendation to the Board. Failure to respond to the above statements may cause the Board to deny consideration of the application at the requested Board meeting.

Please schedule this hearing as:

- ☒ The next regularly scheduled Board of Health meeting, regardless of location.
- ☐ The next scheduled meeting in Carson City.
- ☐ The next scheduled meeting in Las Vegas.

Signature: Scott Weiss, DO  
Printed Name: Scott Weiss  
Title: consultant  
Date: 7/26/18



## **Elite Medical Center Additional Elevator Budget and Timeline**

To Whom this May Concern:

We are requesting a waiver of the requirements to add a secondary "hospital grade" elevator to this facility. This was an existing building that had an existing passenger elevator, which is of adequate size to fit an EMS gurney inside of it. We added a large "hospital grade" elevator to the building as part of the renovation that was just completed, so there is a total of two elevators. The only service that is provided on the first floor that would ever need the potential transport of an inpatient patient in a hospital bed is a CT Scanner. We believe the spirit of the code that requires two elevators is for hospitals that have the need for constant transport of patients between floors. That is not the case in this facility.

### **Estimated Cost:**

Architecture / Engineering:	\$ 35,000.00
Permits:	\$ 5,000.00
Demo of Existing Elevator:	\$ 35,000.00
New Elevator:	\$125,000.00
Foundations:	\$ 10,000.00
CMU Elevator Shaft:	\$ 40,000.00
Elevator Shaft Roof:	\$ 8,500.00
Repair of Existing Canopy:	\$ 15,000.00
Electrical:	\$ 15,000.00
GC General Conditions:	\$ 30,000.00
GC Fees:	\$ 25,000.00

**Total Estimated Cost:           \$343,500.00**

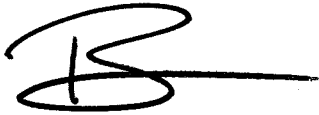
**Estimated Timeline:**

Planning Approval:	12 Weeks
Design / Engineering:	8 Weeks (Concurrent with Planning)
Permitting:	10 Weeks
Elevator Lead Time:	24 Weeks
Construction of Elevator Shaft:	6 Weeks
Elevator Installation:	6 Weeks
<u>Final Inspections:</u>	<u>3 Weeks</u>

**Total Duration from Start: 41 Weeks**

Please feel free to contact me directly with any questions.

Thank you,

A handwritten signature in black ink, appearing to be 'B. Girardin', with a long horizontal stroke extending to the right.

Benjamin Girardin, AIA, NCARB, LEED AP  
Principal Architect

**ADDITIONAL REQUIREMENTS**

- NEW FOUNDATIONS
- REPAIR EXISTING CANOPY TO NEW WALLS
- ADDITIONAL POWER
- EXTERIOR WALL FINISH TO MATCH
- NEW ELEVATOR VENT
- NEW ROOFING AT TOP OF ELEVATOR SHAFT





**Maria Nutile, Esq.\***  
**Bridget Kelly, Esq.**

*\* licensed in NV, AZ and CO*

October 23, 2018

**VIA U.S. MAIL**

Nevada State Board of Health  
Division of Public and Behavioral Health  
4150 Technology Way, Suite 300  
Carson City, NV 89706

**Re:   *Application for Variance***  
***Elite Medical Center, LLC***

Dear Sir or Madam,

This firm represents Elite Medical Center, LLC ("Elite Medical"), which submitted an Application for Variance, along with the appropriate fee, on or about July 20, 2018 ("Application"). Elite Medical is requesting a variance for its secondary elevator, which is slightly smaller than required. As set forth in the Application, this secondary elevator is large enough to accommodate wheelchairs or a gurney, while Elite Medical's primary elevator can accommodate a hospital bed and is in full compliance with the guidelines. Elite Medical has requested a variance for the secondary elevator due to the exceptional and undue hardship it would incur if required to upgrade the secondary elevator to current guidelines.

We request that Elite Medical's Application be included on the agenda for consideration at the next Board of Health meeting on December 7, 2018. Additionally, we request that the attached responses be included to supplement pages 2 and 3 of the Application. As the Application was submitted as a hand-written form, we believe these supplemental responses will provide a clearer basis for Elite Medical's variance request.

Should you have any questions, I may be reached at 702.307.4870 or [maria@nutilelaw.com](mailto:maria@nutilelaw.com).

Sincerely,

**NUTILE LAW**

Maria Nutile, Esq.

cc:     Butch Frazier, CEO

## **Attachments to Variance Application**

### **Statement of degree of risk of health: NO RISK.**

The elevator in question ("Variance Elevator") poses no health risk to patients, visitors, or staff at Elite Medical Center. The Variance Elevator is considered a secondary elevator for the facility, located near the pedestrian entrance to the facility and used for ambulatory or wheelchair transport. It is primarily used by visitors, which helps maintain patient privacy.

Although the Variance Elevator in question is smaller than required, Elite Medical Center has confirmed that it can accommodate a reclined gurney if necessary, and can be fully utilized by Emergency Medical Services ("EMS"). A photograph of the reclined gurney in the Variance Elevator is attached. All medical services of the facility are available without leaving the second floor except for CT. Elite Medical Center's primary elevator ("Primary Elevator") meets all current guidelines, meaning transport by gurney in the Variance Elevator would only be necessary if the Primary Elevator were out of service.

### **1. An exceptional and undue hardship results from strict application of the Regulation:**

Bringing the Variance Elevator into strict compliance with the guideline would require an estimated **41 weeks** to complete, at an estimated cost of **\$343,500.00** per the attached architectural estimate.

We note that the Board of Health had previously approved the construction plans for Elite Medical Center, which included the Variance Elevator as it currently exists. While modifications to the Variance Elevator could and would have been made prior to, and possibly during, the building's construction, to do so now through retroactive application of the guideline poses an exceptional and undue hardship.

As the Variance Elevator is located near the main entrance, this work would cause severe disruption to ingress and egress to the facility for patients, staff, and visitors for nearly one (1) year. The cost is prohibitive, and may compel Elite Medical center to close its doors rather than complete the work.

Alternatively, Elite Medical Center intends to purchase a gurney, substantially similar or identical to the attached Stryker Power-PRO XT's specifications, to have on hand in the event a patient must be transported between floors without using a wheelchair and the Primary Elevator is not in service. This gurney will cost approximately \$ 15,000.00.

**2.A. The variance, if granted, would not cause substantial detriment to the public welfare:**

The Variance Elevator is used mostly by pedestrian visitors or wheelchair transport, and is fully accessible by and functional for EMS use and transportation by gurney. As stated above, Elite Medical Center intends to purchase a gurney, as described above, which will be on hand in the event that 1) patient transport between floors is necessary; 2) the Primary Elevator is out of service; and 3) the patient cannot be transported via wheelchair. Please note that since opening its doors, Elite Medical Center has not transported any of its patients between floors other than by wheelchair. As Elite Medical Center does not have an intensive care unit (“ICU”) to receive severe cases, it would be a rare occasion that bed or gurney elevator transportation would be necessary.

Elite Medical Center’s second floor provides all services of the facility with the exception of CT, meaning second floor patients will typically not require transportation to the first floor for medical care. The facility’s Primary Elevator, compliant with guidelines, is primarily used for patient transportation.

**2.B. The variance, if granted, would not impair substantially the purpose of the regulation from which the application seeks a variance:**

This regulation is intended to ensure safe, reliable patient transport between floors for medical treatment and emergency access. Elite Medical Center is able to ensure such transport availability through a combination of the following available equipment and unique features:

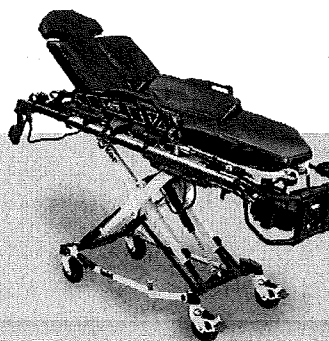
- Small facility with two (2) floors:
  - fifteen (15) Emergency Department patient beds on the Ground/First Floor, and
  - twenty-two (22) inpatient beds on the Second Floor.
- Two (2) available elevators:
  - the Primary Elevator—fully compliant with guidelines, able to accommodate patient transport via hospital bed, and used primarily for patient transport
  - the Variance Elevator—primarily used by ambulatory visitors, able to accommodate wheelchair and gurney transportation if Primary Elevator out of service
- All medical services of the facility are available without leaving the second floor except CT, making patient transportation between floors relatively infrequent.
- The facility has no ICU, and to date, all non-ambulatory patient transportation between floors has been by wheelchair.
- The Variance Elevator is fully accessible by EMS.
- Elite Medical Center will purchase its own gurney to have on hand if needed.



