

LCB File No. R109-18 – Requested Revisions

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

*Green italic* = New language proposed in Errata.

**Red bracketed text** = Existing omission in LCB File No. R109-18

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

## Section 14

*1. A personal assistant may perform a task described in NRS 449.4309 if the personal assistant: (a) Before performing the task, annually thereafter and when any device used for performing the task is changed: (1) Receives training concerning the task that meets the requirements of subsection 6; and (2) Demonstrates an understanding of the task; (b) Follows the manufacturer's instructions when operating any device used for performing the task; (c) Performs the task in conformance with the Clinical Laboratory Improvement Amendments of 1988, Public Law 100-578, 42 U.S.C. § 263a, if applicable, and any other applicable federal law or regulation; and (d) Complies with the requirements of subsection 3 or 4, if applicable.*

*2. If a personal assistant of the organization performs the test on ~~[H]~~ a person with diabetes who is a client of an intermediary service organization and the client does not have the physical or mental capacity to perform a blood glucose test, the test must be performed in accordance with subsection 1 and subsection 1 (c) is applicable ~~[the personal assistants of the organization must perform the test].~~*

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

*4. A personal assistant may assist a client in the administration of insulin prescribed to the client for his or her diabetes and furnished by a registered pharmacist through an autoinjection device approved by the United States Food and Drug Administration for use in the home in accordance with the requirements of subsection 1 if: (a) A physician, physician assistant or advanced practice registered nurse has determined that the client's physical and mental condition is stable and following a predictable course; and (b) The amount of the insulin prescribed to the client is at a maintenance level and does not require a daily assessment, including, without limitation, the use of a sliding scale.*

*5. A personal assistant may weigh a client of an intermediary service organization only if: (a) The personal assistant has received training on the manner in which to weigh a person that meets the requirements of subsections 6 and 7; and (b) The client has consented to being weighed by the personal assistant.*

*6. Any training described in this section must be provided by: (a) A physician, physician assistant, licensed nurse; or (b) An employee of the intermediary service organization who has: (1) Received training pursuant to paragraph (a) of subsection 1 or paragraph (a) of subsection 5, as applicable, from a physician, physician assistant or licensed nurse; (2) At least 1 year of experience performing the task for which he or she is providing training; and (3) Demonstrated competency in performing the task for which he or she is providing training.*

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

## **Section 15**

*1. An attendant may perform a task described in NRS 449.4309 if the attendant: (a) Before performing the task, annually thereafter and when any device used for performing the task is changed: (1) Receives training concerning the task that meets the requirements of subsection 6; and (2) Demonstrates an understanding of the task; (b) Follows the manufacturer's instructions when operating any device used for performing the task; (c) Performs the task in conformance with the Clinical Laboratory Improvement Amendments of 1988, Public Law 100-578, 42 U.S.C. § 263a, if applicable, and any other applicable federal law or regulation; and (d) Complies with the requirements of subsection 3 or 4, if applicable.*

*2. If an attendant of the organization performs the test on [If] a person with diabetes who is a client of an agency and the client does not have the physical or mental capacity to perform a blood glucose test, the test must be performed in accordance with subsection 1 and subsection 1 (c) is applicable [~~the attendants of the organization must perform the test~~].*

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

*4. An attendant may assist a client in the administration of insulin prescribed to the client for his or her diabetes and furnished by a registered pharmacist through an auto-injection device approved by the United States Food and Drug Administration for use in the home in accordance with the requirements of subsection 1 if: (a) A physician, physician assistant or advanced practice registered nurse has determined that the client's physical and mental condition is stable and following a predictable course; and (b) The amount of the insulin*

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

*5. An attendant may weigh a client of an agency only if: (a) The attendant has received training on how to accurately weigh persons that meets the requirements of subsections 6 and 7; and (b) The client has consented to being weighed by the attendant.*

*6. Any training described in this section must be provided by: (a) A physician, physician assistant, licensed nurse; or (b) An employee of the agency who has: (1) Received training pursuant to paragraph (a) of subsection 1 or paragraph (a) of subsection 5, as applicable, from a physician, physician assistant or licensed nurse; (2) At least 1 year of experience performing the task for which he or she is providing training; and (3) Demonstrated competency in performing the task for which he or she is providing training.*

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

## **Section 16**

*1. An employee of a facility may perform a task described in NRS 449.4309 if the employee: (a) Before performing the task, annually thereafter and when any device used for performing the task is changed: (1) Receives training concerning the task that meets the requirements of subsection 6; and (2) Demonstrates an understanding of the task; (b) Follows the manufacturer's instructions when operating any device used for performing the task; (c) Performs the task in conformance with the Clinical Laboratory Improvement Amendments of 1988, Public Law 100-578, 42 U.S.C. § 263a, if applicable, and any other applicable federal law or regulation; and (d) Complies with the requirements of subsection 3 or 4, if applicable.*

