

Joe Lombardo
Governor



Richard Whitley, MS
Director

DEPARTMENT OF
HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



Lisa Sherych
Administrator

Ihsan Azzam,
Ph.D., M.D.
Chief Medical Officer

NOTICE OF PUBLIC WORKSHOP

NOTICE IS HEREBY GIVEN that the Division of Public and Behavioral Health will hold a public workshop to consider proposed revisions to the standards adopted by reference by Nevada Administrative Code (NAC) Chapter 449.

The workshop will be conducted virtually and via telephone beginning at 9:00 a.m. on Wednesday, February 22, 2023. You can join in on your computer, mobile app or by calling in via telephone using the following information:

- [Click here to join the meeting using Microsoft Teams](#)
 - Meeting ID: 250 609 610 708
 - Passcode: wn9whN
- Or call in (audio only): 775-321-6111 (Phone Conference ID: 798 879 891#)

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

AGENDA

1. Introduction of workshop process
2. Review of the most recent (2022 Edition) of The Facility Guidelines Institute's (FGI) three code Volumes (referenced in Nevada Administrative Code (NAC) Chapter 449.0105, Adoption of certain publications by reference; revision of publication after adoption.) for Suitability for the State of Nevada has been completed. The removal only text revisions are found with the attached Errata with this Announcement. The FGI text removed included code that either conflicted with other codes; were impractical codes; and problematic codes related to safe patient practices.
3. Public Comment

The proposed changes will **not** revise Chapter 449 of the Nevada Administrative Code, but would eliminate certain sections from the adopted standards, pursuant set forth by NAC 449.0105. Those standards include the three volumes of The Facility Guidelines Institute (FGI) 2022 Edition, to include:

- *Guidelines for Design and Construction of Hospitals (agency reference: Volume A);*
- *Guidelines for Design and Construction of Residential Health, Care, and Support Services (agency reference: Volume B); and*
- *Guidelines for Design and Construction of Outpatient Facilities (agency reference: Volume C).*

There are six Chapter NAC 449 facility-types that reference one or more of the three FGI volumes and they are:

1. NAC 449.3154.2 Hospitals (agency reference: A, B, and C Volumes);
2. NAC 449.685(6)(b) Intermediate Care Facilities (ICF) (agency reference: B Volume);
3. NAC 449.74543(2)(b) Skilled Nursing Facilities (SNF) (agency reference: B Volume);

4. NAC 449.97026(1) Mobile Units (agency reference: A or C Volumes);
5. NAC 449.9843(2) Surgical Centers for Ambulatory Patients (ASC) (agency reference: C Volume); and
6. NAC 449.99718(3)(b) Recovery Centers (agency reference: B Volume).

Attached to this public workshop notification, there are the three FGI volumes' errata that identifies the (1) item number, (2) code page, (3) the code section, (4) the lined-out code text for removal, and (5) the rationale for the specific code text proposed to be removed.

The Division of Public and Behavioral Health / Bureau of Health Care Quality and Compliance (DPBH/BHCQC), on behalf of the Nevada Board of Health, has conducted a review and uncovered sections of the FGI that would either be:

1. In code conflict with other local, state, or federal codes and between FGI Volumes themselves (Volume A and Volume B);
2. Are impractical in their proposed application; and/or
3. Would be problematic relative to patient safety or acceptable standards of practice.

The review conducted was limited to removal only of FGI code section (whole sections or partial sections). The review could not change or alter any of the FGI code language. The review resulted in three errata, one for each volume of the 2022 Edition of the FGI (see attachments)

There is another attached document, the Legislative Counsel Bureau (LCB) file # R048-22 regulations (Attachment #4). This regulations set is being included for ready reference, because DPBH/BHCQC has been working to harmonize the Nevada Administrative Code with the 2022 FGI, as explained below:

1. To include all three volumes of the FGI in the NAC 449, instead of the 2014 Edition's two volumes (NAC 449.0105.1).
 - a. One previous FGI volume for hospitals, ASC, and Mobile Units.
 - b. The other, previous FGI volume for ICF, SNF, and Recovery Centers
 - c. Note: We could not get the 2018 Edition of the FGI before the Nevada Board of Health within the 12-month after the "publication date." The Facility Guidelines Institute does not reference the "publication date" within their code volumes like other standards.
2. For state licensing. Our Surgical Centers for Ambulatory Patients (ASC) licensing was partially developed and based upon the 2006 Edition of the American Institute of Architect (AIA), *Guidelines for the Design and Construction of Hospitals and Health Care Facilities*. This standard has been in effect from 08/05/2006 through 09/21/2017. The FGI took over the AIA's health care code publishing role with the 2010 Edition of the FGI and removed and altered portions of the code previously utilized for identifying ASC types (surgery and endoscopic) with associated operating room classifications and room sizes, based on anesthesia use. See Sections 11 and 12 of LCB file R048-22 that requires an applicant to be license to operate an ambulatory surgical center to identify the operating room classification and room size based on the anesthesia use.

Attachments:

Attachment #1 – *Guidelines for Design and Construction of Hospitals* Errata;

Attachment #2 - *Guidelines for Design and Construction of Residential Health, Care, and Support Services* Errata;

Attachment #3 - *Guidelines for Design and Construction of Outpatient Facilities* Errata;

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence may submit the material to Steve Gerleman, Health Facilities Inspection Manager at the following address:

Division of Public and Behavioral Health
Bureau of Health Care Quality and Compliance
4220 South Maryland Parkway, Building A, Suite 100
Las Vegas, Nevada 89119
702-486-6520 (FAX)

Members of the public who require special accommodations or assistance at the workshops are required to notify Steve Gerleman, in writing, to the above address, by email at sgerleman@health.nv.gov or by calling 702-486-6515 at least five (5) working days prior to the date of the public workshop.

You may contact Steve Gerleman by calling 702-486-6515 for further information on the proposed regulations or how to obtain copies of the supporting documents.

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

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

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

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

A copy of the public workshop notice and regulations can be found on the Division of Public and Behavioral Health's web page:

https://dphh.nv.gov/Reg/HealthFacilities/State_of_Nevada_Health_Facility_Regulation_Public_Workshops/

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

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

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at (775)

684-1030 in Carson City or (702) 486-6515 in Las Vegas.

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