Gurney inside Variance Elevator

## Power-PRO™ XT

### Powered Ambulance Cot



3800 E. Centre Avenue  
Portage, MI 49002 USA  
t: 269 329 2100  
toll free: 800 327 0770  
ems.stryker.com

#### Standard Features

- Automatic in-cot fastener shut-off
- Manual back-up release handle
- Automatic high-speed retract
- Battery-powered hydraulic lift system
- Preventative maintenance hour meter
- Battery pack power level indicator
- Settable load height with jog function
- Color-coded controls
- High visibility powder-coated frame
- Lightweight, rugged aluminum construction
- Optimized lift bar and control design
- Lower lifting bar
- Lift-capable safety bar
- Integrated bumper system
- Retractable head section
- Floor-mounted safety hook
- One-hand release, fold down siderails
- One-hand release, infinite positioning, pneumatically assisted backrest
- Oversized wheels with sealed caster and wheel bearings
- Sealed bolster mattress
- Shock or flat leg positioning
- Two lap belts and one four-point shoulder restraint
- Built-in pull handle
- X-frame guards
- Power washable
- SMRT power system (12V DC, 120V AC and 240V AC options available)

#### Optional Features

- Heavy duty two- or three-stage IV poles (patient right or left)
- Permanent or removable O<sub>2</sub> bottle holders (head end, foot end or fowler)
- Sealed flat mattress
- Dual wheel locks
- Head extension
- Pillow
- Equipment hook
- Backrest storage pouch
- Head end storage flat
- Defibrillator platform
- Base storage net
- Knee gatch
- SMRT charger mounting bracket
- Power-LOAD™ compatibility

#### Specifications

<b>Model Number</b>	<b>6506</b>
<b>Height<sup>1</sup></b> (infinite height positioning between lowest and highest position)	
Highest Position	41.5 in. (105 cm)
Lowest Position	14 in. (36 cm)
<b>Length</b>	
Standard	81 in. (206 cm)
Minimum	63 in. (160 cm)
<b>Width</b>	23 in. (58 cm)
<b>Weight<sup>2</sup></b>	125 lb (57 kg)
<b>Wheels</b>	
Diameter	6 in. (15 cm)
Width	2 in. (5 cm)
<b>Articulation</b>	
Backrest	0–73°
Shock Position	+15°
Optional Knee Gatch	30°
<b>Maximum Weight Capacity<sup>3</sup></b>	700 lb (318 kg)
<b>Minimum Operator Required</b>	
Occupied Cot	2
Unoccupied Cot	1
<b>Recommended Fastener System</b>	
Power-LOAD	Model 6390
Floor Mount	Model 6370 or 6377
Wall Mount	Model 6371
<b>Recommended Loading Height<sup>4</sup></b>	Up to 36 in (91 cm)

#### Warranty

- Two-year parts, and labor
- Two year bumper to bumper
- One-year soft goods
- Three-year X-frame components
- Three-year limited powertrain
- Lifetime on all welds

#### Extended warranties available.

7-year service life.

<sup>1</sup> Height measured from bottom of mattress, at seat section, to ground level.

<sup>2</sup> Cot is weighed with one battery pack, without mattress and restraints.

<sup>3</sup> 700 lb weight capacity with an unassisted lift capacity of 500 lb (Cot loads over 300 lb (136 kg) may require additional assistance to meet the set cot load height).

<sup>4</sup> Can accommodate load decks up to 36 in. Load height can be set between 26 in and 36 in.

Stryker reserves the right to change specifications without notice.

In-service video included with every order.

The Power-PRO XT is designed to conform to the Federal Specification for the Star-of-Life Ambulance KKK-A-1822.

The Power-PRO XT is designed to be compatible with competitive cot fastener systems.

The yellow and black color scheme is a registered trademark of Stryker Corporation

Meets dynamic crash standards with Power-LOAD cot fastening system (AS/NZS-4535, BS EN-1789 with X-restraints and SAE J3027) and Performance-LOAD cot fastening system (SAE J3027 with X-restraints).

Stryker Corporation or its divisions or other corporate affiliated entities own, use or have applied for the following trademarks or service marks: **Power-LOAD, Power-PRO, Stryker**, . All other trademarks are trademarks of their respective owners or holder.

#### Certifications



IPX6 IEC-60601-1



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Mkt Lit-1450 06 JAN 2017 Rev A.4

## NOTICE OF PUBLIC HEARING

ELITE MEDICAL CENTER, IS REQUESTING A VARIANCE, #696, FROM THE NEVADA STATE BOARD OF HEALTH REGULATIONS

NOTICE IS HEREBY GIVEN that Elite Medical Center has requested a variance from Nevada Administrative Code (NAC) 449.3154(2). A public hearing will be conducted on December 7, 2018 at 9:00 am, by the Nevada State Board of Health to consider this request as follows:

Division of Public and Behavioral Health  
4150 Technology Way, Suite 303  
Carson City, NV 89706

Grant Sawyer Building  
Room 5100  
555 E. Washington Ave.  
Las Vegas, NV 89101

**NAC 449.3154(2) states:**

*"Except as otherwise provided in this section, any new construction, remodeling or change in the use of a hospital must comply with the applicable provisions of the guidelines adopted by reference in paragraphs (c) and (d) of subsection 1 of [NAC 449.0105](#), unless the remodeling is limited to refurbishing an area of the hospital, including, without limitation, painting the area, replacing the flooring in the area, repairing windows in the area and replacing window or wall coverings in the area."*

Persons wishing to comment upon the proposed variance may appear at the scheduled public hearing or may submit written testimony at least five days before the scheduled hearing to:

Secretary, State Board of Health  
Division of Public and Behavioral Health  
4150 Technology Way, Suite 300  
Carson City, NV 89706

Anyone wishing to testify for more than five minutes on the proposed variance must petition the Board of Health at the above address. Petitions shall contain the following: 1) a concise statement of the subject(s) on which the petitioner will present testimony; 2) the estimated time for the petitioner's presentation.

This notice has also been posted at the following locations:

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH, 4150 TECHNOLOGY WAY, CARSON CITY, NV  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH WEBSITE: [dpbh.nv.gov](http://dpbh.nv.gov)



BRIAN SANDOVAL  
Governor



JULIE KOTCHEVAR, Ph.D.  
Administrator

RICHARD WHITLEY, MS  
Director

IHSAN AZZAM, Ph.D., M.D.  
Chief Medical Officer

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

Bureau of Health Care Quality and Compliance  
4220 S. Maryland Parkway, Suite 810, Building D  
Las Vegas, NV 89119  
Telephone (702) 486-6515 • Fax (702) 486-6520  
<http://dphh.nv.gov>

November 15, 2018

**Memorandum**

To: Jon Pennell, Chairperson  
State Board of Health

From: Julie Kotchevar, Secretary  
State Board of Health

RE: Boulder City Hospital

**Subject:** Case #697: Boulder City Hospital Request for Variance to NAC 449.3154.2, *Guidelines for Design and Construction of Hospitals and Outpatient Facilities*, Sections 2.2-3.4.2.1(1)(b) Computed Tomography (CT) Room requirements, and Sections 2.2-3.6.1.2(1)(a) and 2.2-3.6.1.2(1)(b) Nuclear Medicine procedure room space requirements (stretcher and exercise equipment).

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**Staff Review**

NAC 449.3154.2 states, "Except as otherwise provided in this section, any new construction, remodeling or change in the use of a hospital must comply with the applicable provisions of the guidelines adopted by reference in paragraphs (c) and (d) of subsection 1 of NAC 449.0105, unless the remodeling is limited to refurbishing an area of the hospital, including, without limitation, painting the area, replacing the flooring in the area, repairing windows in the area and replacing window or wall coverings in the area."

NAC 449.0105.1.(c) states, "The State Board of Health hereby adopts by reference:

(c) *Guidelines for Design and Construction of Hospitals and Outpatient Facilities*, in the form most recently published by the Facility Guidelines Institute, unless the Board gives notice that the most recent revision is not suitable for this State pursuant to subsection 2. A copy of the guidelines may be obtained from the Facility Guidelines Institute AHA Services, Inc., P.O. Box 933283, Atlanta, Georgia 31193-3283, at the Internet address <http://www.fgiguidelines.org/> or by telephone at (800) 242- 2626, for the price of \$200."

*Guidelines for Design and Construction of Hospitals and Outpatient Facilities* (2014 Edition)

(1) Computed Tomography (CT) Room requirements:

Section 2.2-3.4.1.1(1)(b) CT Scan Room. Space requirements. CT Scanner room(s) shall be sized to allow a minimum clearance of 4 feet on all sides of the gantry assembly or table.

**Staff Review - Continued**

(2) Nuclear Medicine procedure room space requirements:

Sections 2.2-3.6.1.2(1)(a) and 2.2-3.6.1.2(1)(b) Nuclear medicine procedure room(s) shall accommodate the clinical equipment to be used in the room as well as the following:

- (a) Stretcher
- (b) Exercise equipment (e.g., treadmill, bicycle)

Boulder City Hospital is located in Boulder City, Nevada. The hospital is a critical access hospital with 25 medical/surgical beds, 10 Geriatric Psychiatric beds and 47 skilled nursing beds. The facility had not submitted architectural plans, nor had been surveyed concerning this variance request. During their development of the architectural drawings, these two issues came forward as potential concerns.

Due to the two separate and unrelated issues other than being in the imaging department, each issue will take a different path in review and recommendation.

(1) The CT Scan room requirements cannot be clearly established with the submitted variance request information due to the unreadable image of the CT space and lack of detail. Contact with the design architect revealed that the noncompliant four-foot clearance area was around the gantry where it approximates the west and south walls of the CT scan room. The design shows a reduction of approximately six inches at various points around the gantry. Review of the previous construction code, the 2006 Edition of the American Institute of Architects (2006 AIA), "*Guidelines for the Design and Construction of Health Care Facilities*," revealed that there was no clearance requirement around the CT scan's table or gantry. Further research as to the rationale for the current code's clearance requirement revealed that the purpose was not so much for patient and/or staff safety, but more for patient access to the table and maintenance access for the CT machine.