*2. If an employee of the facility performs the test on ~~IF~~ a person with diabetes who is a client of a facility and the client does not have the physical or mental capacity to perform a blood glucose test, the test must be performed in accordance with subsection 1 and subsection 1 (c) is applicable ~~[the employees of the facility must perform the test].~~*

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

*4. An employee of a facility may assist a client in the administration of insulin prescribed to the client for his or her diabetes and furnished by a registered pharmacist through an auto-injection device approved by the United States Food and Drug Administration for use in the home in accordance with the requirements of subsection 1 if: (a) A physician, physician assistant or advanced practice registered nurse has determined that the client's physical and mental condition is stable and following a predictable course; and (b) The amount of the insulin prescribed to the client is at a maintenance level and does not require a daily assessment, including, without limitation, the use of a sliding scale.*

*5. An employee of a facility may weigh a client of the facility only if: (a) The employee has received training on how to accurately weigh persons that meets the requirements of subsections 6 and 7; and (b) The client has consented to being weighed by the employee.*

*6. Any training described in this section must be provided by: (a) A physician, physician assistant, licensed nurse; or (b) An employee of the facility who has: (1) Received training pursuant to paragraph (a) of subsection 1 or paragraph (a) of subsection 5, as applicable, from a physician, physician assistant or licensed nurse; (2) At least 1 year of experience performing the task for which he or she is providing training; and (3) Demonstrated competency in performing the task for which he or she is providing training.*

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

## **Section 22**

Sec. 22. NAC 449.2726 is hereby amended to read as follows: 449.2726

1. A person who has diabetes must not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless: (a) The resident's glucose testing is performed by: (1) The resident himself or herself without assistance; or (2) **[A medical laboratory licensed pursuant to chapter 652 of NRS;]** *With the consent of the resident, a caregiver who meets the requirements of NAC 449.196;* and (b) The resident's medication is administered: (1) By the resident himself or herself without assistance; (2) By a medical professional, or licensed practical nurse, who is: (I) **[Not employed by the residential facility;** (II) **]** Acting within his or her authorized scope of practice and in accordance with all applicable statutes and regulations; and **[(III)] (II)** Trained to administer the medication; or (3) If the

conditions set forth in subsection 2 are satisfied, with the assistance of a caregiver employed by the residential facility.

2. A caregiver employed by a residential facility may assist a resident in the administration of the medication prescribed to the resident for his or her diabetes if: (a) ~~[The]~~ *A physician, physician assistant or advanced practice registered nurse has determined that the* resident's physical and mental condition is stable and is following a predictable course. (b) The amount of the medication prescribed to the resident for his or her diabetes is at a maintenance level and does not require a daily assessment ~~[.]~~, *including, without limitation, the use of a sliding scale.* (c) A written plan of care by a physician or registered nurse has been established that: (1) Addresses possession and assistance in the administration of the medication for the resident's diabetes; and (2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results. (d) The medication prescribed to the resident for his or her diabetes is not administered by injection or intravenously ~~[.]~~ *or is administered using an auto-injection device in accordance with the requirements of NRS 449.0304 and section 13 of this regulation.* (e) The caregiver has successfully completed training and examination approved by the Division regarding the administration of such medication.

3. The caregivers employed by a residential facility with a resident who has diabetes shall ensure that: (a) Sufficient amounts of medicines, equipment to perform tests, syringes, needles and other supplies are maintained and stored in a secure place in the facility; (b) Syringes and needles are disposed of appropriately in a sharps container which is stored in a safe place; and (c) The caregivers responsible for the resident have received instruction in the recognition of the symptoms of hypoglycemia and hyperglycemia by a medical professional who has been trained in the recognition of those symptoms.

4. *If a caregiver of a residential facility performs the test on [Hf] a resident who has diabetes and the resident does not have the physical or mental capacity to perform a blood glucose test, the test must be performed in accordance with section 13 subsection 1 and section 13 subsection 1 (c) is applicable* ~~[the caregivers of the residential facility must perform the test].~~

5. The caregivers ~~[employed by]~~ *of* a residential facility with a resident who has diabetes and requires a special diet shall provide variations in the types of meals served and make available food substitutions in order to allow the resident to consume meals as prescribed by the resident's physician. The substitutions must conform with the recommendations for food exchanges contained in the Exchange Lists For Meal Planning, published by the American Diabetes Association, Incorporated, and the American Dietetic Association, which is hereby adopted by reference. A copy of the publication may be obtained from the American Diabetes Association, Incorporated, Order Fulfillment Department, P.O. Box 930850, Atlanta, Georgia 31193-0850, at a cost of \$2.50.