(2) Nuclear medicine patient evaluations can include stress tests via the use of exercise equipment (bicycle or treadmills), thus the code requires additional space to accommodate this equipment in the nuclear medicine area. Also, patients may be transported to the nuclear medicine area for evaluation via stretcher and the stretcher's placement should not obstruct patient, staff and exit pathways. The facility has requested to not expand into other nearby areas to make accommodations for either the stretchers or stress equipment. The facility explains they will not offer the exercise stress procedure for their patients receiving nuclear diagnostic evaluations. This decision by the facility is also predicated on funding and other considerations for the adjacent spaces. The nuclear medicine space requirement can be managed with a stipulated variance.

**Intent of the Regulation:**

The intent of the regulation:

(1) For the CT scan clearance requirement is to allow for easier access for staff to get the patient onto the table for the diagnostic evaluation, and for staff to readily access the machine for servicing purposes.

(2) For the nuclear medicine requirement is to ensure that space is available for exercise equipment in close proximity of the diagnostic equipment and to ensure stretchers are not obstructing patient, staff and exit pathways.

**Degree of risk to public health and safety:**

Concerning the CT scan, the clearance requirement is more of a convenience feature for the patients and the staff and not a safety issue. The change in CT equipment would still allow ample patient access to the table and only reduce required space availability for services by approximately six inches at various points around the gantry making it less convenient for the servicer to maintain.

Stress exercise equipment inclusion within a nuclear medicine program is for ready convenience when required. The physician(s) and the hospital have made the decision to limit diagnostic use of the machine to not include exercise induced stress testing with their nuclear medicine program and will refer patients to the appropriate setting when exercise stress equipment is necessary. The stretcher placement can be arranged to not obstruct other patient, staff and exit pathways. The facility's diagram (attached enlargement) shows placement of the stretcher in the dose administration room.

**Exceptional and undue hardship:**

The facility does not specifically address either the nuclear medicine or the CT scan costs to bring the project into compliance. However, the facility contends that the project is an all or none situation. The facility was able to obtain funding for the replacement of the CT scan equipment and installation only. If other cost were to be accrued to bring the area into compliance the facility indicated that it did not have additional funds to accommodate the changes and would have to forgo the CT scan equipment replacement opportunity.

**Staff Recommendation**

Staff recommends overall that the Board of Health approve the variance with stipulation for Boulder City Hospital's request for Variance #697 to NAC 449.3154.2, *Guidelines for Design and Construction of Hospitals and Outpatient Facilities*, Sections 2.2-3.4.2.1(1)(b) Computed Tomography (CT) Room requirements, and Sections 2.2-3.6.1.2(1)(a) and 2.2-3.6.1.2(1)(b) Nuclear Medicine procedure room space requirements (stretcher and exercise equipment).

(1) Staff recommends approval of the CT scan clearance requirement be granted.

(2) Staff recommends that the nuclear medicine request to vary the stretcher and exercise equipment be allowed with the proposed stipulations:

- a) The facility must refer those patients where the clinical need requires exercise stress equipment as part of their nuclear medicine evaluation.
- b) When the facility determines that it needs to include exercise equipment as part of its nuclear medicine evaluation program, the facility will at that time make accommodations to conform to the code at the time of that determination.

**Public Comments:**

None

**Presenter:**

Steve Gerleman, Health Facilities Inspection Manager  
Bureau of Healthcare Quality and Compliance

**Attachments:**

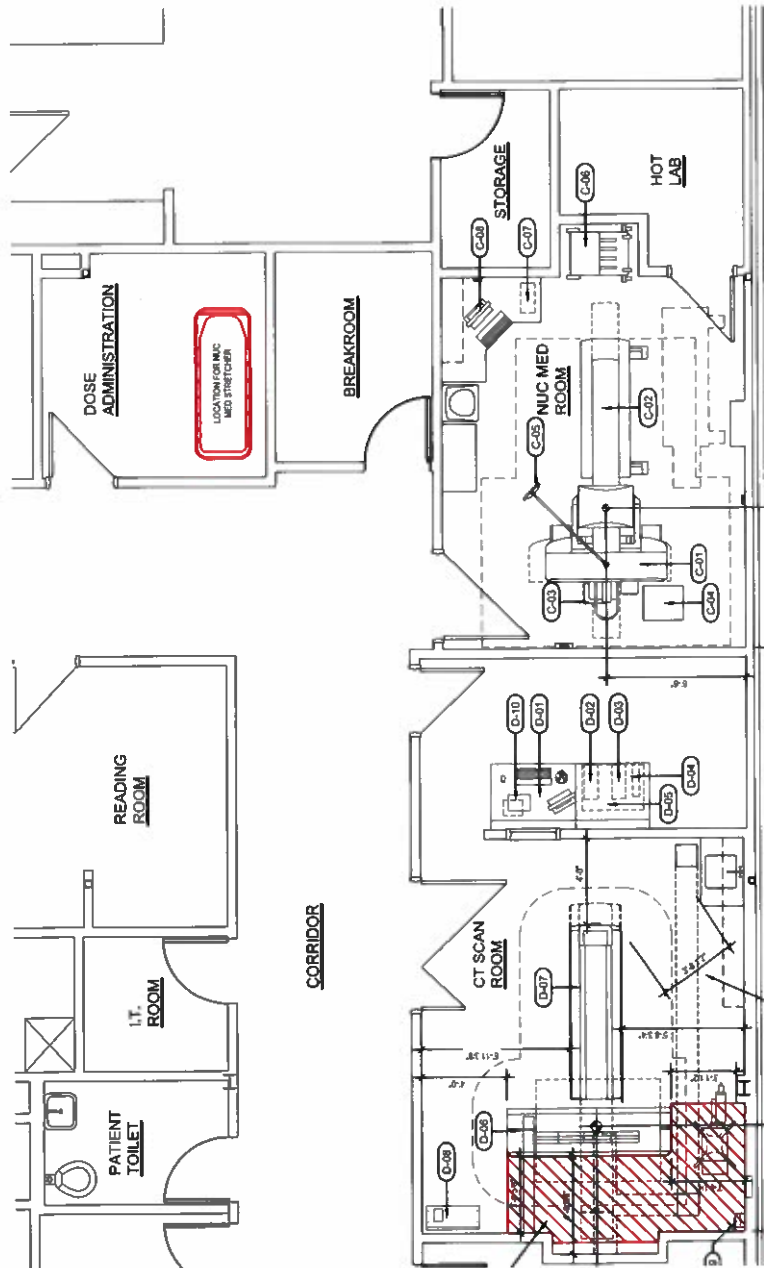
Exhibits #1 – Enlargement of CT Scan and Nuclear Medicine Diagram

# Boulder City Hospital - Variance #697

Exhibit # 1

MFR. FOR ALL WALL MOUNTED EQUIP.		MFR. FOR ALL WALL MOUNTED EQUIP.	
1.	SYSTEMS WILL BE HANDLED AS A TOTAL PACKAGE WITH LAYOUTS AND INSTALLATION DRAWINGS FURNISHED BY THE MANUFACTURER OR SUPPLIER.	171 BTU	
2.	COORDINATE ALL EQUIPMENT AND ASSOCIATED CONNECTIONS, CONDUITS, ETC. WITH SIEMENS SUPPLIED SHOP DRAWINGS.	265 LBS	
3.	COORDINATE ALL EQUIPMENT AND ASSOCIATED CONNECTIONS, CONDUITS, ETC. WITH SIEMENS SUPPLIED SHOP DRAWINGS.	31 LBS	956 BTU
4.	COORDINATE ALL EQUIPMENT AND ASSOCIATED CONNECTIONS, CONDUITS, ETC. WITH SIEMENS SUPPLIED SHOP DRAWINGS.	11 LBS	307 BTU
REMARKS: SCHEDULE NOTES:			

MFR. FOR ALL WALL MOUNTED EQUIP.		MFR. FOR ALL WALL MOUNTED EQUIP.	
1.	SYSTEMS WILL BE HANDLED AS A TOTAL PACKAGE WITH LAYOUTS AND INSTALLATION DRAWINGS FURNISHED BY THE MANUFACTURER OR SUPPLIER.	181 LBS	
2.	COORDINATE ALL EQUIPMENT AND ASSOCIATED CONNECTIONS, CONDUITS, ETC. WITH SIEMENS SUPPLIED SHOP DRAWINGS.	2,941 LBS	23,219 BTU
3.	COORDINATE ALL EQUIPMENT AND ASSOCIATED CONNECTIONS, CONDUITS, ETC. WITH SIEMENS SUPPLIED SHOP DRAWINGS.	950 LBS	
4.	COORDINATE ALL EQUIPMENT AND ASSOCIATED CONNECTIONS, CONDUITS, ETC. WITH SIEMENS SUPPLIED SHOP DRAWINGS.	248.5 LBS	1,365 BTU
5.	COORDINATE ALL EQUIPMENT AND ASSOCIATED CONNECTIONS, CONDUITS, ETC. WITH SIEMENS SUPPLIED SHOP DRAWINGS.	13.5 LBS	
REMARKS: SCHEDULE NOTES:			



NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

Please check the appropriate box that pertains to the NAC for which you are requesting a variance.

☐

Division Administration  
(NAC 439, 441A, 452, 453A, & 629)

☒

Health Care Quality & Compliance  
(NAC 449, 457, 459 & 652)

☐

Child, Family & Community Wellness  
(NAC 392, 394, 432A, 439, 441A, & 442)

☐

Health Statistics, Planning,  
Epidemiology and Response  
(NAC 440, 450B, 452, 453, 453A, & 695C)

☐

Public Health & Clinical Services  
(NAC 211, 444, 446, 447, 583, & 585)

Date: 10/24/2018

Name of Applicant: Tom Maher Phone: (702) 293-4111

Mailing Address: 901 Adams Blvd.

City: Boulder City State: NV Zip: 89005

We do hereby apply for a variance to  
chapter/section \_\_\_\_\_ of the Nevada  
Administrative Code (NAC). (For example: NAC 449.204) NAC 449.0105.1(c)

Title of section in  
question: 2014 FGI Sections 2.2-3.4.2.1(1)(c), 2.2-3.6.1.2(1)(a) and 2.2-3.6.1.2(1)(b)

Statement of existing or proposed conditions in violation of the NAC:

Please see attachment A1

NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

Date of initial operation (if existing): 12/08/1973

**ATTENTION: Please read this section closely. Your request for variance will be examined against these criteria:**

Any person who, because of unique circumstances, is unduly burdened by a regulation of the State Board of Health and thereby suffers a hardship and the abridgement of a substantial property right may apply for a variance from a regulation. (NAC 439.200(1))

1. The State Board of Health will grant a variance from a regulation only if it finds from the evidence presented at the hearing that:
  - (a) There are circumstances or conditions which:
    - (1) Are unique to the applicant;
    - (2) Do not generally affect other persons subject to the regulation;
    - (3) Make compliance with the regulation unduly burdensome; and
    - (4) Cause a hardship to and abridge a substantial property right of the applicant; and
  - (b) Granting the variance:
    - (1) Is necessary to render substantial justice to the applicant and enable him to preserve and enjoy his property; and
    - (2) Will not be detrimental or pose a danger to public health and safety.
2. Whenever an applicant for a variance alleges that he suffers or will suffer economic hardship by complying with the regulation, he must submit evidence demonstrating the costs of his compliance with the regulation. The Board will consider the evidence and determine whether those costs are unreasonable. (NAC 439.240)

**Therefore, it is important for your variance request to be as complete as possible. It is your responsibility to attach documentation supportive of your variance request.**

Statement of degree of risk of  
health

Boulder City Hospital forseees no health risk with the proposed variance

request. The scope of the project is equipment replacement. The patient care work flow and safety per the  
proposed variance provides the same flow and safety as the current process which has been in effect for  
19 years without an incident of a health or safety risk to the patient's or public. The only change, is that  
the newer equipment provides the ability of additional tests with a higher standard of test results.



NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

**Please state in detail the circumstances or conditions which demonstrate that:**

1. An exceptional and undue hardship results from a strict application of the Regulation:

Please see attachment A2

2. The variance, if granted, would not:

- A. Cause substantial detriment to the public welfare.

Please see attachment A2

- B. Impair substantially the purpose of the regulation from which the application seeks a variance.

Please see attachment A2

The bureau may require the following supporting documents to be submitted with and as a part of this application:

1. Legal description of property  
concerned

APN 186-08-801-013

See

- attachment 2. General area identification map

NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

See

attachment 3. Plat map showing locations of all pertinent items and appurtenances

N/A 4. Well log (if applicable)

N/A 5. Applicable lab reports

See

attachment 6. Applicable engineering or construction/remodeling information

See

attachment 7. Other items (see following pages) Floor Plans and cost breakdown

This application must be accompanied by evidence demonstrating the costs of your compliance with regulations or specific statutory standards. Your request will be placed on the Board of Health agenda 40 days or more after receipt in this office if accompanied by the required fee (NAC 439.210). The application and supporting documentation will form the basis for the Health Division staff report and recommendation to the Board. Failure to respond to the above statements may cause the Board to deny consideration of the application at the requested Board meeting.

Please schedule this hearing as:



The next regularly scheduled Board of Health meeting, regardless of location.

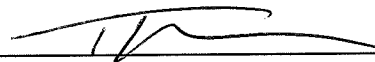


The next scheduled meeting in Carson City.



The next scheduled meeting in Las Vegas.

Signature:



Printed Name: Tom Maher

Title: CEO Boulder City Hospital

Date: 10/24/2018

## Gordon Dowell

---

**From:** Doug Erickson <douglaserickson@mac.com>  
**Sent:** Monday, April 2, 2018 9:47 AM  
**To:** Gordon Dowell  
**Cc:** Pamela Blumgart; Heather Livingston  
**Subject:** Re: 2014 FGI - NUCLEAR MEDICINE

Good morning Gordon,

If there is no requirement in the nuclear medicine functional plan for exercise equipment, it can be eliminated. The issue will be if the space changes and there is a need for exercise equipment where will they put it? The 2018 Guidelines reads:

(2) Nuclear imaging room. Nuclear imaging rooms shall meet the requirements in Section 2.2-3.4.2 (Imaging Rooms).

(3) Exercise area or room. Where patients are required to exercise before imaging is conducted, space shall be provided for the following in the imaging room or in a separate room directly accessible to the imaging room:

- (a) Exercise equipment (e.g., stationary bicycle, treadmill)
- (b) Staff work space

The glossary term for directly accessible is:

Directly accessible	Connected to the identified area or room through a doorway, pass-through, or other opening without going through an intervening room or public space
------------------------	--

This is something that needs to be discussed with the state AHJ.

Best,

Doug

---

**From:** Gordon Dowell <gordon@gcdinc.consulting>  
**Date:** Monday, April 2, 2018 at 7:36 AM  
**To:** Douglas Erickson <douglaserickson@mac.com>, Douglas Erickson <doug@fgiguideines.org>  
**Subject:** 2014 FGI - NUCLEAR MEDICINE

Hi Doug,

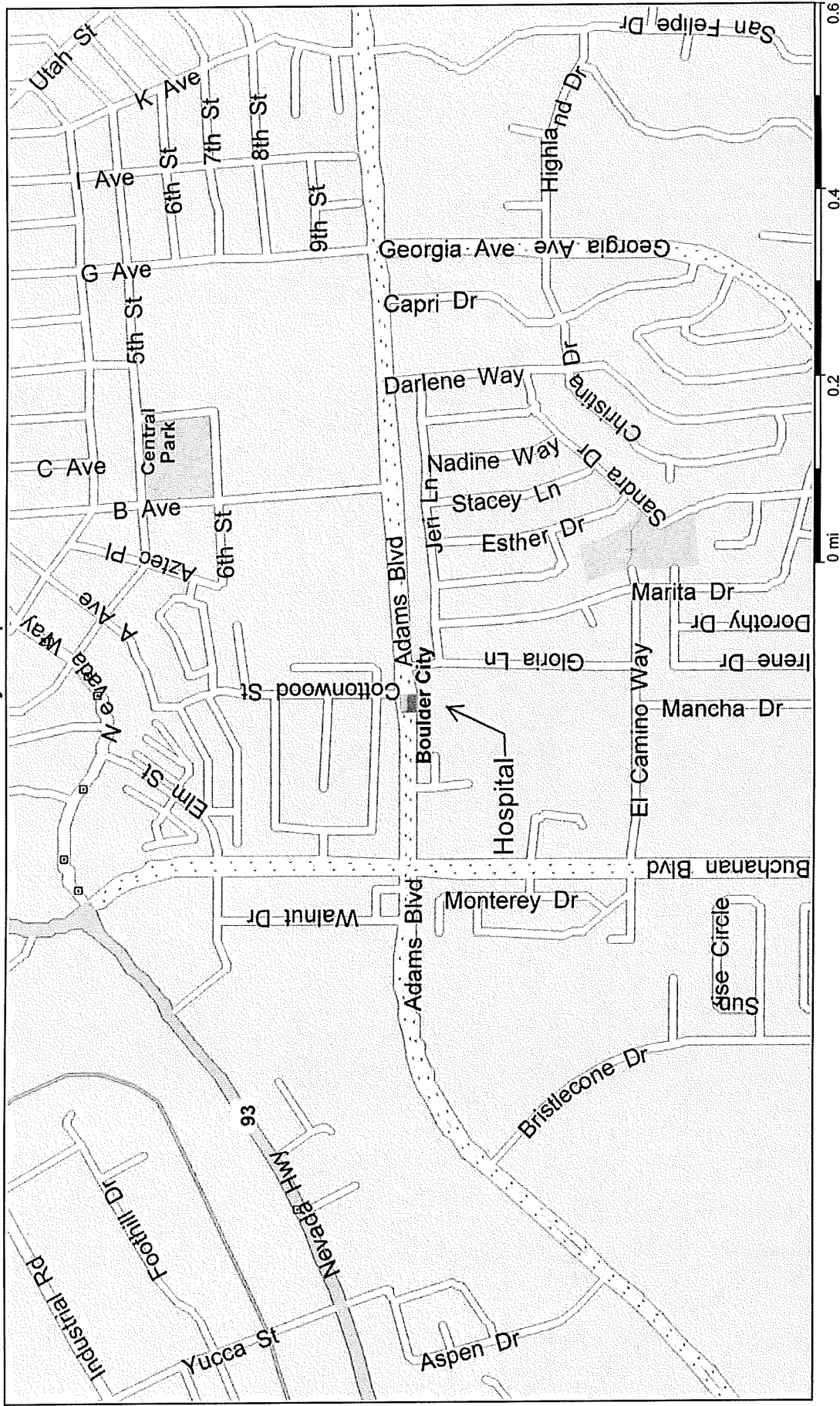
I do have a question, but first, I was looking in an article "NFPA 111 – 2005 Edition". Saw that you chaired the technical committee. Looks like you have been in the field for a while.

Anyway the question is in the 2014 FGI Section 2.2-3.6.1.2(1)(b) it is requesting space to accommodate exercise equipment. Can the exercise equipment be omitted if 100% of the stress tests are chemically induced? And if omitted, can it be outside the Nuclear Medicine procedure room? Size is the problem.

Thanks,

Gordon Dowell  
Principal Architect ICC Certified – IBC, ANSI 117.1 & IECC  
HCQC Plan Reviewer

# Boulder City Hospital



1

Revised For  
1/25/2016

Owner  
GSD  
Contract  
CDD  
Approved  
CDD

**JMB**

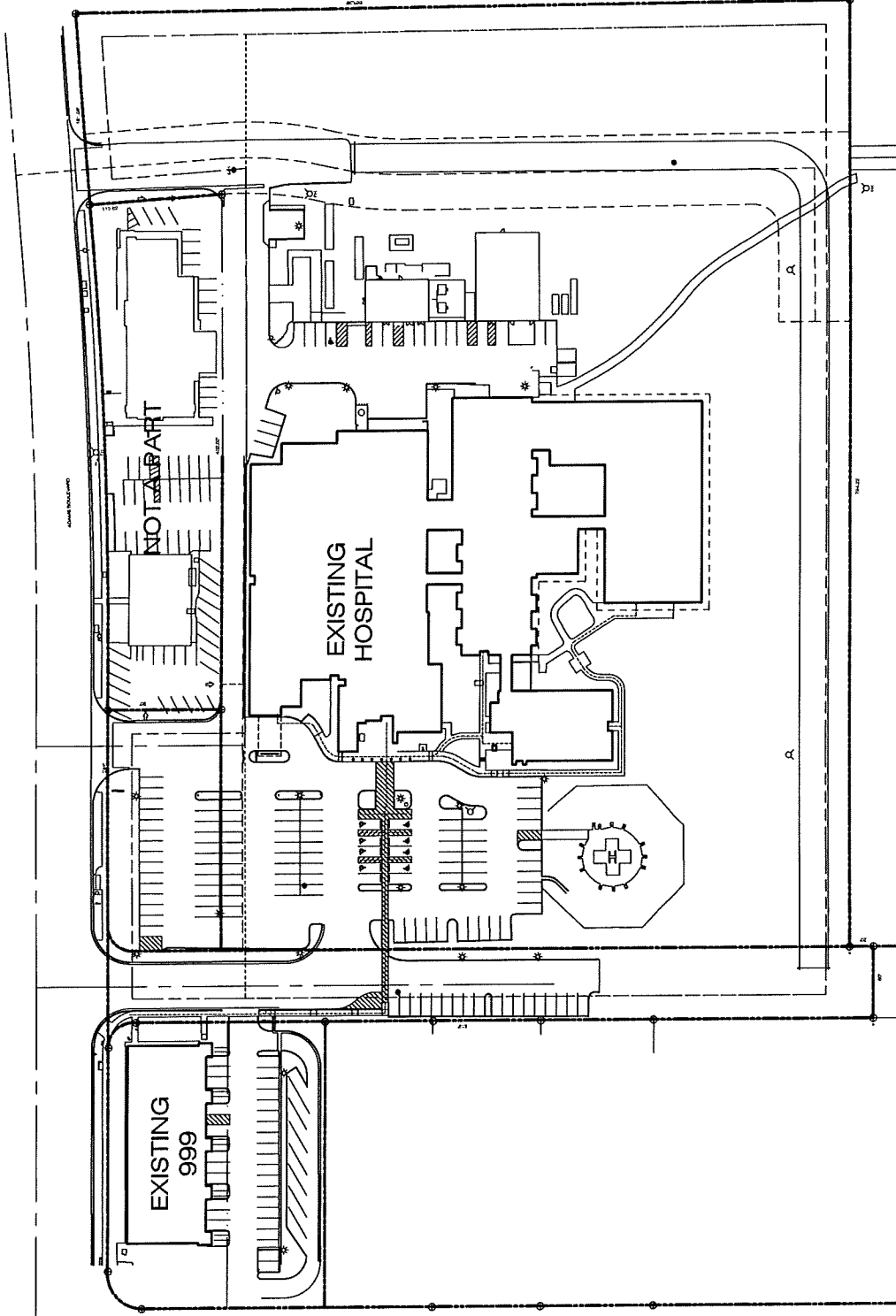
JMB Construction, Inc.  
1118 Shreve Circle, Suite 100  
Boulder City, Nevada 89005  
P: 702.333.1200  
F: 702.333.1201  
www.jmbconstruction.com

This drawing is the property of JMB Construction, Inc. and is not to be reproduced or used in any manner without the written consent of JMB Construction, Inc. All rights reserved.

Signature: Chris Ward

Project Name  
Boulder City, Nevada 89005  
Project Number  
018-112.15  
Sheet Number  
AS1.0

Site Plan



**SITE PLAN**  
SCALE: 1"=50'

Overall Floor Plan

Sheet No. 018-112.15  
Project Name Radiology Remodel at Boulder City Hospital

Drawn: DCD  
Checked: CWD  
Approved: CWD

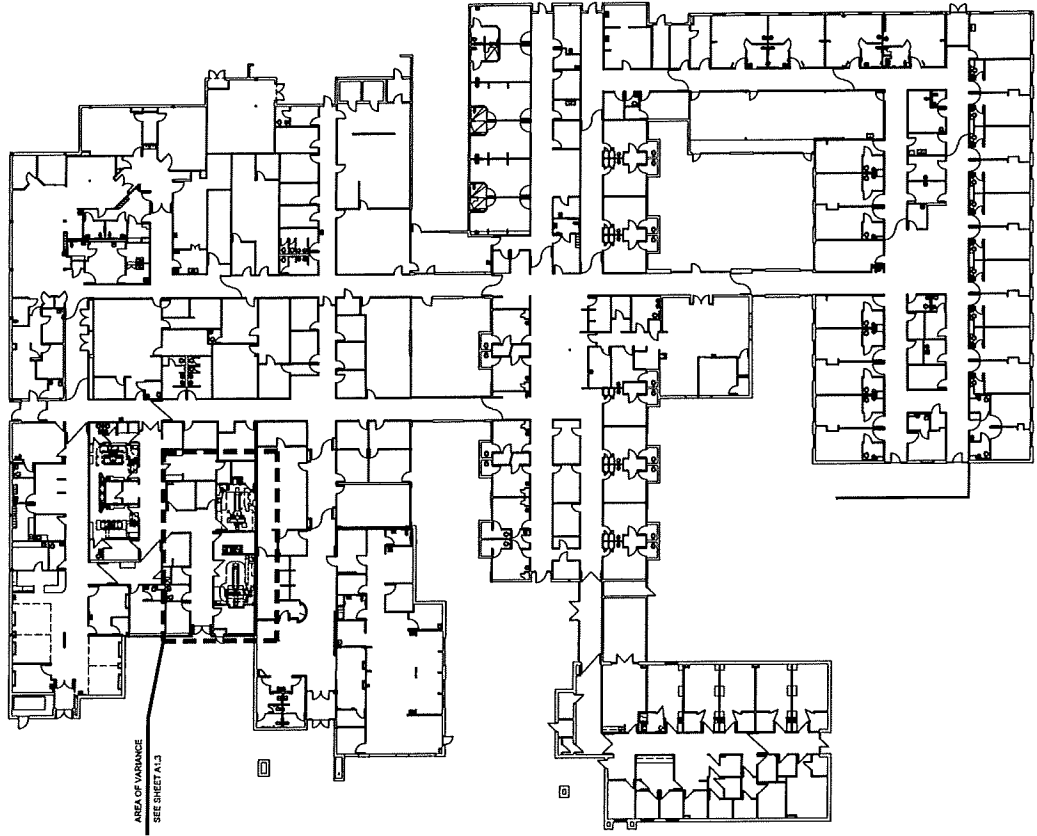


JMB Construction, Inc.  
1118 Sharp Circle, Suite 100  
Las Vegas, Nevada 89002  
P: 702.462.0000  
F: 702.462.0000  
The JMB Group, Inc. (JMBG)  
10000 Las Vegas Blvd. S., Suite 1000  
Las Vegas, NV 89135  
JMBG is a subsidiary of JMBG LLC, a  
limited liability company organized under the laws of the  
State of Nevada.

Signature: Chris Mace

Overall Floor Plan  
Sheet No. 018-112.15  
Project Name Radiology Remodel at Boulder City Hospital  
901 Adams Boulevard  
Boulder City, Nevada 89005

Sheet Number  
A1.0



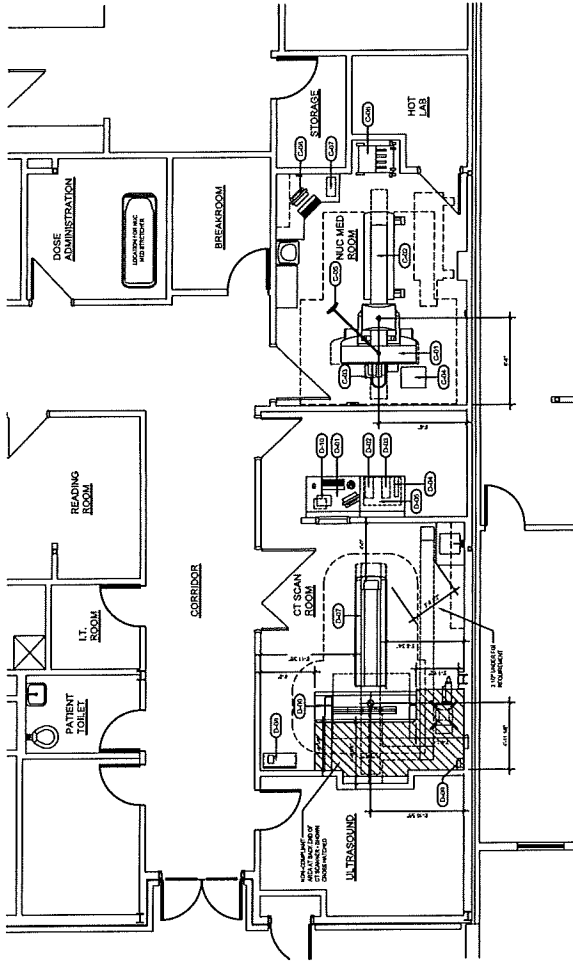
OVERALL FLOOR PLAN  
SCALE: 1/8"=1'-0"

EQUIPMENT SCHEDULE (SUPPLIED AND INSTALLED BY SIEMENS - NOT A PART)				
EQUIP. CALL OUT	EQUIPMENT DESCRIPTION	WEIGHT	HEAT LOAD	REMARKS
C-20	OPERATING CONSOLE (OPTION)	74 LBS	138 BTU	-
C-20	CONTROL SYSTEM AND SHARED COMPONERS	60 LBS	98 BTU	-
C-20	MAJOR RECONSTRUCTION SYSTEM	85 LBS	-	-
C-20	UPS FOR MRI (OPTIONAL)	60 LBS	-	-
C-20	MRI CONTAINER (OPTION)	181 LBS	-	-
C-20	SCOUTVIEW PRESPECTIVE DENSITY	234 LBS	1378 BTU	-
C-20	PATIENT TABLE	800 LBS	-	-
C-20	LINE CONNECTION BOX	242 LBS	138 BTU	-
C-20	LINE CONNECTION PROTECTIVE DEVICE PANEL (OPTION)	11 LBS	-	-
C-20	MEDIA DISPLAY CONTROL, INTERFACE UNIT (OPTION)	-	-	-

EQUIPMENT SCHEDULE (SUPPLIED AND INSTALLED BY SIEMENS - NOT A PART)				
EQUIP. CALL OUT	EQUIPMENT DESCRIPTION	WEIGHT	HEAT LOAD	REMARKS
C-20	SIEMENS DATA CANNY	4279 LBS	1388 BTU	-
C-20	SIEMENS HANGING SYSTEM	289 LBS	98 BTU	-
C-20	SIEMENS HANGING SYSTEM	289 LBS	98 BTU	-
C-20	ELECTRONIC ENCLOSURE (TOWER WITH BNC)	320 LBS	1418 BTU	-
C-20	PATIENT POSITIONING MONITOR	-	171 BTU	-
C-20	COLLIMATION CART (EMPTY)	281 LBS	-	-
C-20	SIEMENS CT GRID ACQUISITION CPU	31 LBS	88 BTU	-
C-20	SIEMENS CT GRID ACQUISITION MONITOR	18 LBS	378 BTU	-

1. U.L.C. SHALL BE RESPONSIBLE TO PROVIDE DATA CANNY AND MONITOR. THE DATA CANNY SHALL BE FACTS TO POINT OF CONNECTION AT EACH FACTORY. THE MONITOR SHALL BE FACTS TO POINT OF CONNECTION AT EACH FACTORY. A COMPLETE INSTALL - SEE ALSO MCH.
2. U.L.C. SHALL PROVIDE PROPER BACKUP IN THE DATA CANNY AND MONITOR. THE DATA CANNY SHALL BE FACTS TO POINT OF CONNECTION AT EACH FACTORY. THE MONITOR SHALL BE FACTS TO POINT OF CONNECTION AT EACH FACTORY. A COMPLETE INSTALL - SEE ALSO MCH.
3. SYSTEMS WILL BE HANDLED AS A TOTAL SYSTEM. THE DATA CANNY AND MONITOR SHALL BE FACTS TO POINT OF CONNECTION AT EACH FACTORY. THE DATA CANNY SHALL BE FACTS TO POINT OF CONNECTION AT EACH FACTORY. A COMPLETE INSTALL - SEE ALSO MCH.
4. COORDINATE ALL EQUIPMENT AND ASSOCIATED CONNECTIONS, CONDUITS, DRAINAGE, AND SUPPLIED SHOP DRAWINGS.

SIEMENS SCHEDULE LIST



FLOOR PLAN  
SCALE: 1/8" = 1'-0"

Project Name  
018-112.15  
Sheet Number  
A1.3

Project Name  
018-112.15  
Sheet Number  
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# Boulder City Hospital

Quality care close to home

October 17, 2018

Steve Gerleman, REHS, MBA  
Health Facilities Inspection Manager  
Nevada Department of Health and Human Services  
Division of Public and Behavioral Health  
4220 South Maryland Parkway, Building D, Suite 810  
Las Vegas, Nevada 89119

Dear Mr. Gerleman,

As you may know, Boulder City Hospital is in the process of outfitting its Radiology Department with new equipment. With regards to the Nuclear Medicine Camera room, we are requesting a waiver on the square footage requirement for a treadmill for mechanical stress tests.

Mechanical stress tests are not used at BCH and there are no plans to add them in the future.

Absolute Contradictions to Treadmill includes:

- Patients that are unable to exercise sufficiently due to leg claudication, arthritis, deconditioning, pulmonary disease. This includes approximately 90% of our patients.
- Patients with resting ECG changes that would interfere with the interpretation of the test. Another estimated 50% would fall under here.

In addition, to minimize the risks of treadmill stress tests is to have a physician, preferably a Cardiologist, present during testing. As a Critical Access Hospital, Boulder City Hospital lacks the resources to retain the services of Cardiologist for this procedure.

If you have any questions about this request for waiver, please call or email me at your convenience.

Thank you for your consideration.

Sincerely,

Thomas Maher  
Chief Executive Officer  
Boulder City Hospital

## **Attachment A1**

Statement of existing or proposed conditions in violation of the NAC:

### **2.2-3.4.2.1 CT scanner room**

(b) CT scanner room shall be sized to allow a minimum clearance of 4 feet on all sides of the gantry assembly or table.

### **2.2-3.6.1.2 Nuclear medicine procedure room space requirements**

(1) Nuclear medicine procedure room shall accommodate the clinical equipment to be used in the room as well as the following:

- (a) Stretcher
- (b) Exercise equipment (e.g., treadmill, bicycle)

## Attachment A2

1. An exceptional and undue hardship results from a strict application of the Regulation:

Boulder City Hospital is a Critical Access, stand-alone facility. Boulder City is a Medically Underserved Area (MUA) as well as a Geographic Health Professional Shortage Area (HPSA). It is the only hospital located in Boulder City and serves many outlying smaller communities in both Nevada and Arizona. Boulder City Hospital is the only hospital in Nevada not supported by a Tax District or a larger corporation. All options for altering the layout of the facility to strictly adhere to the regulations would impose an impossible financial obstacle to the facility and cause the project to be terminated. The project under review is replacing all the imaging equipment with an average life of over 14 years at a total cost of approximately \$1.2M. This is being financed by a USDA loan that has restricted the funds for equipment replacement only. All options for altering the layout of the facility in order to strictly adhere to the regulations would need to be financed from operations. This is not possible given our current financial position of 18 days of operating cash on hand, or \$1.1M and vendor obligations amounting to over \$2.0M. The new equipment would allow the facility to expand and improve services in this MUA and enhance earnings. As previously stated, if the variance is not granted, the project will terminate and imaging services in Boulder City and outlying areas will continue to deteriorate.

2. The variance, if granted, would not:

- A. Cause substantial detriment to the public welfare.

### **2.2-3.4.2.1 CT scanner room**

Areas where patient care takes place have at least 4 feet of clearance. The deficient area does not have any patient care performed nor patient traffic going through the area which is on the backside of the CT Scanner (see the attached Floor Plan). The areas of concern measure out at slightly below 4 feet which are shown on the attachment.

### **2.2-3.6.1.2 Nuclear medicine procedure room space requirements**

#### **(a) Stretcher**

Existing conditions with the placement of equipment in the Nuclear Medicine room do not allow for the accommodation of a stretcher for the new or existing configuration. A current stretcher is located in the Dose Administration room (see the attached Floor Plan), this is the proposed location for the variance. Should the need arise, the gurney can be quickly and easily accessed by staff. The Nuclear Medicine room is located in close proximity to the Emergency Room and the on-duty Emergency physician.

**(b) Exercise equipment- Treadmill**

Existing conditions in the Nuclear Medicine room and surrounding area do not allow for a treadmill or exercise equipment. The facility does not perform mechanical stress tests using treadmills or other exercise equipment. We have strictly used chemical stressing agents since 2009 (see the attached letter from Boulder City Hospital). No incidents or cause for concern in regards to patient and clinical safety have occurred with our current process. During the stress portion of the test, the patient is accompanied by a Registered Nurse and monitored for the duration of the stressing. Also please see the attached e-mail from Doug Erickson – CEO of the Facility Guidelines Institute (FGI). The e-mail basically states that if an exercise induced stress test is not provided, then the exercise equipment can be eliminated.

- B. Impair substantially the purpose of the regulation from which the application seeks a variance.

**2.2-3.4.2.1 CT scanner room**

There is adequate clearance around the gantry in accordance with the manufacture's technical specifications and clinical needs. CT table and gantry will be placed in nearly identical location as the current equipment. The slight adjustments to placement are to best optimize the unit to allow the four feet of clearance in the patient care areas. There has been no cause for concern with providing adequate patient and clinical safety with the current set up. With the current layout, size and age of facility, options for expanding the room to allow for strict application of the regulation would disrupt multiple departments and pull from the space they require to function at full capacity within their jobs. For the CT room to expand into the Ultrasound room would cause the facility to relocate the Ultrasound room. There aren't any other options for moving the Ultrasound room that would adhere to required regulations. To expand the CT room towards admitting would take from their workspace they need and doesn't resolve the entire issue.

**2.2-3.6.1.2 Nuclear medicine procedure room space requirements**

**(a) Stretcher**

Boulder City Hospital has been performing chemical stress tests since 2009 with the current layout of the Nuclear Medicine room. There have been no incidents or cause for concern in regards to patient and clinical safety. All the elements that the regulation states are met within the immediate surrounding areas. If the variance is not granted, our current process will not

alter. To move the gurney into the current breakroom (room adjacent to Nuclear Medicine) would not be a feasible option. The break room does not have enough room for a stretcher, an ECG machine and the required staff to accommodate patient care.

**(b) Exercise equipment- Treadmill**

Due to the age population that our hospital primarily serves, many patients aren't capable of walking on a treadmill. There are no future plans to perform mechanical stress tests on site nor are they provided now. All options to alter the layout of the Nuclear Medicine room to accommodate for an adjacent doorway for a treadmill room would become costly to renovate and trigger more extensive projects that the facility cannot afford.

**In conclusion**

As noted prior Boulder City Hospital is a Critical Access, stand-alone facility. It does not have the ability or square footage to provide the additional space required to provide the requirements of the FGI. Removing rooms and functions within the current hospital to provide the required space needed for the requirements of the FGI only means the functions need to find a new home somewhere in the hospital where there isn't any space to be provided, nor can the hospital accrue the additional cost. To make this project a success we request the board grant this variance which would allow the hospital to provide a higher standard of service to the public. If the board chooses to not grant the variance, the same conditions will still exist and everyone loses the use of the new equipment. The reality is this is only an equipment replacement. Please let us better serve the public and patients of the community.

## NOTICE OF PUBLIC HEARING

BOULDER CITY HOSPITAL, IS REQUESTING A VARIANCE, #697, FROM THE NEVADA STATE BOARD OF HEALTH REGULATIONS

NOTICE IS HEREBY GIVEN that Boulder City Hospital has requested a variance from Nevada Administrative Code (NAC) 449.0105.1(c), specifically sections 2.2-3.4.2.1(1)(b), 2.2-3.6.1.2(1)(a) and 2.2-3.6.1.2(1)(b) of the FGI requirements.

A public hearing will be conducted on December 7, 2018 at 9:00 am, by the Nevada State Board of Health to consider this request as follows:

Division of Public and Behavioral Health  
4150 Technology Way, Suite 303  
Carson City, NV 89706

Grant Sawyer Building  
Room 5100  
555 E. Washington Ave.  
Las Vegas, NV 89101

**NAC 449.0105.1(c) states:** *"Guidelines for Design and Construction of Hospitals and Outpatient Facilities, in the form most recently published by the Facility Guidelines Institute, unless the Board gives notice that the most recent revision is not suitable for this State pursuant to subsection 2. A copy of the guidelines may be obtained from the Facility Guidelines Institute at AHA Services, Inc., P.O. Box 933283, Atlanta, Georgia 31193-3283, at the Internet address <http://www.fgiguilines.org/> or by telephone at (800) 242-2626, for the price of \$200."*

Persons wishing to comment upon the proposed variance may appear at the scheduled public hearing or may submit written testimony at least five days before the scheduled hearing to:

Secretary, State Board of Health  
Division of Public and Behavioral Health  
4150 Technology Way, Suite 300  
Carson City, NV 89706

Anyone wishing to testify for more than five minutes on the proposed variance must petition the Board of Health at the above address. Petitions shall contain the following: 1) a concise statement of the subject(s) on which the petitioner will present testimony; 2) the estimated time for the petitioner's presentation.

This notice has also been posted at the following locations:  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH, 4150 TECHNOLOGY WAY, CARSON CITY, NV  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH WEBSITE: [dpbh.nv.gov](http://dpbh.nv.gov)

BRIAN SANDOVAL  
Governor



JULIE KOTCHEVAR, Ph.D.  
Administrator

RICHARD WHITLEY, MS  
Director

IHSAN AZZAM, Ph.D., M.D.  
Chief Medical Officer

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way  
Carson City, Nevada 89706  
Telephone (775) 684-4200 • Fax (775) 687-7570  
<http://dpbh.nv.gov>

November 21, 2018

**MEMORANDUM**

TO: Jon Pennell, Chairperson  
State Board of Health

FROM: Julie Kotchevar, Ph.D., Administrator  
Division of Public and Behavioral Health

RE: Case #698, Mr. Bryan Burlison: Request for a Variance to NAC 444.7503 "Accessory Structure".

NAC 444.7503 defines an "Accessory structure" as a building or structure, including, without limitation, a workshop, a home office, guest quarters, a pool house and a garage, that:

1. Is separate from a single-family dwelling; and
2. Does not include both a bathroom unit and a kitchen unit.

**STAFF REVIEW**

A variance request was received by the Division of Public & Behavioral Health (DPBH) on October 23, 2018 from Mr. Bryan Burlison, who is requesting approval of his existing accessory dwelling built in 1999 which is located on his residential property in Storey County. The property was purchased by Mr. Burlison in June of 2015. The additional dwelling located adjacent to the primary residence has an existing bathroom and kitchen unit in the structure.

Mr. Bryan Burlison's residential property at 1931 Lousetown Road in the Virginia City Highlands is located in a semi-rural community in Storey County. All other lots within the immediate area are served by private wells and individual sewage disposal systems. Mr. Burlison states that the accessory structure is only used to provide living space to elderly family members with health conditions. Without approval from State Health, the building authority in Storey County will not allow for the continued use of this structure as a dwelling for the elderly couple. This will result in significant financial burdens for the Burlison family. Also, if the accessory dwelling is not available to the family members, then the health and well-being of the elderly couple would be significantly impacted.

**INTENT OF THE REGULATION**

NAC 444.7503 defines an "Accessory structure" as a building or structure, including, without limitation, a workshop, a home office, guest quarters, a pool house and a garage, that:

1. Is separate from a single-family dwelling; and



2. Does not include both a bathroom unit and a kitchen unit.

The definition of an Accessory Structure prohibits the use of both a bathroom unit and a kitchen unit in the structure with the intent to prevent excessive wastewater discharge will could result in the failure of the sewage disposal system. Environmental Health staff of the Division of Public & Behavioral Health conducted a site visit at the Burlison property on October 30, 2018 to 1) Inspect the existing Septic System, 2) Record all wastewater producing fixtures in both the Primary Residence and the Accessory Structure. 3) Calculate wastewater volume to ensure that the septic existing septic system has sufficient capacity to accommodate the load from all existing fixtures. DPBH staff have taken a conservative approach by using 1200-gallons as the maximum capacity for the system which is approved to accommodate up to 1500-gallons. The maximum volume of wastewater obtained from the fixture count calculations (attached) is 1100-gallons; well below the maximum allowed volume. Per NAC 444.815, the accessory structure is allowed to plumb into the existing Septic System as the system has more than sufficient volume to accommodate the load from both the Primary Residence and the Accessory Structure with both a kitchen and bathroom unit. Lastly, EHS staff conducted a site visit and absorption test of the existing septic system and found that the system is compliant and fully functional.

#### **DEGREE OF RISK TO PUBLIC HEALTH**

There is no risk to public health. Sufficient capacity of the existing septic system will preclude excessive loading and potential system failure. The existing septic system has been reviewed to ensure that the system is compliant and functioning without issues. If approved, the owner would be required to keep the fixture count below 1200 gallons with any potential improvements in the future. Although the system is sized to accommodate up to 1500 gallons, the 1200-gallon maximum is in place as a conservative safety measure to prevent system overload.

#### **EXCEPTIONAL AND UNDUE HARDSHIP**

Mr. Bryan Burlison states that strict application of the regulation noted in this memorandum would render his accessory dwelling located on the property of his primary residence as unusable. Denial of the variance application would impose an undue financial hardship for the family and could result in exceptional risk to the health and well-being of the elderly family members who currently reside in the accessory dwelling and receive care from Mr. Burlison and his immediate family members.

#### **PUBLIC COMMENT RECEIVED**

Notice of the hearing is scheduled to be published in the Reno Gazette Journal on or before November 15, 2018. The Division of Public & Behavioral Health is not aware of any objections to this variance by any local authorities, and no public comments have been received to date.

#### **STAFF RECOMMENDATION**

DPBH staff recommend the State Board of Health to approve Case #698, Mr. Bryan Burlison's request for a variance to NAC 444.7503. EHS staff is requesting that the case be placed on the Consent Agenda for the December 7, 2018 State Board of Health Meeting.

#### **PRESENTER**

Barrett Evans, Program Manager, Environmental Health

Encl.

Burlison ISDS: Fixture Calculations for all units in Primary Residence and Accessory Structure located at 1931 Lousetown Road (Storey County, NV)

TYPE OF FIXTURE/Calculations per NAC 444.815	FIXTURE COUNT (Gal):
<b>Bathtub:</b> 2 units X 25 gallons/unit X 2 fixtures	<b>100</b>
Bidet	0
Drinking fountain	0
Floor drain	0
<b>Interceptor:</b> 3 units X 25 gallons/unit X 2 fixtures	<b>150</b>
For items such as grease, oil or solids	
Laundry tub	0
<b>Machine for washing clothes:</b> 2 units X 25 gallons/unit X 2 fixtures	<b>100</b>
Sewer connection for a recreational vehicle	0
<b>Shower, single stall:</b> 2 units X 25 gallons/unit X 2 fixtures	<b>100</b>
Sink:	
Bar, private (1 1/2-inch or 38.1-millimeter minimum waste)	
<b>Bathroom (single):</b> 1 unit X 25 gallons/unit X 4 fixtures	<b>100</b>
Bathroom (double)	0
<b>Kitchen, with or without dishwasher (2-inch or 50.8-millimeter minimum waste):</b> 2 units X 25 gallons/unit X 2 fixtures	<b>100</b>
Service	0
<b>Toilet:</b> 6 units X 25 gallons/unit X 3 fixtures	<b>450</b>
Urinal	0

Total Volume Required:

1100 Gallons

Available Capacity:

1500 Gallons

NEVADA STATE BOARD OF HEALTH  
NEVADA STATE HEALTH DIVISION  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

Please check the appropriate box that pertains to the NAC for which you are requesting a variance.

☐

Division Administration  
(NAC 439, 441A, 452, 453A, & 629)

☐

Health Care Quality & Compliance  
(NAC 449, 457, 459 & 652)

☐

Child, Family & Community Wellness  
(NAC 392, 394, 432A, 439, 441A, & 442)

☐

Health Statistics, Planning,  
Epidemiology and Response  
(NAC 440,450B, 452, 453, 453A, & 695C)

☒

Public Health & Clinical Services  
(NAC 211, 444, 446, 447, 583, & 585)

Date: 10/19/2018

Name of Applicant: Bryan Burlison Phone: 775.548.6754

Mailing Address: 1931 Lousetown Road

City: VC Highlands State: NV Zip: 89521-7006

We do hereby apply for a variance to NAC 444.7503 of the Nevada  
chapter/section \_\_\_\_\_

Administrative Code (NAC). (For example: NAC 449.204)

Title of section in Accessory Structure  
question: \_\_\_\_\_

Statement of existing or proposed conditions in violation of the NAC:

I purchased the property in November, 2016. The property was sold as a main home with an additional  
guest

Guest Home. Come to find out, the guest home required a special use permit to be lived-in and a special us

Use permit had never been applied for or disclosed as necessary by the previous owner or realtor.

Date of initial operation (if existing): The guest home was built in 1999

**ATTENTION: Please read this section closely. Your request for variance will be examined against these criteria:**

Any person who, because of unique circumstances, is unduly burdened by a regulation of the State Board of Health and thereby suffers a hardship and the abridgement of a substantial property right may apply for a variance from a regulation. (NAC 439.200(1))

1. The State Board of Health will grant a variance from a regulation only if it finds from the evidence presented at the hearing that:
  - (a) There are circumstances or conditions which:
    - (1) Are unique to the applicant;
    - (2) Do not generally affect other persons subject to the regulation;
    - (3) Make compliance with the regulation unduly burdensome; and
    - (4) Cause a hardship to and abridge a substantial property right of the applicant; and
  - (b) Granting the variance:
    - (1) Is necessary to render substantial justice to the applicant and enable him to preserve and enjoy his property; and
    - (2) Will not be detrimental or pose a danger to public health and safety.
2. Whenever an applicant for a variance alleges that he suffers or will suffer economic hardship by complying with the regulation, he must submit evidence demonstrating the costs of his compliance with the regulation. The Board will consider the evidence and determine whether those costs are unreasonable. (NAC 439.240)

**Therefore, it is important for your variance request to be as complete as possible. It is your responsibility to attach documentation supportive of your variance request.**

Statement of degree of risk of  
health

The guest home is provided, without any rental payments, as a Reno  
Residence to my elderly mother and father in law. Both are in failing health and require attention and  
Oversight that our family can provide. Living full-time without assistance from my wife and me would  
Place them at significant health risk.

**Please state in detail the circumstances or conditions which demonstrate that:**

1. An exceptional and undue hardship results from a strict application of the Regulation:

When I purchased the home, I paid for the square footage associated with the living area in the guest Home. It was purchased with my funds for the purpose of being a home for my in-laws. Based on the Square footage about 20% of the value of the home was based on the guest home. Loosing the ability to Provide a home to my in-laws while already having spent the money to house them would cause both an exceptional and undue financial hardship to me – and - leave my in-laws with the exceptional and undue hardship of being without a home.

2. The variance, if granted, would not:

A. Cause substantial detriment to the public welfare.

Allowing the pre-existing guest home to be inhabited would not cause and detriment to public welfare.

B. Impair substantially the purpose of the regulation from which the application seeks a variance.

The special use permit has already been granted by the Storey County Commissioner and would not Impair Regulation.

The bureau may require the following supporting documents to be submitted with and as a part of this application:

1. Legal description of property concerned

2. General area identification map

- \_\_\_\_\_ 3. Plat map showing locations of all pertinent items and appurtenances
- \_\_\_\_\_ 4. Well log (if applicable)
- \_\_\_\_\_ 5. Applicable lab reports
- \_\_\_\_\_ 6. Applicable engineering or construction/remodeling information
- \_\_\_\_\_ 7. Other items (see following pages)

This application must be accompanied by evidence demonstrating the costs of your compliance with regulations or specific statutory standards. Your request will be placed on the Board of Health agenda 40 days or more after receipt in this office if accompanied by the required fee (NAC 439.210). The application and supporting documentation will form the basis for the Health Division staff report and recommendation to the Board. Failure to respond to the above statements may cause the Board to deny consideration of the application at the requested Board meeting.

Please schedule this hearing as:



The next regularly scheduled Board of Health meeting, regardless of location.

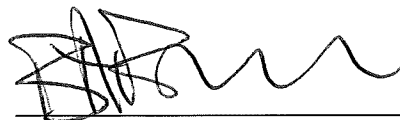


The next scheduled meeting in Carson City.



The next scheduled meeting in Las Vegas.

Signature: \_\_\_\_\_



Printed Name: \_\_\_\_\_

Bryan Burlison

Title: \_\_\_\_\_

Property Owner

Date: \_\_\_\_\_

23-OCT-18

## NOTICE OF PUBLIC HEARING

BRYAN BURLISON, IS REQUESTING A VARIANCE, #698, FROM THE NEVADA STATE BOARD OF HEALTH REGULATIONS

NOTICE IS HEREBY GIVEN that Bryan Burlison has requested a variance from Nevada Administrative Code (NAC) 444.7503. A public hearing will be conducted on December 7, 2018 at 9:00 am, by the Nevada State Board of Health to consider this request as follows:

Division of Public and Behavioral Health  
4150 Technology Way, Suite 303  
Carson City, NV 89706

Grant Sawyer Building  
Room 5100  
555 E. Washington Ave.  
Las Vegas, NV 89101

**NAC 444.7503 states:** "Accessory structure" means a building or structure, including, without limitation, a workshop, a home office, guest quarters, a pool house and a garage, that:

1. Is separate from a single-family dwelling; and
2. Does not include both a bathroom unit and a kitchen unit.

(Added to NAC by Bd. of Health by R100-07, eff. 10-31-2007)

Persons wishing to comment upon the proposed variance may appear at the scheduled public hearing or may submit written testimony at least five days before the scheduled hearing to:

Secretary, State Board of Health  
Division of Public and Behavioral Health  
4150 Technology Way, Suite 300  
Carson City, NV 89706

Anyone wishing to testify for more than five minutes on the proposed variance must petition the Board of Health at the above address. Petitions shall contain the following: 1) a concise statement of the subject(s) on which the petitioner will present testimony; 2) the estimated time for the petitioner's presentation.

This notice has also been posted at the following locations:

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH, 4150 TECHNOLOGY WAY, CARSON CITY, NV  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH WEBSITE: [dpbh.nv.gov](http://dpbh.nv.gov)